Tab 7	**CS/SB 186** by **HP, Garcia (CO-INTRODUCERS) Jones;** Identical to CS/H 01201 Student Health and Safety

Tab 8	**CS/SB 208** by **JU, McClain;** Similar to CS/CS/H 00399 Land Use and Development Regulations

705478	A	S	RCS	RC, McClain	Delete L.53 - 101:	02/25 07:55 AM
~~712734~~	A	S	LWD	RC, Martin	btw L.101 - 102:	02/25 07:55 AM

Tab 9	**SB 218** by **Gaetz (CO-INTRODUCERS) Trumbull;** Identical to H 00217 Land Use Regulations

103578	D	S	RCS	RC, Gaetz	Delete everything after	02/25 08:00 AM
~~668898~~	AA	S	WD	RC, Gaetz	Before L.5:	02/25 08:00 AM
~~395306~~	A	S	WD	RC, Gaetz	Delete L.82:	02/22 10:24 AM

Tab 10	**CS/SB 314** by **BI, Burton;** Similar to CS/CS/H 00175 Payment Stablecoin

554568	D	S	RS	RC, Burton	Delete everything after	02/25 08:03 AM
513500	SD	S	RCS	RC, Burton	Delete everything after	02/25 08:03 AM

Tab 11	**CS/SB 326** by **JU, Burgess;** Identical to CS/H 00131 Curators of Estates

Tab 12	**CS/CS/SB 332** by **GO, JU, Bradley;** Identical to CS/CS/H 00655 Public Records and Public Meetings/Private Property Rights

Tab 13	**CS/CS/SB 436** by **ACJ, CJ, Leek;** Compare to CS/H 00623 Felony Battery

Tab 14	**CS/SB 474** by **GO, Wright;** Similar to CS/CS/CS/H 01211 Military Affairs

Tab 15	**CS/CS/SB 540** by **AEG, BI, Martin;** Similar to CS/H 00381 Office of Financial Regulation

318308	A	S	RCS	RC, Martin	Delete L.149 - 1211:	02/24 06:16 PM

Tab 16	**CS/CS/SB 560** by **AHS, CF, Garcia;** Compare to CS/H 00763 Child Welfare

311442	A	S	LRCS	RC, Garcia	Delete L.69 - 189:	02/25 08:10 AM

Tab 17	**CS/CS/SB 600** by **ACJ, CJ, Truenow;** Similar to CS/CS/H 01017 Bail Bonds

736450	A	S	RCS	RC, Rouson	Delete L.292 - 300:	02/25 09:28 AM

Tab 18	**SB 642** by **Burgess;** Identical to H 00271 Foreign and Alien Bail Bond Insurers

Tab 19	**CS/CS/SB 686** by **JU, CA, McClain;** Similar to CS/CS/H 00691 Agricultural Enclaves

118996	D	S	RCS	RC, McClain	Delete everything after	02/25 08:14 AM
193976	AA	S	RCS	RC, Harrell	Delete L.192:	02/25 08:14 AM

Tab 20	**CS/SB 698** by **EN, Martin;** Similar to CS/CS/CS/H 00589 Onsite Sewage Treatment and Disposal System Permits

575830	D	S	RCS	RC, Martin	Delete everything after	02/25 08:17 AM

Tab 21	**CS/CS/SB 758** by **CJ, JU, Bradley;** Identical to CS/CS/1ST ENG/H 00625 Justice Administrative Commission

Tab 22	**CS/SB 772** by **BI, Burgess;** Similar to CS/H 00645 Limited Licenses for Portable Electronics or Eyewear Insurance

Tab 23	**SB 830** by **Leek;** Identical to H 00263 Public Records/County Administrators and City Managers

Tab 24	**SB 878** by **Yarborough (CO-INTRODUCERS) Avila;** Identical to H 01347 Clinical Laboratory Personnel

Tab 25	**CS/CS/SB 902** by **AHS, HP, Garcia;** Similar to H 00733 Department of Health

399010	A	S	LRCS	RC, Garcia	Delete L.73 - 229:	02/25 08:22 AM
~~154638~~	A	S	LWD	RC, Garcia	btw L.369 - 370:	02/25 08:22 AM
401870	A	S	LRCS	RC, Garcia	btw L.287 - 288:	02/25 08:22 AM

Tab 26	**CS/SB 914** by **HP, Calatayud;** Similar to CS/H 00867 Dry Needling

Tab 27	**CS/SB 928** by **CJ, Martin;** Similar to CS/CS/H 00445 Mandatory Remand to Custody upon Conviction of Dangerous Crimes

622412	D	S	LRCS	RC, Martin	Delete everything after	02/25 09:09 AM

Tab 28	**SB 964** by **Wright;** Similar to H 06011 Financial Disclosures

Tab 29	**SB 990** by **Leek;** Identical to CS/CS/H 00883 Protected Cell Captive Insurance Companies

Tab 30	**CS/SB 1002** by **CF, Gaetz;** Similar to CS/H 00949 Child Welfare

Tab 31	**CS/CS/SB 1030** by **AHS, CF, Gruters (CO-INTRODUCERS) Rouson;** Similar to CS/H 00923 Recovery Residences

Tab 32	**CS/CS/SB 1092** by **AHS, HP, Massullo;** Compare to CS/H 00567 Podiatric Medicine

Tab 33	**CS/SB 1138** by **JU, Massullo;** Compare to CS/CS/CS/H 00927 Qualified Contractors

249874	D	S	RCS	RC, Massullo	Delete everything after	02/25 09:13 AM
850242	AA	S	RCS	RC, Massullo	btw L.390 - 391:	02/25 09:13 AM

Tab 34	**CS/CS/SB 1224** by **CJ, JU, Rodriguez;** Identical to CS/H 01293 Fraudulent Entry of Residential Dwellings

Tab 35	**CS/SB 1234** by **RI, DiCeglie;** Compare to CS/CS/1ST ENG/H 00803 Building Permits and Inspections

567540	D	S	LRCS	RC, DiCeglie	Delete everything after	02/25 09:20 AM

Tab 36	**CS/CS/SB 1294** by **AEG, EN, Bradley;** Similar to CS/CS/H 01245 Biosolids Management

114628	D	S	RCS	RC, Bradley	Delete everything after	02/25 09:45 AM

Tab 37	**SB 1340** by **Harrell;** Coordinated Screening and Progress Monitoring

Tab 38	**SB 1370** by **Martin;** Identical to CS/H 00035 Habitual Traffic Offender Designation

Tab 39	**CS/SB 1434** by **JU, Calatayud;** Similar to CS/CS/H 00979 Infill Redevelopment

935140	A	S	RCS	RC, Calatayud	Delete L.189:	02/25 09:50 AM

Tab 40	**CS/SB 1440** by **BI, Martin;** Similar to H 00777 Public Records/Office of Financial Regulation/Cybersecurity Event

266456	A	S	RCS	RC, Martin	Delete L.92 - 338:	02/24 06:23 PM

Tab 41	**CS/SB 1474** by **EN, Gaetz;** Similar to CS/H 01285 Biosolids Management

835512	A	S	LRCS	RC, Gaetz	Delete L.23 - 30:	02/25 09:52 AM

Tab 42	**CS/SB 1504** by **BI, Calatayud;** Similar to CS/H 01343 Insurance Customer Representative Licensing Qualifications

Tab 43	**SB 1536** by **Pizzo;** Digital Voyeurism

Tab 44	**CS/SB 1612** by **GO, DiCeglie;** Similar to CS/H 00967 Electronic Payments Made to Units of Local Governments

Tab 45	**SB 1656** by **Burgess;** Identical to CS/H 00249 Designation of the Official State Flagship

Tab 46	**CS/SB 1694** by **HE, Avila;** Compare to CS/CS/H 01503 Technology Education

Tab 47	**SB 1708** by **Gaetz;** Similar to H 01509 Veterinary Licensure

Tab 48	**SB 1718** by **Calatayud;** Identical to CS/H 00561 Educator Preparation and Certification

Tab 49	**CS/SB 7036** by **AED, ED;** Compare to CS/H 00561 Education

515704	D	S	RCS	RC, Simon	Delete everything after	02/25 09:56 AM
~~739692~~	AA	S	WD	RC, Simon	Delete L.211 - 251:	02/25 09:56 AM
656962	AA	S	LRCS	RC, Jones	Delete L.211 - 251:	02/25 09:56 AM

Tab 50	**CS/SB 7038** by **AED, HE;** Compare to CS/H 01279 Education

552764	A	S	RCS	RC, Calatayud	Delete L.243 - 309:	02/25 10:01 AM
512852	A	S	LRCS	RC, Calatayud	Delete L.323 - 326:	02/25 10:01 AM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, February 24, 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	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
	Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.		
	Florida Elections Commission		
1	Kilbane, Patrick J. ()	12/31/2027	Recommend Confirm Yeas 21 Nays 0
	Commission on Ethics		
2	Hellman, Michael ()	06/30/2027	Recommend Confirm Yeas 21 Nays 0
3	Stewart, Abbey (Tallahassee)	06/30/2027	Recommend Confirm Yeas 21 Nays 0
4	Rodgers, Jeremy ()	06/30/2026	Recommend Confirm Yeas 21 Nays 0
5	Philipson, Jon Michael (Tampa)	06/30/2027	Recommend Confirm Yeas 21 Nays 0
6	Oglesby, Joseph (Tallahassee)	06/30/2027	Recommend Confirm Yeas 21 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**CS/SB 186** Health Policy / Garcia (Identical CS/H 1201)	Student Health and Safety; Revising Department of Health responsibilities for educational programs concerning epilepsy; revising the definition of the term “school”; revising requirements for a student’s individualized seizure action plan; revising the list of which employees must complete training in the care of students with epilepsy and seizure disorders; requiring the Department of Education to identify for a specified purpose posters that meet certain requirements, etc. HP 02/11/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	**CS/SB 208** Judiciary / McClain (Similar CS/CS/H 399)	Land Use and Development Regulations; Requiring that the amount of certain application fees reasonably relate to certain costs; requiring that local government comprehensive plans and land development regulations include factors for assessing the compatibility of certain residential uses; prohibiting a local government from denying certain applications on compatibility grounds if the applicant has proposed certain measures; requiring that the denial of an application specify certain information; providing that a local government's approval of an application may include certain requirements or conditions, etc. CA 11/18/2025 Favorable JU 01/12/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 1
9	**SB 218** Gaetz (Identical H 217)	Land Use Regulations; Defining the term "impacted local government", etc. CA 01/27/2026 Favorable JU 02/10/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
10	**CS/SB 314** Banking and Insurance / Burton (Similar CS/H 175)	Payment Stablecoin; Revising the definition of the term "money services business"; revising the Florida Control of Money Laundering in Money Services Business Act to include payment stablecoins; prohibiting persons from engaging in the activity of a qualified payment stablecoin issuer without registering and receiving a specified notification; requiring applicants seeking to be a qualified payment stablecoin issuer to submit a specified application to the office; specifying that qualified payment stablecoin issuers may only engage in certain activities, etc. BI 02/04/2026 Fav/CS AEG 02/18/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
11	**CS/SB 326** Judiciary / Burgess (Identical CS/H 131)	Curators of Estates; Revising the authorization for a court to appoint a curator of estates; revising bond requirements for a curator of estates; clarifying who may subject a curator of estates to removal and surcharge; authorizing the court to require more frequent reporting or additional documents under certain circumstances, etc. JU 02/03/2026 Fav/CS BI 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	**CS/CS/SB 332** Governmental Oversight and Accountability / Judiciary / Bradley (Identical CS/CS/H 655)	Public Records and Public Meetings/Private Property Rights; Providing an exemption from public meetings requirements for meetings or portions of meetings between agencies and their attorneys to discuss certain claims concerning private property rights; requiring that such meetings be transcribed; providing that such transcripts become public records at specified times; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc. JU 01/27/2026 Fav/CS GO 02/11/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 21 Nays 0
13	**CS/CS/SB 436** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Leek (Compare CS/H 623)	Felony Battery; Revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit battery on a law enforcement officer which results in bodily injury; providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence, etc. CJ 01/12/2026 Fav/CS ACJ 02/18/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
14	**CS/SB 474** Governmental Oversight and Accountability / Wright (Similar CS/CS/H 1211)	Military Affairs; Revising the authorization to be granted a leave of absence for military service to include the Coast Guard; revising the authorization to be granted a leave of absence for reserve or guard training to include members of the Florida State Guard; specifying that an authorization for a leave of absence for all employees of the state and the counties, municipalities, and political subdivisions of the state to perform active military service for a specified timeframe is based on a single order; deleting a requirement that certain positions from the Department of Military Affairs participate in the Senior Management Service Class, etc. GO 01/26/2026 Fav/CS AP 02/12/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	**CS/CS/SB 540** Appropriations Committee on Agriculture, Environment, and General Government / Banking and Insurance / Martin (Similar CS/H 381, Compare H 777, Linked CS/S 1440)	Office of Financial Regulation; Requiring the Department of Children and Families to cooperate with and seek cooperation from the Office of Financial Regulation concerning certain protective investigations of suspected financial exploitation of specified adults; requiring loan originators, mortgage brokers, and mortgage lenders to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; providing additional acts that constitute a ground for specified disciplinary actions against loan originators and mortgage brokers; authorizing the office to make investigations and examinations to aid the Department of Children and Families with certain protective investigations; requiring money services businesses to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information, etc. BI 01/13/2026 Fav/CS AEG 02/12/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
16	**CS/CS/SB 560** Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Garcia (Compare CS/H 763)	Child Welfare; Providing that a new medical report relating to the provision of psychotropic medication to a child in the legal custody of the Department of Children and Families may be required only under certain circumstances; requiring a physician to provide to a pharmacy a copy of certain documentation, rather than a signed attestation, with certain prescriptions, etc. CF 01/20/2026 Fav/CS AHS 02/12/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
17	**CS/CS/SB 600** Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Truenow (Similar CS/CS/H 1017)	Bail Bonds; Decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; requiring the clerk of the court, upon the court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, to discharge any bond previously posted as a condition of pretrial release without further order of the court; requiring that a signed certification containing certain information must accompany or be included on a specified notice, etc. CJ 02/02/2026 Fav/CS ACJ 02/18/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
18	**SB 642** Burgess (Identical H 271)	Foreign and Alien Bail Bond Insurers; Providing duties of certain foreign and alien bail bond insurers relating to reporting bail bond premiums to the Office of Insurance Regulation, keeping records of considerations paid for bail bonds written by the insurers, and disclosing certain information in the financial statements filed with the office, etc. BI 01/13/2026 Favorable CJ 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
19	**CS/CS/SB 686** Judiciary / Community Affairs / McClain (Similar CS/CS/H 691)	Agricultural Enclaves; Authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; authorizing the development of certain certified agricultural enclaves for commercial, industrial, or single-family residential purposes under certain circumstances, etc. CA 01/20/2026 Fav/CS JU 02/10/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
20	**CS/SB 698** Environment and Natural Resources / Martin (Similar CS/CS/CS/H 589)	Onsite Sewage Treatment and Disposal System Permits; Prohibiting a municipality or political subdivision of the state from requiring owners and builders of certain residences to receive construction permits from the Department of Environmental Protection as a condition of issuing building or plumbing permits; requiring such owners and builders to provide certain proof to the municipality or political subdivision, etc. EN 01/20/2026 Fav/CS CA 02/03/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
21	**CS/CS/SB 758** Criminal Justice / Judiciary / Bradley (Similar CS/CS/H 625)	Justice Administrative Commission; Revising the membership of the Justice Administrative Commission, etc. JU 01/20/2026 Fav/CS CJ 02/11/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 20 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
22	**CS/SB 772** Banking and Insurance / Burgess (Similar CS/H 645)	Limited Licenses for Portable Electronics or Eyewear Insurance; Renaming "portable electronics insurance" as "portable electronics or eyewear insurance" to include eyewear for purposes of insurance coverage and licenses; defining the term "eyewear"; revising the definition of the term "portable electronics", etc. BI 01/28/2026 Fav/CS AEG 02/12/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
23	**SB 830** Leek (Identical H 263)	Public Records/County Administrators and City Managers; Providing an exemption from public records requirements for the personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, including the names and personal identifying and location information of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity, etc. CA 01/20/2026 Favorable GO 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 20 Nays 3
24	**SB 878** Yarborough (Identical H 1347)	Clinical Laboratory Personnel; Requiring that an applicant who qualifies for licensure under specified provisions provide proof of such qualification and pay the required fees to be eligible for licensure; requiring that applicants for licensure as a technologist or technician who meet specified criteria be deemed to have satisfied minimum qualifications for licensure to perform high or moderate complexity testing as a technologist or technician, as applicable, etc. HP 02/11/2026 Favorable AHS 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
25	**CS/CS/SB 902** Appropriations Committee on Health and Human Services / Health Policy / Garcia (Similar H 733, Compare CS/H 497, S 1060, CS/S 7038)	Department of Health; Revising requirements for department approval of qualified physicians and medical directors of medical marijuana treatment centers; prohibiting medical marijuana treatment center cultivating, processing, or dispensing facilities from being located within a specified distance of parks, child care facilities, or facilities providing early learning services; creating the Neurofibromatosis Disease Grant Program within the department; revising duties of the department in administering the Early Steps Program; authorizing a registered nurse to delegate the administration of certain controlled substances to a home health aide for medically fragile children under certain circumstances, etc. HP 02/11/2026 Fav/CS AHS 02/18/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
26	**CS/SB 914** Health Policy / Calatayud (Similar CS/H 867)	Dry Needling; Defining the terms “dry needling” and “myofascial trigger point”; requiring the Board of Occupational Therapy to establish minimum standards of practice for the performance of dry needling by occupational therapists, including specified standards; requiring the board, if it deems it necessary for patient safety, to adopt additional supervision and training requirements for occupational therapists to perform dry needling on specified areas, etc. HP 02/02/2026 Fav/CS AHS 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
27	**CS/SB 928** Criminal Justice / Martin (Similar CS/CS/H 445)	Mandatory Remand to Custody upon Conviction of Dangerous Crimes; Citing this act as “Missy’s Law”; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond, etc. CJ 01/20/2026 Fav/CS ACJ 02/18/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
28	**SB 964** Wright (Similar H 6011)	Financial Disclosures; Requiring reporting individuals and procurement employees to file annual reports listing certain gifts with the Commission on Ethics instead of with the required financial disclosure statement; requiring such individuals and employees who have left office or employment within a specified timeframe to file the annual report with the commission instead of at the same location as their financial disclosure statement; requiring reporting individuals and procurement employees to disclose the name, address, and affiliation of a person providing specified honorarium expenses with the commission instead of with the required financial disclosure statement, etc. EE 01/21/2026 Favorable GO 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0
29	**SB 990** Leek (Similar CS/H 883)	Protected Cell Captive Insurance Companies; Specifying that a protected cell captive insurance company may only insure certain risks; revising the unimpaired paid-in capital requirements for captive insurance companies; authorizing one or more sponsors to form a protected cell captive insurance company; requiring applicant protected cell captive insurance companies to file certain information with the Office of Insurance Regulation; authorizing protected cell captive insurance companies to establish and maintain certain protected cells, subject to certain approvals granted by the office, etc. BI 02/04/2026 Favorable AEG 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
30	**CS/SB 1002** Children, Families, and Elder Affairs / Gaetz (Similar CS/H 949)	Child Welfare; Revising the definition of the term “harm” to provide that exposure of a child to a controlled substance may be established by evidence of acute or chronic use of a controlled substance by a parent to a specified extent; revising the definition of the term “neglect” to provide that neglect occurs when there is evidence of acute or chronic use of a controlled substance by a parent to a specified extent, etc. CF 01/27/2026 Fav/CS AHS 02/12/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
31	**CS/CS/SB 1030** Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Gruters (Similar CS/H 923)	Recovery Residences; Requiring the Department of Children and Families to require only a level 2 background screening for certain individuals under certain circumstances; prohibiting the department from requiring certain existing licensed service providers to admit individuals for services during the probationary licensing period if certain requirements and conditions are met, etc. CF 01/27/2026 Fav/CS AHS 02/12/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0
32	**CS/CS/SB 1092** Appropriations Committee on Health and Human Services / Health Policy / Massullo (Compare CS/H 567)	Podiatric Medicine; Requiring certain podiatric physicians, instead of all podiatric physicians, to complete specified continuing education; authorizing podiatric physicians to perform procedures using cellular or tissue-based products not approved by the United States Food and Drug Administration under certain circumstances; specifying requirements for the cellular or tissue-based products that may be used by such podiatric physicians; requiring podiatric physicians to obtain a signed consent form from the patient or his or her representative before performing procedures using cellular or tissue-based products, etc. HP 02/11/2026 Fav/CS AHS 02/18/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
33	**CS/SB 1138** Judiciary / Massullo (Similar CS/CS/H 927)	Qualified Contractors; Requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct a preapplication review of an application; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to conduct preapplication reviews; authorizing an applicant to use a qualified contractor from the registry, at the expense of the local government, if the local government fails to process the application in the required time under certain conditions, etc. CA 01/20/2026 Favorable JU 02/10/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
34	**CS/CS/SB 1224** Criminal Justice / Judiciary / Rodriguez (Identical CS/H 1293)	Fraudulent Entry of Residential Dwellings; Providing that fraudulent entry of a residential dwelling unit is an act of noncompliance for which a landlord may terminate a rental agreement; creating the crime of fraudulent entry of a residential dwelling unit; prohibiting a person from entering into and taking possession of a residential dwelling unit under specified circumstances, etc. JU 01/27/2026 Fav/CS CJ 02/11/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0
35	**CS/SB 1234** Regulated Industries / DiCeglie (Compare CS/CS/H 803, CS/H 1049, H 1227, S 750, S 968, S 1444)	Building Permits and Inspections; Providing for expiration of certain building permits issued by a county after a specified timeframe; providing construction; requiring the Florida Building Commission to modify the Florida Building Code to exempt from building permit requirements the installation of certain walls or barriers; providing for expiration of certain building permits issued by a local government after a specified timeframe; requiring certain services to be subject to an agreement, rather than a written contract; requiring the Department of Business and Professional Regulation to maintain a statewide registry of licensed persons and business organizations qualified to act as private providers, etc. CA 01/20/2026 Favorable RI 02/10/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 18 Nays 4
36	**CS/CS/SB 1294** Appropriations Committee on Agriculture, Environment, and General Government / Environment and Natural Resources / Bradley (Similar CS/H 1245)	Biosolids Management; Prohibiting the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate; requiring the owner or operator of certain land application sites to maintain application records for a specified timeframe and make such records available to the Department of Environmental Protection upon request; requiring the University of Florida Institute of Food and Agricultural Sciences to, on a specified basis and beginning on a specified date, publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products, etc. EN 01/27/2026 Fav/CS AEG 02/12/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
37	**SB 1340** Harrell (Compare CS/S 7036)	Coordinated Screening and Progress Monitoring; Specifying requirements for a school district if a student exhibits characteristics of dyslexia or dyscalculia; providing circumstances under which a student is required to undergo further screening for dyslexia or dyscalculia, etc. ED 01/27/2026 Favorable AHS 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0
38	**SB 1370** Martin (Identical CS/H 35)	Habitual Traffic Offender Designation; Citing this act as “Isaiah’s Law”; revising the definition of the term “habitual traffic offender”, etc. TR 02/03/2026 Favorable CJ 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
39	**CS/SB 1434** Judiciary / Calatayud (Similar CS/H 979)	Infill Redevelopment; Creating the “Infill Redevelopment Act”; requiring that a local government permit qualifying parcels to be developed with residential uses; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of such parcels to pay double the parks and recreation facilities impact fees for a certain purpose and provide certain written notice to property owners; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations, etc. CA 01/27/2026 Favorable JU 02/10/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
40	**CS/SB 1440** Banking and Insurance / Martin (Similar H 777, Compare CS/H 381, Linked CS/CS/S 540)	Public Records/Office of Financial Regulation/Cybersecurity Event; Providing an exemption from public records requirements for information received by the Office of Financial Regulation pursuant to certain cybersecurity event provisions relating to information systems and customer information of loan originators, mortgage brokers, and mortgage lenders and for information received by the office as a result of investigations and examinations of such cybersecurity events; providing an exemption from public records requirements for information received by the office pursuant to certain cybersecurity event provisions relating to information systems and customer information of money services businesses and for information received by the office as a result of investigations and examinations of such cybersecurity events; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. BI 01/28/2026 Fav/CS AEG 02/18/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 1
41	**CS/SB 1474** Environment and Natural Resources / Gaetz (Similar CS/H 1285)	Biosolids Management; Prohibiting the Department of Environmental Protection from issuing or renewing a permit for certain biosolids land application sites if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment and which meets specified requirements, etc. EN 01/27/2026 Fav/CS AEG 02/12/2026 Favorable RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
42	**CS/SB 1504** Banking and Insurance / Calatayud (Similar CS/H 1343)	Insurance Customer Representative Licensing Qualifications; Revising the qualifications for applicants for a license as an insurance customer representative; requiring the Department of Education, in consultation with the Department of Financial Services, to develop a specified insurance and personal finance course no later than a specified date, etc. BI 01/28/2026 Fav/CS AEG 02/12/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
43	**SB 1536** Pizzo	Digital Voyeurism; Revising the definition of the term “reasonable expectation of privacy” for purposes relating to the offense of digital voyeurism, etc. CJ 02/02/2026 Favorable ACJ 02/12/2026 Favorable RC 02/24/2026 Temporarily Postponed	Temporarily Postponed

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
44	**CS/SB 1612** Governmental Oversight and Accountability / DiCeglie (Similar CS/H 967)	Electronic Payments Made to Units of Local Governments; Requiring units of local government to accept certain forms of payments; providing an exception; requiring such local governments to accept payments online, etc. CA 01/27/2026 Favorable GO 02/11/2026 Fav/CS RC 02/24/2026 Favorable	Favorable Yeas 21 Nays 0
45	**SB 1656** Burgess (Identical CS/H 249)	Designation of the Official State Flagship; Redesignating the official state flagship as the S.S. American Victory, etc. MS 01/26/2026 Favorable GO 02/11/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 22 Nays 0
46	**CS/SB 1694** Education Postsecondary / Avila (Compare CS/CS/H 1503)	Technology Education; Providing requirements for general education core courses with a technology component; requiring high school computer science courses to include instruction on artificial intelligence, etc. HE 02/04/2026 Fav/CS AHE 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
47	**SB 1708** Gaetz (Similar H 1509)	Veterinary Licensure; Deleting the requirement for an applicant for licensure by endorsement to have held a valid active license to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States for a specified amount of time; requiring applicants to hold a valid, active license in good standing to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States, etc. RI 01/27/2026 Favorable AEG 02/12/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
48	**SB 1718** Calatayud (Identical CS/H 561, Compare CS/S 7036)	Educator Preparation and Certification; Authorizing an educator preparation institute to allow certain program participants to enroll in introductory coursework; revising the criteria for the award of a temporary educator certification to include certain persons with expired professional certificates; requiring that subject area coverages and endorsements for a certificateholder be reinstated with the certificateholder's professional certificate; requiring the Florida Center for Teaching Excellence to collaborate with the David C. Anchin Center for the Advancement of Teaching for specified purposes, etc. ED 01/27/2026 Favorable AED 02/18/2026 Favorable RC 02/24/2026 Favorable	Favorable Yeas 23 Nays 0
49	**CS/SB 7036** Appropriations Committee on Pre-K - 12 Education / Education Pre-K - 12 (Compare CS/H 561, H 963, CS/CS/CS/H 1071, CS/CS/H 1503, S 320, S 920, S 1090, S 1340, S 1718)	Education; Removing certain schools from specified contract restrictions; providing additional criteria for award of a 15-year charter; authorizing a private school to purchase a supply of FDA-approved epinephrine delivery devices, rather than epinephrine auto-injectors; requiring the Department of Children and Families to make a specified determination for child care providers; providing requirements for mathematics pathways established by a certain workgroup; requiring the Department of Education to develop applied algebra courses; revising the GATE Startup Grant Program, etc. AED 02/12/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
50	**CS/SB 7038** Appropriations Committee on Pre-K - 12 Education / Education Postsecondary (Compare CS/H 1279, S 720, CS/CS/S 902, S 1052)	Education; Requiring each Florida College System institution and state university to waive tuition and fees for members of the Florida State Guard if certain conditions are met; requiring entities that offer fee-based services to individuals who are blind or visually impaired to disclose in writing whether the service may be obtained elsewhere at no cost; authorizing school district career centers to use alternative methods adopted by the board in lieu of common placement tests to assess students in basic communication and computation skills; providing that a fee waiver only applies to a full-time undergraduate student, beginning with a specified academic year, etc. AED 02/18/2026 Fav/CS RC 02/24/2026 Fav/CS	Fav/CS Yeas 23 Nays 0
	Other Related Meeting Documents		

A black and white copy of this document is not official

660

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Patrick Kilbane

is duly appointed a member of the

Florida Elections Commission

for a term beginning on the Twenty-Fourth day of April, A.D., 2025, until the Thirty-First day of December, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Sixteenth day of June, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.
"State of Florida" appears in small letters across the face of this 8½ x 11" document.
The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RON DESANTIS
GOVERNOR

RECEIVED
2025 APR 24 PM 3:43
DIVISION OF ELECTIONS
TALLAHASSEE, FL

April 24, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 106.24, Florida Statutes:

Mr. Patrick Kilbane

as a member of the Florida Elections Commission, succeeding Carlos Lopez-Cantera, subject to confirmation by the Senate. This appointment is effective April 24, 2025, for a term ending December 31, 2027.

Sincerely,

Ron DeSantis
Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

RECEIVED
DEPARTMENT OF STATE
2025 MAY -2 AM 8:21
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Duval

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Elections Commission

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[**NOTE:** If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Patrick Kilbourne

Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ✓ *physical presence*

Or ___ *online notarization this* 25th *day of* April, 2025.

LAURA L. PARKO
NOTARY PUBLIC
STATE OF FLORIDA
NO. HH 603667
MY COMMISSION EXPIRES OCT. 16, 2028

Laura L. Parko

Signature of Officer Administering Oath or of Notary Public

Laura L. Parko

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☑ *or Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☑

_____ _____ Patrick Kilbourne

Street or Post Office Box **Print Name**

_____ Patrick Kilbourne

City, State, Zip Code **Signature**

A black and white copy of this document is not official.

800

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Michael Hellman

is duly appointed a member of the

Commission on Ethics

for a term beginning on the First day of July, A.D., 2025, until the Thirtieth day of June, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the First day of December, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 AUG 19 AM 9:25
DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 1, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 112.321, Florida Statutes:

Mr. Michael Hellman
[redacted]

as a member of the Florida Commission on Ethics, filling a vacant seat, previously occupied by Edwin Moore, subject to confirmation by the Senate. This appointment is effective July 1, 2025, for a term ending June 30, 2027.

Sincerely,

Ron DeSantis
Governor

RD/dw

RECEIVED
DEPARTMENT OF STATE
2025 NOV 21 AM 8:14
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Miami-Dade

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member, Florida Commission on Ethics

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature [signature]

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐
this 14th *day of* November, 2025.

[signature]

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

NOTARY PUBLIC STATE OF FLORIDA

MIRLA M. PENA
Commission # HH 255997
Expires August 21, 2028

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☑

[redacted]
Street or Post Office Box

[redacted]
City, State, Zip Code

Michael Hellman
Print Name

[signature]
Signature

A black and white copy of this document is not official

800

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Abbey Stewart

is duly appointed a member of the

Commission on Ethics

for a term beginning on the Seventh day of January, A.D., 2026, until the Thirtieth day of June, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-Seventh day of January, A.D., 2026.

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.
"State of Florida" appears in small letters across the face of this 8½ x 11" document.
The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RON DESANTIS
GOVERNOR

12 PM 2:40

January 7, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 112.321, Florida Statutes:

Ms. Abbey Stewart
3629 Longfellow Road
Tallahassee, Florida 32311

as a member of the Florida Commission on Ethics, filling a vacant seat previously occupied by Luis Fuste, subject to confirmation by the Senate. This appointment is effective January 7, 2026, for a term ending June 30, 2027.

Sincerely,

Ron DeSantis
Governor

RD/kf

Hand Delivered

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

2026 JAN 26 PM 2:45

TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Member, Florida Commission on Ethics

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature Abbey Stewart

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐ *this* 9th *day of* January, 2026.

Diana Westberry

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

DIANA WESTBERRY
MY COMMISSION # HH 628875
EXPIRES: May 6, 2029

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☒ Office ☐

3629 Longfellow Rd
Street or Post Office Box

Tallahassee, FL 32311
City, State, Zip Code

Abbey Stewart
Print Name

abbey Stewart
Signature

DS-DE 56 (Rev. 07/25)

A black and white copy of this document is not official!

800

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Jeremy Rodgers

is duly appointed a member of the

Commission on Ethics

for a term beginning on the First day of July, A.D., 2025, until the Thirtieth day of June, A.D., 2026 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Seventeenth day of December, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

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RON DESANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2025 JUL -2 AM 10:22
DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 1, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 112.321, Florida Statutes

Mr. Jeremy Rodgers
[redacted]

as a member of the Florida Commission on Ethics, succeeding Tina Descovich, subject to confirmation by the Senate. This appointment is effective July 1, 2025, for a term ending June 30, 2026.

Sincerely,

Ron DeSantis
Governor

RD/kf

RECEIVED
DEPARTMENT OF STATE
2025 DEC 10 PM 4:56
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FLORIDA COMMISSION ON ETHICS

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature 10 DEC 2025

Sworn to and subscribed before me by means of physical presence ☑ *OR* ~~*online notarization*~~ ☐
this 10th *day of* December, *20*25.

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

Print Name

Title

Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

MACK E. ANDERSON JR.
Notary Public - State of Florida
Commission # HH 674983
My Comm. Expires May 8, 2029

~~*Personally Known*~~ ☐ *OR Produced Identification* ☑

Type of Identification Produced FL Driver License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☑ Office ☐

[redacted]
Street or Post Office Box

[redacted]
City, State, Zip Code

JEREMY RODGERS
Print Name

Signature

A black and white copy of this document is not official

800

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Jon Michael Philipson

is duly appointed a member of the

Commission on Ethics

for a term beginning on the Eleventh day of July, A.D., 2025, until the Thirtieth day of June, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-Ninth day of July, A.D., 2025.

Secretary of State

DSDE 99 (3/03)

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RON DESANTIS
GOVERNOR

RECEIVED
2025 JUL 15 PM 4:57
DIVISION OF ELECTIONS
TALLAHASSEE, FL

July 11, 2025

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 112.321, Florida Statutes:

Mr. Jon Philipson
401 East Jackson Street
Suite 1500
Tampa, Florida 33602

as a member of the Florida Commission on Ethics, filling a vacant seat previously occupied by Freddie Figgers, subject to confirmation by the Senate. This appointment is effective July 11, 2025, for a term ending June 30, 2027.

Sincerely,

Ron DeSantis
Governor

RD/dw

RECEIVED

2025 JUL 16 PM 12:59

DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner of The Florida Commission on Ethics

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[**NOTE:** If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature

(Affix Seal Below)

Sworn to and subscribed before me by means of ✓ *physical presence*

Or ___ *online notarization this* 14th *day of* July, 2025.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ *or Produced Identification* ☐

Type of Identification Produced ___

ACCEPTANCE

CRISTINA WARDER
MY COMMISSION # HH 618962
EXPIRES: February 25, 2029

I accept the office listed in the above Oath of Office.

Mailing Address: Home ☐ Office ☒

401 East Jackson St., Suite 1500
Street or Post Office Box

Tampa, FL 33602
City, State, Zip Code

Jon Michael Philipson
Print Name

Signature

DS-DE 56 (Rev. 09/23)

A black and white copy of this document is not official

800

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Joseph Oglesby

is duly appointed a member of the

Commission on Ethics

for a term beginning on the Seventh day of January, A.D., 2026, until the Thirtieth day of June, A.D., 2027 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Second day of February, A.D., 2026.

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RON DESANTIS
GOVERNOR

January 7, 2026

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 112.321, Florida Statutes:

Mr. Joseph Oglesby
1346 Millstream Road
Tallahassee, Florida 32312

as a member of the Florida Commission on Ethics, succeeding Ashley Lukis, subject to confirmation by the Senate. This appointment is effective January 7, 2026, for a term ending June 30, 2027.

Sincerely,

Ron DeSantis
Governor

RD/kf

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

Hand Delivered

RECEIVED
DEPARTMENT OF STATE
2026 FEB -2 AM 11:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

OATH OF OFFICE

(Art. II. § 5(b), Fla. Const.; § 92.50, Florida Statutes)

STATE OF FLORIDA

County of Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Commissioner, Florida Commission on Ethics

(Full Name of Office – Abbreviations Not Accepted)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]

Signature _____

Sworn to and subscribed before me by means of physical presence ☑ *OR online notarization* ☐ *this* 2ND *day of* February, 2026.

Susan Kathleen Coggins Syfrett

Signature of Officer Administering Oath or of Notary Public

(To be completed only by judges administering oath– see § 92.50, Florida Statutes.)

_____
Print Name

_____
Title

_____
Court

(To be completed by officer administering oath, other than judges – see § 92.50, Florida Statutes.)

Affix Seal Below

Notary Public State of Florida
Susan Kathleen Coggins Syfrett
My Commission HH 565014
Expires 6/24/2028

Personally Known ☑ *OR Produced Identification* ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home ■ Office ☐

1346 Millstream Road
Street or Post Office Box

Tallahassee, FL 32312
City, State, Zip Code

Joseph Oglesby
Print Name

Signature

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 186
INTRODUCER:	Health Policy Committee and Senators Garcia and Jones
SUBJECT:	Student Health and Safety
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Brown	HP	**Fav/CS**
2.	Brown	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 186 amends s. 1006.0626, F.S., within the Early Learning-20 Education Code, to modify current-law requirements for public schools to provide epilepsy or seizure disorder care to students.

The bill specifies that "school" includes a charter school under s. 1002.33, F.S., and provides that written orders from a student's physician or other medical professional regarding services to be provided by a school if that student has epilepsy or a seizure disorder, may be in a form determined by the medical professional.

The bill also amends school employee training requirements within s. 1006.0626(3), F.S., to specify that the requirement for a school employee to complete training for the care of a student with epilepsy and seizure disorders (if the employee's duties include regular contact with such student who has an individualized seizure action plan) applies to each school *district* employee and charter school employee who meets that criterion (as opposed to each "school employee" as in current law). The bill provides that such employees include any employee who teaches or transports the student to and from school or school activities. The bill provides that the completion of such training is valid for five years.

The bill creates a new subsection (5) within s. 1006.0626, F.S., to require each public school to display a poster developed by the Department of Education which describes the basic steps of responding to an individual having a seizure.

Finally, the bill requires the Department of Health, as part of its current duties to institute and maintain an educational program among physicians, hospitals, county health departments, and the public concerning epilepsy, to include in that educational program the education and training requirements of subsections (3) and (5) of s. 1006.0626, F.S., the requirements of which are specific to public schools and school personnel.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Epilepsy is a brain disorder that causes recurring seizures. Epilepsy affects people of all ages, but children and older adults are more likely to have epilepsy. Seizures are the main sign of epilepsy, and most people can control this with treatment. Seizure symptoms vary depending on the type of seizure. Because epilepsy is caused by certain brain activity, seizures can affect any brain process. Seizure symptoms may include:[1]

- Short-term confusion;
- A temporary catatonic state;
- Stiff muscles;
- Jerking movements of the arms and legs;
- Loss of consciousness; and/or
- Psychological symptoms such as fear, anxiety, or déjà vu.

In school settings, approximately six in 1,000 students have epilepsy. A U.S. Centers for Disease Control and Prevention study shows that students with epilepsy are likely to miss more days of school when compared to students who have other health issues, and students with epilepsy are more likely to have difficulties in their studies, use special education services, and have activity limitations such as less participation in sports or clubs.[2]

School Health Services Program

District school boards are responsible for attending to health, safety, and other matters relating to the welfare of students,[3] including the responsibility to establish emergency procedures for life-threatening emergencies.[4]

The Department of Health (DOH) has the responsibility, in cooperation with the Department of Education (DOE), to supervise the administration of the school health services program and perform periodic program reviews.[5] County health departments, district school boards, and local

[1] The Mayo Clinic, *Epilepsy,* available at: https://www.mayoclinic.org/diseases-conditions/epilepsy/symptoms-causes/syc-20350093 (last visited Jan. 31, 2026).
[2] Centers for Disease Control and Prevention, *Managing Epilepsy in Schools,* July 8, 2024, available at: https://www.cdc.gov/school-health-conditions/chronic/epilepsy.html (last visited Jan. 31, 2026).
[3] Section 1001.42(8)(a), F.S.
[4] Section 1006.062(6), F.S.
[5] Section 381.0056(3), F.S.

school health advisory committees[6] jointly develop school health services plans, which must include provisions for meeting emergency needs at each school.[7]

The school health services plan describes the health services to be provided by a school.[8] For example, the plan must address:[9]

- Specified physical screenings.
- Health counseling.
- Meeting emergency health needs in each school.
- Consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated.
- Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs.

In attending to student health, the district school board is required to:[10]

- Provide in-service health training for school personnel;
- Make available adequate physical facilities for health services;
- At the beginning of each school year, inform parents or guardians in writing that their children who are students in the district schools will receive specified health services as provided for in the district health services plan. A student will be exempt from any of these services if his or her parent or guardian requests such exemption in writing.

In the absence of negligence, no person is liable for any injury caused by an act or omission in the administration of school health services.[11]

The Provision of Medical Services by School Board Personnel

All employees who staff school health rooms must be currently certified in first aid and cardiopulmonary resuscitation (CPR).[12] Additionally, each school must ensure that at least two school staff members and all school bus operators and attendants are currently certified to provide first aid and CPR.[13] School bus operators and attendants must also receive CPR and first aid refresher in-service training at least biennially.[14]

Nonmedical assistive personnel may perform health-related services upon successful completion of child-specific training by authorized licensed health care personnel.[15] All procedures must be monitored periodically by a registered nurse (RN) or advanced practice registered nurse (APRN)

[6] Each school health advisory committee must include members who represent the eight component areas of the Coordinated School Health model as defined by the U.S. Centers for Disease Control and Prevention. *See* s. 381.0056(2)(b), F.S.
[7] Sections 381.0056(4)(a)12. and 1006.062(6), F.S.
[8] Section 381.0056(2)(e), F.S.
[9] Section 381.0056(4)(a), F.S.
[10] Section 381.0056(6), F.S.
[11] Section 381.0056(8), F.S.
[12] Rule 64F-6.004(2), F.A.C.
[13] Rule 64F-6.004, F.A.C.; Rule 6A-3.0121(2)(b)3., F.A.C.
[14] Rule 6A-3.0121(2)(b)3., F.A.C.
[15] Section 1006.062(4), F.S. Authorized personnel include only a registered nurse or advanced practice registered nurse licensed under ch. 464, F.S., or a physician or physician assistant licensed under ch. 458 or ch. 459, F.S.

licensed under ch. 464, F.S., an allopathic physician or physician assistant licensed under ch. 458, F.S., or an osteopathic physician or physician assistant licensed under ch. 459, F.S., and may include administering emergency injectable medication.[16] For invasive medical services not specifically reserved for administration by licensed health care practitioners,[17] the authority for nonmedical district school board personnel to perform a specific health-related service is to be determined by an RN, an APRN, or such physician or physician assistant.[18]

The Administration of Medication by School Board Personnel

District school board personnel may assist students in the administration of certain medication.[19] School personnel designated to assist in the administration of medication must be trained by authorized licensed healthcare personnel.[20]

For each medication prescribed to a student, the principal must obtain from the parent a written explanation of the necessity for the medication to be provided during the school day, including any occasion when the student is away from school property on official school business, and grant permission to assist the student in the administration of such medication.[21] Each prescribed medication to be administered by district school board personnel must be received, counted, and stored in its original container. When the medication is not in use, it must be stored in its original container in a secure fashion under lock and key in a location designated by the school principal.[22]

School personnel administering medication are exempt from liability for civil damages when acting as an ordinarily reasonable prudent person would have acted under the same or similar circumstances.[23]

Individualized Health Care Plans

The school nurse creates individualized health care plans (IHPs) for students with health care needs that, if not addressed, may negatively affect attendance or academic performance. The IHPs foster communication among nursing staff to promote continuity of care.

Depending on the health condition, the IHP may prompt the nurse to develop an emergency care plan (ECP).[24] The ECP is a clearly written step-by-step set of instructions for what to do in a particular emergency situation.[25] Unlike the IHP, the ECP is distributed to appropriate staff, and

[16] Section 1006.062(4), F.S.
[17] Nonmedical district school board personnel may not perform sterile catheterization, nasogastric tube feeding, or cleaning and maintaining a tracheostomy or deep suctioning of a tracheostomy. *See* s. 1006.062(3), F.S.
[18] Section 1006.062(5), F.S.
[19] Section 1006.062, F.S.
[20] Section 1006.062(1)(a), F.S.
[21] Section 1006.062(1)(b), F.S.
[22] Section 1006.062(1)(b)2., F.S.
[23] Section 1006.062(2), F.S.
[24] *Id*.
[25] Department of Education, *Legislative Bill Analysis for SB 340* (2022). An analysis by DOE of SB 186 or its House companion (HB 1201) has not been received by Senate committee staff as of this writing.

the school nurse trains that staff to respond to emergencies that may arise with individual students.[26]

Care of Students with Epilepsy or Seizure Disorders

In 2022, the Legislature created s. 1006.0626, F.S., entitled "Care of students with epilepsy or seizure disorders."[27] That section of statute specifies responsibilities for public schools to provide for the care of students with epilepsy or seizure disorders by requiring such schools to initiate the implementation of an individualized seizure action plan (ISAP) once a student's parent submits an ISAP to the school principal and school nurse, or other appropriate school employee, to inform school personnel of the unique health care services required by the student and how to respond in emergency situations.

Under the 2022 law, s. 1006.0626, F.S., provides that:

- An ISAP means a document that outlines a set of procedural guidelines and specific directions for the provision of health care and emergency services by a school for a student who has epilepsy or seizure disorders.
- "Medical professional" means a physician or physician assistant licensed under chs. 458 or 459, F.S., or an APRN licensed under s. 464.012, F.S., who provides epilepsy or seizure disorder care to the student in question.
- "School" has the same meaning as in s. 1003.01(17), F.S., which provides that "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.

An ISAP must be developed and signed by a medical professional, in consultation with the student's parent, and must include:

- Written orders from the student's medical professional outlining the student's epilepsy or seizure disorder recommended care.
- The parent's signature.
- The student's epilepsy or seizure disorder symptoms.
- Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.
- When and whom to call for medical assistance.
- The student's ability to manage, and the student's level of understanding of, his or her epilepsy or seizure disorder.
- How to maintain communication with the student; the student's parent; and the student's health care team, school nurse, and educational staff.
- Any rescue medication prescribed by the student's medical professional and how and when to administer the medication.

The school nurse or an appropriate school employee of a school that receives an ISAP from a student's parent must:

[26] Rule 64F-6.004(4), F.A.C.
[27] Chapter 2022-19, Laws of Florida.

- Coordinate the provision of epilepsy and seizure disorder care at the school for the student, including administering anti-seizure and rescue medications as outlined in the ISAP.
- Verify that each school employee whose duties include regular contact with the student has completed training in the care of students with epilepsy and seizure disorders. The training must include how to recognize the symptoms of and provide care for epilepsy and seizure disorders.

To assist schools in meeting this training requirement, the DOE must identify on its website one or more online training courses that are provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools.

A school that receives an ISAP from a student's parent must provide each school employee whose duties include regular contact with the student, with all of the following:
- Notice of the student's condition.
- Information from the ISAP on how to provide the recommended care for the student if he or she shows symptoms of the epilepsy or seizure disorder.
- The contact information for the student's parent and emergency contacts.

Department of Health — Care and Assistance of Persons with Epilepsy — Establishment of Programs in Epilepsy Control

Under s. 385.207, F.S., the Legislature finds and intends that epilepsy is recognized as a developmental disability and a handicapping condition. The Legislature further intends that persons with epilepsy are entitled to the protection and benefits available to all persons through the equal and nondiscriminatory application and implementation of statutes, rules, programs, and services.

The DOH is required under that section of statute to institute and maintain an educational program among physicians, hospitals, county health departments, and the public concerning epilepsy, including the dissemination of information and the conducting of educational programs concerning the prevention of epilepsy and methods developed and used for the care and treatment of persons with epilepsy.[28]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 385.207, F.S., to require that the DOH's existing educational program among physicians, hospitals, county health departments, and the public concerning epilepsy must include the education and training requirements of subsections (3) and (5) of s. 1006.0626, F.S., as amended or created under Section 2 of the bill. The education and training requirements of those subsections are specific to public schools and school personnel.

[28] Section 385.207(2)(e), F.S.

Section 2 amends the definition of "school" within s. 1006.0626, F.S., to specifically include charter schools under s. 1002.33, F.S.[29]

The bill provides that written orders from a student's medical professional for seizure-related services to be provided to the student by a school, as part of the student's ISAP, may be in a form determined by the medical professional.

The bill amends the duties of a school nurse or an appropriate school employee of a school that receives an ISAP from a student's parent. Under the bill:

- The school nurse or other appropriate school employee must verify the completion of training for the care of students with epilepsy and seizure disorders by each school *district* employee *or charter school employee* (as opposed to each "school employee" as in current law) if the duties of such employee include regular contact with a student who has an ISAP.
- Such employees include any employee who teaches or transports the student to and from school or school activities.
- The completion of such training is valid for five years.

The bill requires all public schools to display a poster developed by the DOE which describes the basic steps of responding to an individual having a seizure. The bill also requires the DOE to identify one or more posters that are provided by a national nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools.

Section 3 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None identified.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

[29] Section 1002.33, F.S., provides that, among many other provisions for charter schools, all charter schools in Florida are public schools and are part of the state's program of public education. However, s. 1002.33(16), F.S., provides that charter schools are exempt from all statutes in chs. 1000-1013, F.S., with a number of exceptions. One exception provides that charter schools must be in compliance with statutes in that range which specifically apply to charter schools. Under current law, s. 1006.0626, F.S., does not specifically apply to charter schools. CS/SB 186, if enacted, will remedy that.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The DOH reports that it does not expect CS/SB 186 to have a fiscal or operational impact on its educational program among physicians, hospitals, county health departments, and the public concerning epilepsy.[30] As of this writing, however, the DOE has not provided an estimate of the bill's fiscal or operational impacts on the public school system or the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The effects of Section 1 of the bill are unclear regarding the DOH's existing educational program for physicians, hospitals, county health departments, and the public concerning epilepsy. The bill requires that the DOH program must include "the education and training requirements" of subsections (3) and (5) of s. 1006.0626, F.S., as amended or created by the bill. The education and training requirements of those subsections are specific to public schools and school personnel.

- Given that the requirements in question are specific to public schools and school personnel, it is unclear from the bill's language whether the bill intends for the DOH to begin providing such education and training to school district employees who are required to complete epilepsy-related education and training under subsection (3) of s. 1006.0626, F.S. The bill does not alter the DOE's existing responsibility to assist schools in meeting those education and training requirement by identifying one or more online training courses that are available free of charge to schools.
- It is also unclear exactly how the bill intends for the DOH to include in its existing educational program the new requirement that schools must display posters under subsection (5) of s. 1006.0626, F.S., as created by the bill, especially since the bill directs the DOE to identify one or more posters that are provided by a national nonprofit organization

[30] Department of Health, *2026 Agency Legislative Bill Analysis: SB 186,* Oct. 15, 2025 (on file with staff of the Senate Committee on Health Policy).

that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools.

Section 2 of the bill requires, among other provisions, that a school nurse or other appropriate school employee must verify that each school *district* employee or charter school employee whose duties include regular contact with a student of that school whose parent has submitted an ISAP, has completed training in the care of students with epilepsy and seizure disorders (as opposed to each *school employee* as in current law). The bill provides that such employees include any employee who teaches or transports the student to and from school or school activities.

- It is unclear whether the bill intends these requirements to apply to *all* school district and charter school employees who meet the criteria or only to each employee of the district or charter school who teaches or transports the student.
- It is also unclear to what extent a school nurse or other appropriate employee of any particular school will have knowledge of, or authority over, the applicable employees on a district-wide basis who may come into regular contact with such student outside of that nurse's or other appropriate employee's own school setting or activities.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 385.207 and 1006.0626.

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 February 11, 2026:
The CS adds charter school employees to the requirement that certain school employees must complete training in the care of students with epilepsy and seizure disorders under certain conditions.

B. Amendments:

None.

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

By the Committee on Health Policy; and Senator Garcia

588-02793A-26 2026186c1

A bill to be entitled

An act relating to student health and safety; amending s. 385.207, F.S.; revising Department of Health responsibilities for educational programs concerning epilepsy; amending s. 1006.0626, F.S.; revising the definition of the term "school"; revising requirements for a student's individualized seizure action plan; revising the list of which employees must complete training in the care of students with epilepsy and seizure disorders; providing that the training is valid for 5 years; requiring schools to display a specified poster; requiring the Department of Education to identify for a specified purpose posters that meet certain requirements; providing an effective date.

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

Section 1. Paragraph (e) of subsection (2) of section 385.207, Florida Statutes, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.—

(2) The Department of Health shall:

(e) Institute and maintain an educational program among physicians, hospitals, county health departments, and the public concerning epilepsy, including the dissemination of information and the conducting of educational programs concerning the prevention of epilepsy and methods developed and used for the care and treatment of persons with epilepsy. The educational

588-02793A-26 2026186c1

program must include the education and training requirements of s. 1006.0626(3) and (5).

Section 2. Paragraph (c) of subsection (1), paragraph (b) of subsection (2), and paragraph (b) of subsection (3) of section 1006.0626, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

1006.0626 Care of students with epilepsy or seizure disorders.—

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

(c) "School" has the same meaning as in s. 1003.01(17) and includes charter schools under s. 1002.33.

(2)

(b) An ISAP must be developed and signed by a medical professional, in consultation with the student's parent, and include the following:

1. Written orders from the student's medical professional, in a form determined by the medical professional, outlining the student's epilepsy or seizure disorder recommended care.

2. The parent's signature.

3. The student's epilepsy or seizure disorder symptoms.

4. Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.

5. When and whom to call for medical assistance.

6. The student's ability to manage, and the student's level of understanding of, his or her epilepsy or seizure disorder.

7. How to maintain communication with the student; the student's parent; and the student's health care team, school nurse, and educational staff.

8. Any rescue medication prescribed by the student's medical professional and how and when to administer the medication.

(3) The school nurse or an appropriate school employee of a school that receives an ISAP pursuant to subsection (2) shall:

(b) Verify that each school district or charter school employee whose duties include regular contact with the student, including any employee who teaches or transports the student to and from school or school activities, has completed training in the care of students with epilepsy and seizure disorders. The training must include how to recognize the symptoms of and provide care for epilepsy and seizure disorders. To assist schools in meeting this requirement, the Department of Education shall identify on its website one or more online training courses that are provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools. The completion of training is valid for 5 years.

(5) Each school as defined in paragraph (1)(c) shall display a poster developed by the department which describes the basic steps of responding to an individual having a seizure. The department shall identify one or more posters that are provided by a national nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 11, 2026

I respectfully request that **Senate Bill #186**, relating to Student Health and Safety, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ileana Garcia
Florida Senate, District 36

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

02/21/26
Meeting Date

Rules
Committee

186
Bill Number or Topic

Amendment Barcode (if applicable)

Name Florida Parent Teacher Association
Karen Mazzola

Phone 407-855-7604

Address 1747 Orlando Central Pkway
Street

Email VP.leadership@floridaPTA.org

Orlando FL 32809
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

24 February 2026
Meeting Date

Rules
Committee

186
Bill Number or Topic

Amendment Barcode (if applicable)

Name Steve Schale

Phone 8505590317

Address 1221 Sandler Ridge Road
Street

Email Steven.schale@gmail.com

Tallahassee FL 32317
City State Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

EPILEPSY ALLIANCE OF FLORIDA

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 208
INTRODUCER:	Rules Committee; Judiciary Committee; and Senator McClain
SUBJECT:	Land Use and Development Regulations
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 208 includes a variety of provisions related to land use and development regulations.

Specifically, the bill:

- Requires local governments to charge development permit and development order application fees that reasonably relate to the costs associated with the review, processing, and final disposition of applications.
- Requires local governments' interlocal agreements with school districts to address reasonable access to public easements and right aways necessary for public school facilities.
- Requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category.
- Requires land development regulations to incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.
- Requires local government staff to identify specific areas of incompatibility, and authorizes staff to recommend mitigation measures to applicants, before recommending denial of rezoning, subdivision, or site plan approval applications on compatibility grounds.
- Prohibits local governments from denying an application on compatibility grounds unless the denial includes written findings identifying areas of incompatibility and concluding that proposed mitigation measures are inadequate and no feasible mitigation measures exist.
- Renders the bill's provisions inapplicable to compatibility between uses in different future land use categories, applications for development within planned unit developments or

master planned communities, and applications for development within historic districts designated before January 1, 2026.
- Provides for the placement of manufactured housing on any lot in a recreational vehicle park.
- Provides for parity in regulations for off-site constructed residential dwellings (compared to on-site construction) in local government zoning, land use, and development regulations.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct a study to identify the effect of removing the Urban Development Boundary or similar boundaries in Miami-Dade County and other counties.

The bill takes effect January 1, 2027.

II. Present Situation:

Comprehensive Plans

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

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

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

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

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses

[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.

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

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

Compatibility

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

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

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[15]

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[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.
[8] Section 163.3177(6)(a)2., F.S.
[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.3194(3), F.S.
[11] Section 163.3164(9), F.S.
[12] Section 163.3177(6)(a)2., F.S.
[13] Section 163.3202(2)(b), F.S.
[14] *See, e.g.,* s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.
[15] Section 163.3164(26), F.S.

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[16] Local governments are encouraged to use innovative land development regulations[17] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[18] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[19]

III. Effect of Proposed Changes:

The bill facilitates residential development by making the development permit and development order application process less costly. It also makes it harder for local governments to deny applications due to a lack of compatibility by requiring them to issue specific and objective reasons for such denials.

Development Permit and Development Order Application Fees

In **Sections 1 and 2**, the bill amends two statutes regulating how local governments review development permit and development order applications[20] to also address application fees.

Specifically, the bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the development permit or development order application. The fee must be published on the local government's fee schedule and may not be based on a percentage of construction costs, site costs, or project valuation.

Compatibility

Section 4 of the bill amends a statute addressing the legal status of the comprehensive plan[21] to incorporate several compatibility-related requirements.

The bill requires local government comprehensive plans and land development regulations to include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category. Such factors may include:

- Intensity.
- Density.
- Scale.
- Building size.
- Mass.
- Bulk.
- Height and orientation.

[16] Section 163.3202(1), F.S.
[17] Section 163.3202(3), F.S.
[18] Sections 125.01055 and 166.04151, F.S.
[19] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[20] Sections 125.022 and 166.033, F.S.
[21] Section 163.3194, F.S.

- Lot coverage.
- Lot size and configuration.
- Architectural style.
- Permeability.
- Screening.
- Buffers.
- Setbacks.
- Stepbacks.
- Transitional areas.
- Signage.
- Traffic and pedestrian circulation and access.
- Operational impacts such as noise, odor, and lighting.

The bill also requires land development regulations to incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.

With respect to how compatibility is considered during the rezoning, subdivision, or site plan approval review process, the bill provides as follows:

- Before recommending denial of an application on compatibility grounds, local government staff must identify with specificity each area of incompatibility; staff may also recommend mitigation measures to the applicant.
- If the applicant has proposed mitigation measures, the local government may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that no feasible mitigation measures exist.
- A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that no feasible mitigation measures exist; references to "community character" or "neighborhood feel" are not sufficient in and of themselves to support a denial of an application on compatibility grounds.
- A local government's approval of an application may include requirements or conditions to mitigate or minimize compatibility concerns.

The compatibility requirements in the bill do not apply to:

- Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.
- Applications for development within planned unit developments or master planned communities.
- Applications for development within historic districts designated before January 1, 2026.

Additionally, the bill does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

School Interlocal Agreements

Current law requires the county and municipalities located within the geographic area of a school district to enter into an interlocal agreement with the district school board to establish the specific ways in which the plans and processes of the school board and local governments are to be coordinated.[22] The law requires such interlocal agreement to address certain issues, including:

- Population growth and student enrollment;
- Existing and planned public school facilities, development and redevelopment;
- Participation in evaluating potential school closures and openings;
- Sharing information related to comprehensive plan amendments; and
- Other processes related to intergovernmental participation for growth management and planned development over time.

Section 3 of the bill amends s. 163.31777, to provide that in addition to existing factors, an interlocal agreement between a county, municipalities, and district school boards must address the issue of reasonable access to public easements and public rights-of-way which may be necessary for the siting, construction, expansion, or improvement of public school facilities, including charter schools, consistent with land use and development regulations.

Land Use Regulations

Placement of Manufactured Housing

Section. 553.382, F.S., allows any residential manufactured building[23] certified under ch. 553, F.S., by the Florida Department of Business and Professional Regulation to be placed on a mobile home lot located in a mobile home park, recreational vehicle park, mobile home condominium, mobile home cooperative, or mobile home subdivision, notwithstanding any contrary local law or ordinance. Once placed on such a lot, the unit is treated as a mobile home for purposes of ch. 723, F.S., meaning all rights, obligations, and duties under the Mobile Home Park Tenancy Law, including prospectus requirements and resident protections, apply. Placement of a residential manufactured building requires the prior written approval of the park owner.

Section 5 amends s. 553.382, F.S., to provide that a manufactured home may be placed on any lot in a recreational vehicle park, rather than only on a mobile home lot in a recreational vehicle park.

Off-site Constructed Residential Dwellings

Section 6 creates s. 553.385, F.S., to provide that an off-site constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed. Local governments may not adopt or enforce zoning, land use, or development

[22] Section 163.31777, F.S.

[23] "Manufactured building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. See s. 553.36(13), F.S.

regulations which treat off-site constructed residential dwellings differently or more restrictively than a single-family site-built dwelling allowed in the same district. A local government may adopt compatibility standards limited to roof pitch, square footage, type and quality of exterior, foundation enclosure, existence and type of attached structures, setbacks, dimensions, and orientation.

Section 7 requires the Office of Program Policy Analysis and Government Accountability to conduct a study to identify the effect of removing the Urban Development Boundary or similar boundaries in Miami-Dade County and other counties. The results of the study must be submitted to the President of the Senate and the Speaker of the House of Representatives by December 1, 2026. The bill requires the study to:

- Address whether counties may still control growth through other zoning and land use designations.
- Include an analysis of the economic benefits related to the cost of land and housing.
- Analyze whether local counties can still protect the environment and water quality without having an urban development boundary or a similar boundary within their jurisdiction.

Effective Date

Section 4 of the bill provides an effective date of 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:

The bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application, and to be published on the local government's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Based upon this change, it appears the bill will result in a positive fiscal impact to private sector applicants because they are likely to pay less in fees and charges to local governments, although the extent of this impact is unclear.

C. Government Sector Impact:

The bill requires the amount of any application fee associated with a development permit or development order to reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application, and to be published on the local government's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Based upon this change, it appears the bill will result in a negative fiscal impact to local governments because they will likely collect less in fees and charges from private sector applicants, although the extent of this impact is unclear. The bill will reduce revenues to local governments to the extent that they charge more than their actual costs for services.

VI. Technical Deficiencies:

The bill's effective date is January 1, 2027, while section 7 requires an OPPAGA study to be submitted by December 1, 2026.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.022, 166.033, 163.31777, 163.3194, and 553.382. The bill creates section 553.385 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on February 25, 2026:
The committee substitute introduces four new sections to the bill with new provisions. Specifically, the committee substitute:

- Requires local governments' interlocal agreements with school districts to address reasonable access to public easements and right aways necessary for public school facilities.
- Provides for the placement of manufactured housing on any lot in a recreational vehicle park.
- Provides for parity in regulations for off-site constructed residential dwellings (compared to on-site construction) in local government zoning, land use, and development regulations.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct a study to identify the effect of removing the Urban Development Boundary or similar boundaries in Miami-Dade County and other counties.

CS by Judiciary on January 12, 2026:
The committee substitute replaces the original bill with one that facilitates residential development by making the development permit and development order application process less costly. The bill also makes it harder for local governments to deny applications due to a lack of compatibility by requiring them to issue specific and objective reasons for such denials.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (McClain) recommended the following:

Senate Amendment (with title amendment)

Delete lines 53 - 101
and insert:
Section 3. Paragraph (j) is added to subsection (2) of section 163.31777, Florida Statutes, to read:
163.31777 Public schools interlocal agreement.—
(2) At a minimum, the interlocal agreement must address the following issues:
(j) Reasonable access, where available, to public easements and public rights-of-way which may be necessary for the siting,

construction, expansion, or improvement of public school facilities, including charter schools, consistent with adopted level-of-service standards, school concurrency requirements, and applicable public facilities planning requirements.

Section 4. Subsection (7) is added to section 163.3194, Florida Statutes, to read:

163.3194 Legal status of comprehensive plan.—

(7)(a) Local government comprehensive plans and land development regulations must include factors for assessing the compatibility of allowable residential uses within a residential zoning district and future land use category. Such factors may include intensity, density, scale, building size, mass, bulk, height and orientation, lot coverage, lot size and configuration, architectural style, permeability, screening, buffers, setbacks, stepbacks, transitional areas, signage, traffic and pedestrian circulation and access, and operational impacts, such as noise, odor, and lighting.

(b) Land development regulations must incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.

(c)1. Before recommending denial of an application for rezoning, subdivision, or site plan approval on compatibility grounds, local government staff must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

2. If the applicant has proposed mitigation measures, the local government may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that no

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feasible mitigation measures exist.

3. A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that no feasible mitigation measures exist. References to "community character" or "neighborhood feel" are not sufficient in and of themselves to support a denial of an application on compatibility grounds.

4. A local government's approval of an application may include requirements or conditions to mitigate or minimize compatibility concerns.

(d) This subsection does not apply to any of the following:

1. Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.

2. Applications for development within planned unit developments or master planned communities.

3. Applications for development within historic districts designated before January 1, 2026.

(e) This section does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

Section 5. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any

residential manufactured building that is certified under this chapter by the department may be placed on a mobile home lot in a mobile home park~~, recreational vehicle park,~~ or mobile home condominium, cooperative, or subdivision or on any lot in a recreational vehicle park. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit subject to this section which is placed on a mobile home lot shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 6. Section 553.385, Florida Statutes, is created to read:

553.385 Zoning of offsite constructed residential dwellings; parity.—

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

(a) "Local government" means a county or municipality.

(b) "Offsite constructed residential dwelling" means a manufactured building as defined in s. 553.36 which is intended for single-family residential use, or a manufactured home as defined in s. 320.01(2)(b), which is constructed in whole or in part offsite and is treated as real property.

(2)(a) An offsite constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed.

(b) A local government may not adopt or enforce any zoning,

land use, or development regulation that treats an offsite constructed residential dwelling differently or more restrictively than a single-family site-built dwelling allowed in the same district.

(c) This section does not prohibit a local government from applying generally applicable architectural, aesthetic, design, setback, height, or bulk standards to offsite constructed residential dwellings, provided such standards apply equally to site-built single-family dwellings permitted in the same district. A local government may adopt compatibility standards that are limited to the following architectural features:

1. Roof pitch.

2. Square footage of livable space.

3. Type and quality of exterior finishing materials.

4. Foundation enclosure.

5. Existence and type of attached structures.

6. Building setbacks, lot dimensions, and the orientation of the home on the lot.

(d) A local government may not treat offsite constructed residential dwellings differently than factory-built buildings subject to s. 553.38 based on the method or location of construction.

(3) A local government may not adopt or enforce any zoning, land use, or development ordinance or regulation that conflicts with this section or s. 553.38 or that imposes different or more restrictive treatment on an offsite constructed residential dwelling based on its method of construction or the presence of components built off site. Local government ordinances and regulations may not have the effect of excluding offsite

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constructed residential dwellings and must be reasonable and uniformly enforced without any distinction as to the type of housing. Any such ordinance or regulation is void and unenforceable as applied to offsite constructed residential dwellings.

Section 7. (1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study to identify the effects of removing the Urban Development Boundary (UDB) and other similar boundaries in Miami-Dade County and other counties.

(2) The study must:

(a) Address whether counties may control growth through other zoning and land use designations.

(b) Include an analysis of the economic benefits related to the cost of land and housing.

(c) Analyze whether local counties have the ability to protect the environment and water quality without having a UDB or similar boundary within their respective jurisdictions.

(3) By December 1, 2026, OPPAGA shall submit the results of the study to the President of the Senate and the Speaker of the House of Representatives.

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

And the title is amended as follows:

Delete lines 9 - 26

and insert:

valuations; amending s. 163.31777, F.S.; requiring that certain interlocal agreements between school boards and local governments address reasonable access

to certain public easements and public rights-of-way; amending s. 163.3194, F.S.; requiring that local government comprehensive plans and land development regulations include factors for assessing the compatibility of certain residential uses; requiring that land development regulations incorporate certain objective design standards or other measures for mitigating or minimizing potential incompatibility; requiring local government staff to meet certain requirements before recommending denial of certain applications on compatibility grounds; prohibiting a local government from denying certain applications on compatibility grounds if the applicant has proposed certain measures; providing an exception; requiring that the denial of an application specify certain information; providing that a local government's approval of an application may include certain requirements or conditions; providing applicability; amending s. 553.382, F.S.; authorizing the placement of certain residential manufactured buildings on any lot in a recreational vehicle park; creating s. 553.385, F.S.; defining the terms "local government" and "offsite constructed residential dwelling"; requiring that an offsite constructed residential dwelling be permitted as of right in certain zoning districts; prohibiting a local government from adopting or enforcing certain regulations; providing construction; authorizing a local government to adopt compatibility standards that are limited to certain

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architectural features; prohibiting a local government from treating offsite constructed residential dwellings differently than factory-built buildings based on certain circumstances; prohibiting a local government from adopting or enforcing certain zoning, land use, or development ordinances and regulations; prohibiting local government ordinances and regulations from having certain effects; providing that certain local government ordinances and regulations are void and unenforceable to a specified extent; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to identify the effects of removing certain boundaries; providing requirements for the study; requiring OPPAGA to submit the results of the study to the Legislature by a specified date; providing an

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2026	.	
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The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Between lines 101 and 102
insert:

Section 4. Section 163.32475, Florida Statutes, is created to read:

163.32475 Rural boundary designations; per se taking; property owner rights; judicial enforcement.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. The Attorney General, in a formal opinion dated November

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25, 2025, concluded that the designation of certain lands as "rural" through county charter amendments in Seminole County and Orange County, combined with supermajority voting requirements that effectively prohibit removal of the designation, could constitute a regulatory taking under the State Constitution or United States Constitution and likely constitutes an inordinate burden in violation of s. 70.001.

2. A rural boundary designation that restricts the use and development of private property below the density and intensity available to adjacent properties, and that requires a supermajority or heightened voting threshold for modification or removal, constitutes a permanent deprivation of the property owner's reasonable, investment-backed expectations.

3. Property owners affected by such designations are bearing permanently a disproportionate share of a burden imposed for the good of the general public.

4. The mayors, county commissioners, and other relevant elected officials of affected jurisdictions have publicly declared that under no circumstances will they approve the removal of property from rural boundary designations or increase density or intensity within such areas. These public declarations constitute conclusive evidence that the administrative process is futile and that affected property owners have no reasonable prospect of obtaining relief through the existing local government process.

(b) It is the intent of the Legislature that this section provide affected property owners with a self-executing remedy enforceable through the existing judicial system, without the need for any county-administered program, and that the full cost

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of the taking be borne by the county that adopted the designation.

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

(a) "Adjacent density" means the highest residential density, measured in dwelling units per acre, assigned under the comprehensive plan or land development regulations to any parcel of real property that is contiguous to, shares a common boundary with, or is directly across a public right-of-way from the affected property and that is located outside the rural boundary designation.

(b) "Adjacent intensity" means the highest nonresidential intensity, measured in floor area ratio or other applicable metric, assigned under the comprehensive plan or land development regulations to any parcel of real property that is contiguous to, shares a common boundary with, or is directly across a public right-of-way from the affected property and that is located outside the rural boundary designation.

(c) "Affected property owner" means any person holding fee simple title to real property that is:

1. Located within a rural boundary designation;

2. Contiguous to, shares a common boundary with, or is directly across a public right-of-way from property within a rural boundary designation; or

3. Located within 1 mile of the nearest boundary line of a rural boundary designation, as measured from the nearest point of the property to the nearest point of the rural boundary line.

(d) "Fair market value" means the price that a willing and informed buyer would pay a willing and informed seller in an arm's-length transaction, neither party being under any

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compulsion to buy or sell, with both parties having reasonable knowledge of all relevant facts, including the highest and best use of the property. Fair market value may not be determined by reference to the county property appraiser's assessed value, taxable value, or any government-established valuation. Fair market value must be established by one or more independent appraisals performed by an appraiser holding the MAI designation of the Appraisal Institute using recognized market-based methodologies, including comparable sales, income capitalization, and cost approaches, as appropriate.

(e) "Fair market value diminution" means the difference between:

1. The fair market value of the affected property based on its highest and best use at the adjacent density and adjacent intensity, without regard to the rural boundary designation; and

2. The fair market value of the affected property under the restrictions imposed by the rural boundary designation.

(f) "Rural boundary designation" means any designation of land as rural, rural area, rural lands, rural boundary, east rural area, or any substantially similar classification adopted through a county charter amendment, county ordinance, or comprehensive plan amendment that:

1. Restricts the density, intensity, or type of development permitted on the designated land below that which would otherwise be permitted under the future land use designation and zoning applicable to adjacent properties outside the rural boundary; and

2. Requires a supermajority vote of the governing body of the county, or any heightened voting threshold beyond a simple

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majority, to remove land from the designation, to increase the density or intensity of use within the designated area, or to approve a comprehensive plan amendment affecting property within the designated area.

(3) PER SE TAKING; PER SE INORDINATE BURDEN.—

(a) A rural boundary designation constitutes a per se regulatory taking of the affected property for purposes of s. (6)(a), Art. X of the State Constitution and the Fifth and Fourteenth Amendments to the United States Constitution.

(b) A rural boundary designation constitutes a per se inordinate burden as defined in s. 70.001(3)(e). A further showing of economic harm, interference with investment-backed expectations, or disproportionate burden is not required.

(c) The designation of the taking and inordinate burden under this subsection is a legislative determination based on the findings provided in subsection (1), and a prior judicial finding or administrative determination is not a prerequisite to the exercise of any right under this section.

(d) The Penn Central three-factor balancing test and any other case law-derived takings analyses do not apply to a claim arising under this section. The characteristics of the rural boundary designation, including the blanket restriction on development, the supermajority lock-in, and the permanent frustration of investment-backed expectations, categorically constitute a taking.

(4) RIGHT TO REMOVAL; DENSITY MATCHING PRESUMPTION.—

(a) An affected property owner may submit a written request to the county to remove the owner’s property from the rural boundary designation.

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(b) The county shall approve or deny the request within 60 days after receipt of the request. If the county fails to act within 60 days, the request is deemed approved.

(c) If the county denies the request or if the request is deemed approved under paragraph (b):

1. The denial constitutes a per se taking and per se inordinate burden as provided in subsection (3), without need for any additional claim, notice, or administrative proceeding; and

2. The property owner may elect to seek either or both of the following:

a. Full compensation for the fair market value diminution, to be paid solely by the county.

b. A court order removing the property from the rural boundary designation with the density and intensity matching presumption provided in paragraph (d).

(d) Upon removal of property from a rural boundary designation, the following presumptions apply:

1. For property that is contiguous to, shares a common boundary with, or is directly across a public right-of-way from property outside the rural boundary designation, there is a conclusive presumption that the property shall receive a future land use designation and zoning classification permitting at least the adjacent density and adjacent intensity. This presumption is not rebuttable.

2. For property that is located within 1 mile of the nearest boundary line of the rural boundary designation but not described in subparagraph 1., there is a presumption that the property shall receive a future land use designation and zoning

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classification permitting at least 75 percent of the adjacent density and of the adjacent intensity.

The presumptions in subparagraphs 1. and 2. apply regardless of which governmental entity has jurisdiction over the property after removal.

(e) The density matching presumptions in paragraph (d) are a direct response to the futility described in subparagraph (1)(a)4., to ensure that affected property owners receive the equal treatment to which they are constitutionally entitled without being subjected to a predetermined outcome.

(f) If, after removal from the rural boundary designation, a county, municipality, or other governmental entity assigns or imposes upon the affected property a density, intensity, or land use classification that restricts density or intensity below that authorized under paragraph (d), the property owner may petition the circuit court for an order directing the governmental entity to assign the appropriate density and intensity.

1. For property subject to the conclusive presumption in subparagraph (d)1., the court shall enter the order without further inquiry.

2. For property subject to the presumption in subparagraph (d)2., the court shall grant the petition unless the governmental entity demonstrates by clear and convincing evidence that the lower density or intensity is necessary to protect the public health or safety. General references to community character, neighborhood feel, rural character, compatibility, or substantially similar terms do not constitute

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grounds for assigning a lower density or intensity.

(g) In determining the adjacent density and adjacent intensity for purposes of this subsection, if the affected property is across a public right-of-way from property that is developed or designated at a particular density or intensity, such density or intensity must be treated as the adjacent density or adjacent intensity with the same force and effect as if the properties shared a common boundary.

(5) TERMINATION OF COUNTY-RETAINED ZONING JURISDICTION.—

(a) Upon removal of property from a rural boundary designation, all of the following apply:

1. Any provision of a county charter, county ordinance, comprehensive plan, or land development regulation that purports to retain zoning jurisdiction, land use authority, or development approval authority over the removed property, including, but not limited to, provisions that condition annexation into a municipality on county approval of zoning or land use changes, is void and unenforceable as to that property.

2. The property may be annexed into any adjacent municipality under the procedures provided in chapter 171 without county approval of any zoning or land use change.

3. Upon annexation, the municipality's comprehensive plan and land development regulations shall control the use and development of the property, subject to the density matching presumptions in paragraph (4)(d).

(b) A county charter provision, interlocal agreement, or joint planning agreement may not be construed to limit the application of this subsection.

(c) The termination of retained jurisdiction under this

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subsection is self-executing and does not require a court order, except that the property owner may seek a declaratory judgment confirming the termination if the county refuses to recognize the termination.

(6) JUDICIAL ENFORCEMENT.—

(a) An affected property owner may bring an action in the circuit court of the county in which the property is located to enforce any right under this section, including one or more of the following:

1. An action for compensation for the fair market value diminution.

2. An action for inverse condemnation under s. 6(a), Art. X of the State Constitution.

3. An action under s. 70.001.

4. An action for a court order removing the property from the rural boundary designation and assigning the adjacent density and adjacent intensity pursuant to the presumptions in paragraph (4)(d).

5. An action for declaratory judgment confirming the termination of county-retained zoning jurisdiction under subsection (5).

(b) Ripeness, exhaustion of administrative remedies, failure to apply for a variance, and similar procedural defenses are not available to the county or any other governmental entity in any action brought under this section. The denial of a request for removal, or the failure to act within 60 days, satisfies all prerequisites for judicial relief.

(c) Notwithstanding s. 70.001, the affected property owner is not required to submit a claim in writing and present it to

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the governmental entity before filing suit under this section. The written request for removal under paragraph (4)(a) satisfies any notice or presentment requirement under s. 70.001.

(d) The county shall tender full compensation to the affected property owner within 120 days after the denial of the request for removal or the expiration of the 60-day period under paragraph (4)(b), whichever is earlier. Failure to tender full compensation within 120 days constitutes an additional taking for which the county is liable.

(e) The court shall award to a prevailing affected property owner all of the following:

1. The full fair market value diminution, or such other compensation as is required under this section.

2. Prejudgment interest at the statutory rate from the date of the denial of the request for removal or the expiration of the 60-day period, whichever is earlier.

3. Reasonable attorney fees and costs, including expert witness fees and appraisal costs.

4. Such other relief as the court deems just and equitable.

(f) The county is solely liable for all compensation, fees, costs, and interest awarded under this section. The state, its agencies, and all other units of local government are not liable.

(7) COMPREHENSIVE PLAN COMPLIANCE.—

(a) A county that maintains a rural boundary designation must demonstrate, as a condition of enforceability, that the county is in full compliance with all of the following:

1. The capital improvements element required by s. 163.3177(3), including a financially feasible 5-year schedule of

712734

capital improvements.

2. Concurrency requirements under s. 163.3180, including adopted level-of-service standards for transportation, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and schools.

3. The housing element required by s. 163.3177(6)(f), including specific programs to address housing needs and affordable housing within the jurisdiction.

4. Population projections that are current and reflective of the county's proportional share of total county population growth as required by s. 163.3177(1)(f)3.

(b) If a county is deficient in any requirement provided in paragraph (a), including by falling behind projected growth capacity, failing to maintain concurrency for public facilities, or failing to plan for adequate housing, the rural boundary designation is suspended and unenforceable until the county cures the deficiency.

(c) During any period of suspension under paragraph (b), each affected property must be treated as though it is subject to the future land use designation and zoning applicable to the nearest adjacent property outside the rural boundary.

(d) Compliance with this subsection is subject to review by the state land planning agency under s. 163.3184, and any affected property owner may petition the state land planning agency to review the county's compliance.

(8) COUNTY SOLE FINANCIAL RESPONSIBILITY.—

(a) Costs arising under this section, including, but not limited to, compensation, appraisal costs, attorney fees, court costs, and prejudgment interest, must be borne solely by the

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county that adopted or maintained the rural boundary designation.

(b) The state, its agencies, and other units of local government have no financial liability, contribution obligation, or indemnification duty under this section.

(c) A county may not seek reimbursement, contribution, or funding from the state, a state agency, a state conservation or land acquisition program, or any other unit of local government for obligations arising under this section.

(d) The cost of any appraisal required or obtained under this section must be borne by the county.

(9) CONSTRUCTION AND APPLICABILITY.—

(a) This section does not prohibit a county from maintaining a rural boundary designation, provided that the county satisfies the obligations of this section.

(b) The remedies provided in this section are cumulative and in addition to any other remedies available under s. 70.001, the State Constitution, and the United States Constitution.

(c) This section applies to rural boundary designations in effect on January 1, 2027, regardless of when such designations are adopted.

(d) This section applies to all pending applications, requests, claims, and proceedings relating to the removal of property from a rural boundary designation, regardless of the date filed.

(e) To the extent that a prior judicial decision has held that a county charter amendment establishing a rural boundary designation is constitutional or has otherwise ruled against a property owner seeking removal from such a designation, such

712734

holding does not preclude a claim under this section. This section establishes a new statutory right that is independent of prior adjudication.

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

And the title is amended as follows:

Delete line 26

and insert:

applicability; providing construction; creating s. 163.32475, F.S.; providing legislative findings and intent; defining terms; providing that a rural boundary designation constitutes a per se regulatory taking and per se inordinate burden; providing construction; providing that certain takings analyses do not apply to certain claims; authorizing an affected property owner to submit a written request to remove the owner's property from a rural boundary designation; providing procedural requirements for such removal; providing specified presumptions to property removed from a rural boundary designation; authorizing a property owner to petition the circuit court for an order to assign certain density and intensity; requiring the court to grant such petitions except under certain circumstances; providing requirements for determining adjacent density and adjacent intensity; providing that certain local government provisions are void and unenforceable as to property removed from a rural boundary designation; authorizing the annexation of such property without

712734

certain county approval; providing construction; authorizing an affected property owner to bring an action to enforce certain rights; providing that certain defenses are not available to a governmental entity in such an action; providing that an affected property owner is not required to take certain action before filing suit; requiring a county to tender full compensation to the affected property owner within a specified timeframe; providing that the county is liable for an additional taking under certain circumstances; requiring the court to award certain relief to a prevailing affected property owner; requiring a county to demonstrate compliance with certain provisions to enforce a rural boundary designation; providing that a rural boundary designation is suspended and unenforceable under certain circumstances; providing that compliance with certain provisions is subject to review by the state land planning agency; authorizing affected property owners to petition for such review; providing that a county bears sole responsibility for certain costs; prohibiting a county from seeking certain reimbursement, contributions, or funding; providing construction; providing applicability; providing an

By the Committee on Judiciary; and Senator McClain

590-01894-26 2026208c1

A bill to be entitled

An act relating to land use and development regulations; amending ss. 125.022 and 166.033, F.S.; requiring that the amount of certain application fees reasonably relate to certain costs; requiring that such fees be published on the county's or municipality's fee schedule, respectively; requiring that such fees not be based on certain costs or valuations; amending s. 163.3194, F.S.; requiring that local government comprehensive plans and land development regulations include factors for assessing the compatibility of certain residential uses; requiring that land development regulations incorporate certain objective standards or other measures for mitigating or minimizing potential incompatibility; requiring local government staff to meet certain requirements before recommending denial of certain applications on compatibility grounds; prohibiting a local government from denying certain applications on compatibility grounds if the applicant has proposed certain measures; providing an exception; requiring that the denial of an application specify certain information; providing that a local government's approval of an application may include certain requirements or conditions; providing applicability; providing construction; providing an effective date.

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

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

590-01894-26 2026208c1

Section 1. Present subsection (9) of section 125.022, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

125.022 Development permits and orders.—

(9) The amount of any application fee associated with a development permit or development order must reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application and must be published on the county's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Section 2. Present subsection (9) of section 166.033, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

166.033 Development permits and orders.—

(9) The amount of any application fee associated with a development permit or development order must reasonably relate to the direct and reasonable indirect costs associated with the review, processing, and final disposition of the application and must be published on the municipality's fee schedule. The fee may not be based on a percentage of construction costs, site costs, or project valuation.

Section 3. Subsection (7) is added to section 163.3194, Florida Statutes, to read:

163.3194 Legal status of comprehensive plan.—

(7)(a) Local government comprehensive plans and land development regulations must include factors for assessing the compatibility of allowable residential uses within a residential

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

zoning district and future land use category. Such factors may include intensity, density, scale, building size, mass, bulk, height and orientation, lot coverage, lot size and configuration, architectural style, permeability, screening, buffers, setbacks, stepbacks, transitional areas, signage, traffic and pedestrian circulation and access, and operational impacts, such as noise, odor, and lighting.

(b) Land development regulations must incorporate objective design standards or other measures for mitigating or minimizing potential incompatibility.

(c)1. Before recommending denial of an application for rezoning, subdivision, or site plan approval on compatibility grounds, local government staff must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

2. If the applicant has proposed mitigation measures, the local government may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that no feasible mitigation measures exist.

3. A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that no feasible mitigation measures exist. References to "community character" or "neighborhood feel" are not sufficient in and of themselves to support a denial of an application on compatibility grounds.

4. A local government's approval of an application may

include requirements or conditions to mitigate or minimize compatibility concerns.

(d) This subsection does not apply to any of the following:

1. Compatibility between uses in different future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.

2. Applications for development within planned unit developments or master planned communities.

3. Applications for development within historic districts designated before January 1, 2026.

(e) This section does not require approval of an application that is otherwise inconsistent with the applicable local government comprehensive plan or land development regulations.

Section 4. This act shall take effect January 1, 2027.

The Florida Senate

APPEARANCE RECORD

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2-24-26
Meeting Date

RULES
Committee

208
Bill Number or Topic

705478
Amendment Barcode (if applicable)

Name Jess McCarty, First Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 1st Street, Suite 2810 Email jmm2@miamidade.gov
Street

Miami FL 33128
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
MIAMI-DADE COUNTY

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

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

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S-001 (08/10/2021)

The Florida Senate

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Rules
Committee

208
Bill Number or Topic

705478
Amendment Barcode (if applicable)

Name Lori Killinger

Phone 8502225702

Address 106 E College Ave
Street

Email Lkillinger@llw-law.com

Tallahassee FL 32301
City *State* *Zip*

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL Manufactured Housing Assn

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

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

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S-001 (08/10/2021)

The Florida Senate

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Rules
Committee

208
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Basford

Phone 3525384299

Address 516 N Adams
Street

Tallahassee FL 32301
City State Zip

Email abasford@aif.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of FL

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

208
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.
Street

Email cmadill@flchamber.com

Tallahassee, FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Chamber of Commerce

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

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

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2/24/26 - 12 PM
Meeting Date

Rules
Committee

208 - Land Use and Dev.
Bill Number or Topic

Amendment Barcode (if applicable)

Name (AARP) Karen Murillo

Phone 850-567-0414

Address 215 S. Monroe St.,Ste. 615
Street

Email kmurillo@aarp.org

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
AARP Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

Rules
Committee

SB 208
Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexander Miles

Phone 3058985338

Address 3177 S.W. 19th St.
Street

Email amiles@enterprisecommunity.org

Miami FL 33145
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Enterprise Community Partners

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

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

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S-001 (08/10/2021)

The Florida Senate

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Meeting Date

Rules
Committee

208
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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S-001 (08/10/2021)

The Florida Senate

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02/24/26
Meeting Date

Rules
Committee

208
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 7275124699

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Street

Email bburke@fhba.com

Palm Harbor FL 34683
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Home Builders Assc.

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 218
INTRODUCER:	Rules Committee and Senators Gaetz and Trumbull
SUBJECT:	Land Use Regulations
DATE:	February 24, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Favorable**
3.	Shuler	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 218 limits the applicability of Section 28 of CS/CS/SB 180 (2025),[1] enacted during the 2025 Regular Session to restrict local government authority to regulate land use following specified hurricanes that affected the state in 2024. The bill narrows the geographic areas to which those land use regulation restrictions apply.

Section 28 of CS/CS/SB 180 generally prohibited counties and municipalities within the federal disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton from proposing or adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 3 years. Because each of Florida's 67 counties were listed in at least one of these disaster declarations, all counties and municipalities in the state have been subjected to the restrictions.

The bill narrows the geographic area subject to CS/CS/SB 180's restrictions by defining what "impacted local governments" are and applying the restrictions only to them. Under the bill, "impacted local governments" are counties and municipalities listed in the federal disaster declarations and designated in them as eligible for individual and public assistance. As a result, 13 counties, and the municipalities within them, will no longer be subject to the restrictions.

The bill takes effect on July 1, 2026.

[1] *See* ch. 2025, s. 28, Laws of Fla. (creating an undesignated section of law).

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the U.S., the governor of an affected state may request an emergency declaration or a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.[2] All emergency and disaster declarations are made at the discretion of the President.[3] There are two types of disaster declarations: emergency declarations and major disaster declarations.[4] Both declarations allow for federal assistance to states and local governments; however, they differ in scope, types, and amount of assistance available.[5]

If the President deems federal assistance necessary to address an emergency, the President can declare the situation an emergency, which authorizes the federal government to provide emergency services. The total amount of assistance from an emergency declaration cannot exceed $5 million unless reported to Congress.[6]

Following a request from a governor, the President may declare a major disaster for any natural event including hurricanes if the President finds that the disaster is of such severity that it is beyond the combined capabilities of state and local governments to respond.[7] A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.[8]

Federal Disaster Public and Individual Assistance Programs

Pursuant to a disaster declaration, the Federal Emergency Management Agency (FEMA) may implement its "Public Assistance" or "Individual Assistance" programs.

Public Assistance includes assistance for urgent response activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later.[9] A state, tribe, or territory with an applicable disaster declaration serves as the primary grant recipient for Public Assistance; state, local, tribal, and territorial governments and nonprofit entities may then apply for funding as "Applicants."[10] Public Assistance includes short-term "Emergency Work" such as debris removal or the distribution of food and aid.[11] If a major disaster declaration has been made, long-term "Permanent Work" becomes available and includes reimbursement to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.[12]

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[2] 42 U.S.C. ss. 5121-5207.
[3] FEMA, *How a Disaster Gets Declared*, https://www.fema.gov/disaster/how-declared (last visited Jan. 27, 2026).
[4] *Id.*
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *Id.*
[9] Congressional Research Service, *A Brief Overview of FEMA's Public Assistance Program* (Jun. 11, 2025), available at https://www.congress.gov/crs-product/IF11529.
[10] *Id.*
[11] *Id.*
[12] *Id.*

When evaluating a request for Public Assistance after an emergency declaration has been made, FEMA considers:

- If the severity and magnitude of the incident exceeds the capacity of state and local governments to respond.
- Whether the incident requires federal supplemental assistance to save lives and protect property, protect public health and safety, or minimize or avert the threat of a disaster.[13]
- Other factors including the estimated cost of the assistance; the concentration of localized impacts; the amount of insurance coverage in force; local hazard mitigation investment, if multiple disasters occurred recently; and whether other programs of federal assistance may be appropriate.[14]

FEMA may implement the Individual Assistance program to assist disaster survivors if the President authorizes such assistance pursuant to a declaration of emergency or a major disaster declaration.[15] Individual Assistance may include crisis counseling assistance and training, disaster case management, disaster legal services, disaster unemployment assistance, or individual and household needs and under-insured expenses.[16] A governor of an affected state or territory, or the chief executive of an affected tribal government, must request that the President declare an emergency or major disaster authorizing Individual Assistance.[17] FEMA evaluates specific factors based on information in the request to determine whether there is a need for Individual Assistance.[18] FEMA then makes a recommendation to the President, who has sole discretion to authorize a declaration that provides Individual Assistance, and may additionally limit the types of Individual Assistance that are authorized.[19]

When evaluating a governor's request, FEMA considers:

- The fiscal capacity of the state to manage disaster response and recovery.
- The availability of resources.
- Uninsured property losses.
- The demographics of the affected population.
- Impacts to community infrastructure.
- Casualties.
- Disaster-related unemployment.[20]

For tribal chief executive requests, FEMA evaluates:

- The tribal nation's capacity and resources to respond.
- Uninsured property losses and existing conditions.
- The demographics of the affected population.
- Impacts to community infrastructure and cultural facilities.

---

[13] *Id.*
[14] *Id.*
[15] Congressional Research Service, *A Brief Overview of FEMA's Individual Assistance Program* (Mar. 3, 2025), available at https://www.congress.gov/crs-product/IF11298.
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *Id.*
[20] *Id.*

- Casualties, injuries, and missing individuals.
- Disaster-related unemployment.
- Displaced households and housing resources.
- Unique conditions affecting tribal nations.
- The 36-month disaster history or recent multiple disasters.
- Other relevant information.[21]

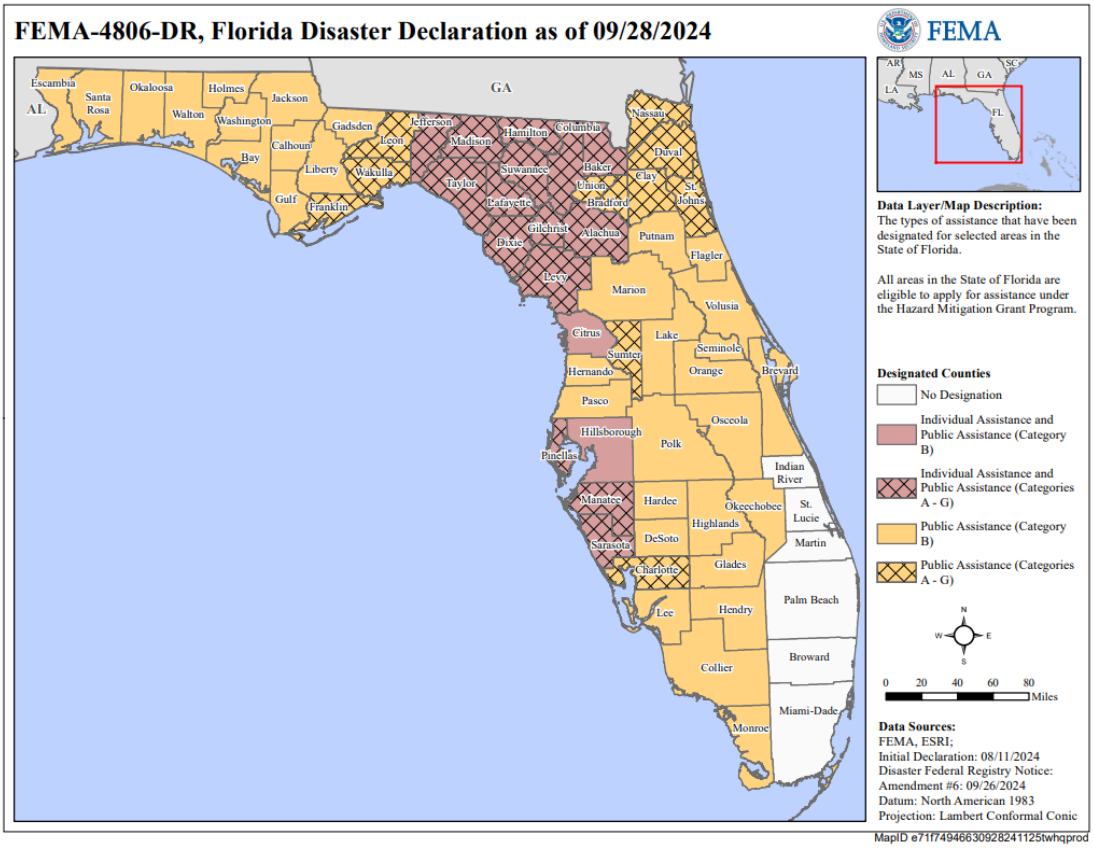
Additionally, when a Tribal Nation requests Public Assistance and there is damage to tribally owned and individually owned housing, FEMA's guidance says it will recommend approving Individual Assistance if the Tribal Nation wants to receive Individual Assistance, if Public Assistance is approved, and if the disaster has damaged or destroyed assistance-eligible housing.[22]

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.[23] Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 a.m. on August 5, 2024.[24] 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.[25] Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.[26] 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.[27] Flooding lasted for several weeks in Madison County after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.[28] Flooding along the Suwannee River continued 3 weeks after landfall.[29]

[21] *Id.*
[22] *Id.*
[23] National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, https://www.weather.gov/tae/HurricaneDebby2024 (last visited Jan. 27, 2026).
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*
[28] *Id.*
[29] *Id.*



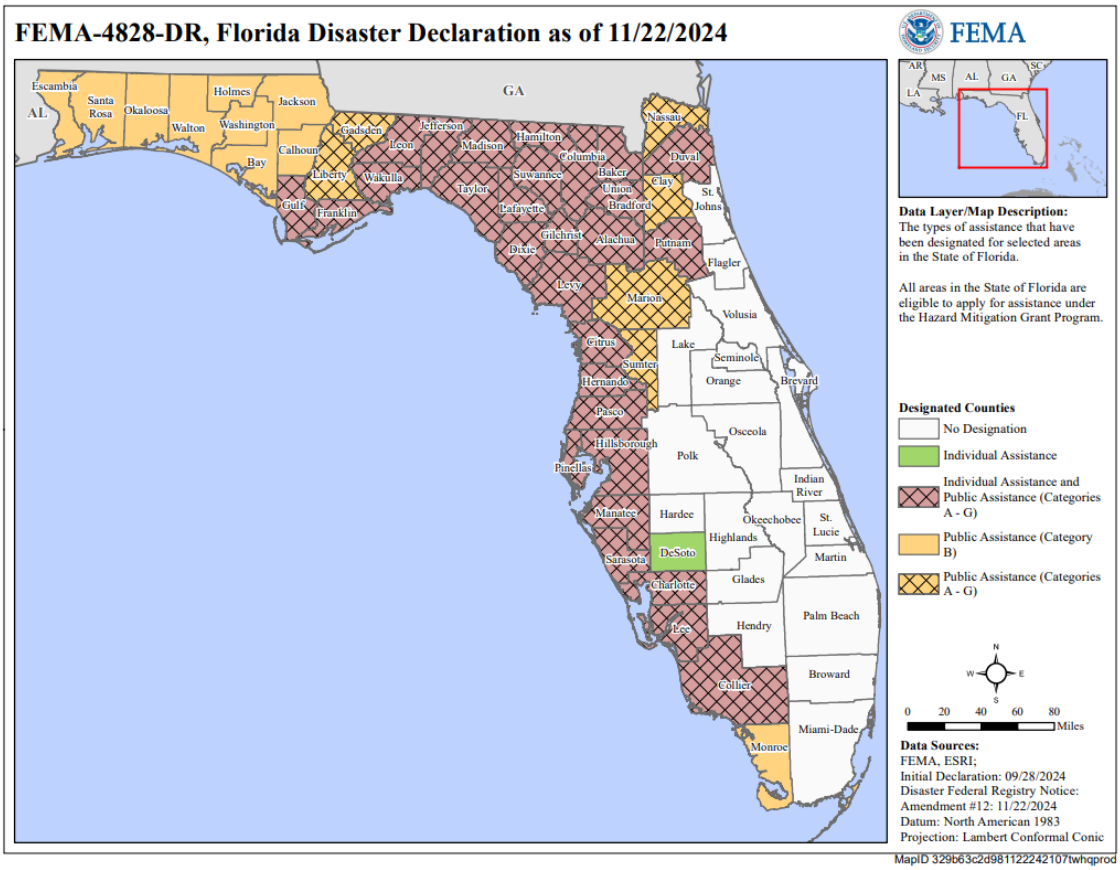
Disaster Declaration Map for Hurricane Debby

Hurricane Helene

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a Category 1 hurricane into a Category 4 hurricane from September 25 to September 26, 2024.[30] 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 p.m. on September 26, 2024.[31] While the storm moved quickly across the state, this did not lessen the impacts.[32] 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.[33] 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.[34] A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.[35] Many counties across the Panhandle reported flooding and washed-out roads.[36] The combination of Helene's large size and extremely

[30] 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. 27, 2026).
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] *Id.*

fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.[37] 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.[38] Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.[39]



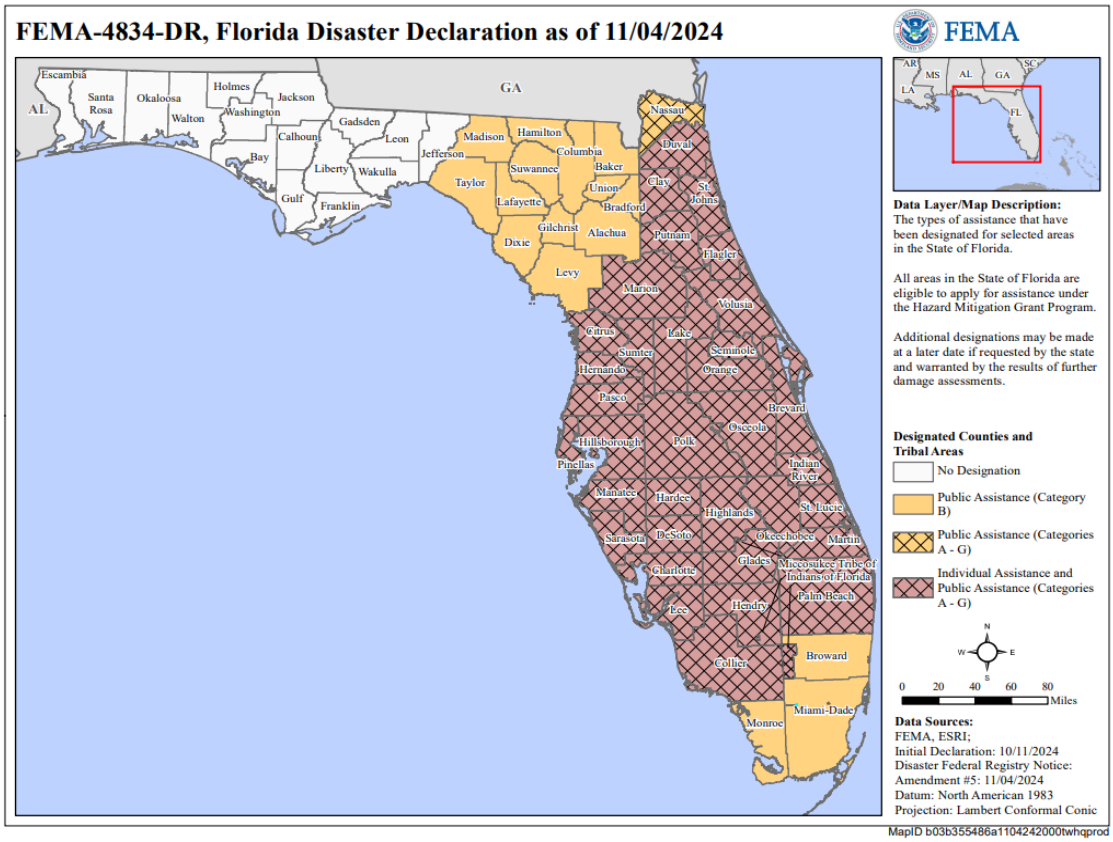
Disaster Declaration Map for Hurricane Helene

Hurricane Milton

Just shy of 2 weeks after Hurricane Helene's landfall in Florida, Hurricane Milton made landfall around 8:30 p.m. on October 9, 2024 at Siesta Key in Sarasota County.[40] At landfall, Milton was a Category 3 hurricane with maximum sustained winds of 120 mph.[41] 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.[42] Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in

[37] *Id.*
[38] 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.
[39] *Id.*
[40] National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 27, 2026).
[41] 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.
[42] *Id.*

the Clearwater Beach and St. Petersburg areas.[43] In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.[44] 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.[45] Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.[46] National Oceanic and Atmospheric Administration gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.[47] 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.[48]



Disaster Declaration Map for Hurricane Milton

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[49] Each county and municipality must maintain a comprehensive plan to guide future development.[50]

[43] *Id.*
[44] *Id.*
[45] *Id.*
[46] *Id.*
[47] *Id.*
[48] *Id.*
[49] Section 163.3167(1), F.S.
[50] Section 163.3167(2), F.S.

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[51] 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.[52]

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.[53]

A comprehensive plan is implemented through the adoption of land development regulations[54] that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.[55] 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.[56] Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.[57]

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.[58]

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."[59] When a party wishes to 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."[60] Once a local government has officially granted or denied a development permit, the

[51] Section 163.3194(3), F.S
[52] Section 163.3177(1), F.S.
[53] Section 163.3177(6), F.S.
[54] "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.
[55] Section 163.3202, F.S.
[56] *Id.*
[57] Section 163.3213, F.S.
[58] Sections 163.3174(4)(a) and 163.3184, F.S.
[59] Section 163.3164(14), F.S.
[60] Section 163.3164(16), F.S.

official action constitutes a development order.[61] A development order vests certain rights related to the land.[62]

Land Use Regulations for Local Governments Affected by Natural Disasters

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

Section 18

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.

Section 28

In Section 28, the Legislature directs the Office of Program Policy Analysis and Government Accountability to study actions taken by local governments after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. It also requires the office to 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:

[61] *See* s. 163.3164(15), F.S.
[62] *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 creates an undesignated section of Florida law to limit the applicability of Section 28 of ch. 190-2025, Laws of Florida, enacted during the 2025 Regular Session. That section restricts local government authority to regulate land use following specified hurricanes that affected the state in 2024. The bill narrows the geographic areas to which those land use regulation restrictions apply.

Currently, each county and municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton are subject to the retroactive, 3-year prohibition on proposing or adopting moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures. Because each of Florida's 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the restrictions.

The bill defines the term "impacted local government" to mean a county or municipality within a county that was designated, or within which a tribal area was designated, as eligible for both individual and public assistance in one of the federal disaster declarations and applies the restrictions only to these impacted local governments. Thus, under the bill, the following counties and the municipalities within them will be subject to the restrictions:

Alachua County	Collier County	Glades County
Baker County	Columbia County	Gulf County
Bradford County	DeSoto County	Hamilton County
Brevard County	Dixie County	Hardee County
Broward County	Duval County	Hendry County
Charlotte County	Flagler County	Hernando County
Citrus County	Franklin County	Highlands County
Clay County	Gilchrist County	Hillsborough County

Indian River County	Martin County	Sarasota County
Jefferson County	Miami-Dade County	Seminole County
Lafayette County	Okeechobee County	St. Johns County
Lake County	Orange County	St. Lucie County
Lee County	Osceola County	Sumter County
Leon County	Palm Beach County	Suwannee County
Levy County	Pasco County	Taylor County
Madison County	Pinellas County	Union County
Manatee County	Polk County	Volusia County
Marion County	Putnam County	Wakulla County

The following counties and the municipalities within them will not be subject to the restrictions:

Bay County	Holmes County	Santa Rosa County
Calhoun County	Jackson County	Walton County
Escambia County	Liberty County	Washington County
Gadsden County	Monroe County	
Gulf County	Okaloosa County	

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

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:

The bill creates an undesignated section of Florida law.

IX. Additional Information:

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

CS by Rules on February 24, 2026:
The CS removes the bill's retroactive application and instead applies the changes prospectively. As a result, only "impacted counties" will be subject to section 28 of chapter 190-2025, Laws of Florida, beginning July 1, 2026, and the provisions will have no retroactive effect.

B. Amendments:

None.

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

103578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. (1) As used in this section, the term "impacted local government" means a county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834) which was designated or within which a tribal area was designated as eligible for both individual assistance and public assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.

103578

ss. 5121 et seq., and each municipality within one of those counties.

(2) Effective July 1, 2026, section 28 of chapter 190-2025, Laws of Florida, applies only to a county or a municipality that is an impacted local government.

Section 2. 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 land use regulations; defining the term "impacted local government"; providing applicability; providing an effective date.

668898

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment to Amendment (103578) (with title amendment)

Before line 5
insert:

Section 1. Subsection (19) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(19) FACILITIES AND LAND USE.—

(a) A private school may use facilities on property owned or leased by a library, community service organization, museum,

668898

performing arts venue, theater, cinema, or church facility under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school to use the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(b) A private school may use facilities on property purchased from a library, community service organization, museum, performing arts venue, theater, cinema, or church facility under s. 170.201, which is actively or was actively used as such within 5 years of any executed agreement with a private school to purchase the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this

668898

paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(c) A private school located in a county with four incorporated municipalities may construct new facilities, which may be temporary or permanent, on property purchased from or owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school; any land owned by a Florida College System institution or state university; and any land recently used to house a school or child care facility licensed under s. 402.305, under its preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. Any new facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(d) A private school enrolling 150 or fewer students shall be considered a permitted use in a commercial or mixed-use zoning district within a county or municipality without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirement, condition, performance standard, ordinance, rule, code, or policy.

(e) Notwithstanding any other provision of law, a private school enrolling 150 or fewer students may operate in a facility that is an existing assembly, day care, mercantile, or business

668898

occupancy, as defined in the Florida Fire Prevention Code. A private school operating in such a facility must meet the standards for existing educational occupancy requirements under the Florida Fire Prevention Code, adopted by the State Fire Marshal. Completion of the fire safety evaluation system for educational occupancies in NFPA 101A: Guide on Alternative Approaches to Life Safety, adopted by the State Fire Marshal, by a registered design professional licensed under chapter 471 or chapter 481, with a determination of achieving at a minimum an "at least equivalent" conclusion, is considered evidence of compliance with the Florida Fire Prevention Code. The State Fire Marshal may adopt rules to implement this paragraph.

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

And the title is amended as follows:

Delete line 24

and insert:

An act relating to land use regulations; amending s. 1002.42, F.S.; providing that certain private schools are considered a permitted use in certain zoning districts; authorizing certain private schools to operate in facilities that meet specified requirements; requiring certain private schools operating in such facilities to meet specified Florida Fire Prevention Code standards; providing that completion of a specified evaluation system with certain ratings by specified persons constitutes evidence of compliance with the Florida Fire Prevention Code for such private schools; authorizing

668898

the State Fire Marshal to adopt rules; defining the

395306

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/22/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete line 82
and insert:
1, 2024; except that a resident of or the owner of a business in a county or municipality that is not an impacted local government may continue to rely upon the provisions of s. 28 of chapter 2025-190 if the resident or business owner completed or commenced the construction, reconstruction, or redevelopment of the property prior to the effective date of this act.

395306

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete line 5
and insert:
changes; providing for retroactive application;
providing an exception to retroactive application;

By Senator Gaetz

1-00206A-26 2026218__

A bill to be entitled

An act relating to land use regulations; amending chapter 2025-190, Laws of Florida; defining the term "impacted local government"; making conforming changes; providing for retroactive application; providing an effective date.

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

Section 1. Section 28 of chapter 2025-190, Laws of Florida, is amended to read:

Section 28. (1) As used in this section, the term "impacted local government" means a county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834) which was designated or within which a tribal area was designated as eligible for both individual assistance and public assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., and each municipality within one of those counties.

(2) An impacted local government ~~Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties,~~ may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Debby, Hurricane Helene, or Hurricane Milton ~~such hurricanes~~; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose

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

1-00206A-26 2026218__

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 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.

(3) ~~(2)~~ Notwithstanding subsection (2) ~~(1)~~, any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government ~~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 impacted local government ~~county or municipality~~.

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

(4)(a) ~~(3)(a)~~ A resident of or the owner of a business in an impacted local government ~~a county or municipality~~ may bring a civil action for declaratory and injunctive relief against the impacted local government ~~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 impacted local government ~~county or municipality~~ preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or

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

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

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

1. The resident or business owner provides the governing body of the impacted local government ~~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 impacted local government ~~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 an impacted local government ~~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.

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

Section 2. The amendments made by this act to s. 28 of chapter 2025-190, Laws of Florida, apply retroactively to August 1, 2024.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 10, 2026

I respectfully request that **Senate Bill #218**, relating to Land Use Regulations, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

2/8
Bill Number or Topic

Amendment Barcode (if applicable)

Name Linda Struhl

Phone 561 358 6096

Address 7383 Orangewood Lane Apt 303
Street

Boca Raton FL 33433
City State Zip

Email Lindastruhl@yahoo.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/23/2026
Meeting Date

RULES COMM
Committee

218
Bill Number or Topic

Amendment Barcode (if applicable)

Name TILDA FISHER

Phone 561-245-1402

Address 7983 TENNYSON CT
Street

BOCA RATON, FL 33433
City State Zip

Email delentala@aol.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

[✓] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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2-24-26
Meeting Date

Rules
Committee

218
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
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Email DMartinez@AFPHQ.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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S-001 (08/10/2021)

The Florida Senate

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2.24.26
Meeting Date

Rules Comm.
Committee

218
Bill Number or Topic

Amendment Barcode (if applicable)

Name Caren Marder

Phone (561) 309-0979

Address 1 Ocean Ln.
Street

Email carenmarder@gmail.com

Palm Beach FL 33480
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mimi Jankovits

Phone 2133045038

Address 3490 N 46 Ave
Street

Email mimisj@gmail.com

Hollywood FL 33021
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

Amendment Barcode (if applicable)

Name Marlene Sandler

Phone 781-929-3698

Address 200 SE Mizner Blvd
Street

Email sandler.marlene47@gmail.com

Boca Raton FL 33432
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The following appearance records

not read into the record

as amendment was withdrawn

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

668898
Amendment Barcode (if applicable)

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Withdraw

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

668 898
Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

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02/24/21
Meeting Date

Sales
Committee

218
Bill Number or Topic

668848
Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

668898
Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

The Florida Senate

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2/24
Meeting Date

Rules
Committee

218
Bill Number or Topic

668894
Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

218
Bill Number or Topic

668898
Amendment Barcode (if applicable)

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 314
INTRODUCER:	Rules Committee; Banking and Insurance Committee; and Senator Burton
SUBJECT:	Payment Stablecoin
DATE:	February 26, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Moody	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 314 establishes a regulatory framework for state qualified payment stablecoin issuers ("issuers") of stablecoins that is substantially similar to the Guiding and Establishing National Innovation for U.S. Stablecoins Act ("GENIUS Act"). The bill establishes issuers as a separate category of money services business (MSB) or trust companies, prohibits a person from engaging in authorized issuer activity without being licensed or obtaining a certificate of approval, respectively, with the Office of Financial Regulation (OFR), and provides factors and requirements that must be met for issuers to become licensed or approved.

The bill provides that certain issuers are not required to be licensed or obtain a certificate of approval, including a federal qualified payment stablecoin issuer or out-of-state state qualified payment stablecoin issuer. The bill provides that stablecoins that meet the requirements in the bill are not a security. Several types of transactions are not regulated under the provisions in the bill. The bill requires an issuer with a consolidated total issuance that reaches $10 billion to transition to federal oversight unless a waiver is obtained.

Issuers may not engage in any activities except those authorized in the bill. The bill requires an issuer to comply with minimum prudential requirements in accordance with the GENIUS Act. The requirements adopt most of the requirements in the GENIUS Act except those that are inapplicable given the limited authority of the state to regulate certain issuers based on the type of entity or their consolidated total value of stablecoin issuance.

The OFR must comply with certification and annual recertification requirements as provided in the GENIUS Act. The bill requires the OFR to submit its initial certification application and recertification application within specified timeframes. The OFR must include relevant information relating to issuers under MSB and trust company provisions in seeking certification for the state regulatory regime for stablecoins.

Provisions in current law are updated to apply to stablecoins, including anti-money laundering laws and prohibitions against unlicensed activities. Issuers are required to annually certify to the OFR that the issuer has implemented anti-money laundering and economic sanctions compliance programs that meet certain requirements. The OFR must make the certifications available to the Secretary of Treasury upon request and may revoke an issuer's license or refer the matter to certified attorneys general in specified circumstances. The OFR is required to adopt rules as required under the GENIUS Act and has authority to adopt rules relating to several topics to implement the provisions of the bill.

The bill has an indeterminate fiscal impact. *See* **Section V., Fiscal Impact**.

Except as otherwise expressly provided, the bill is effective upon becoming a law.

II. Present Situation:

There are approximately 300 stablecoins issued[1] with a market cap of over $300 billion.[2] Stablecoin transaction volume in August 2025 totaled $969.9 billion.[3] Tether and USDC are the top two stablecoin issuers based on their market cap of $184.31 billion and $73.24 billion, respectively.[4]

Stablecoins are a type of digital asset that maintain a stable value relative to a referenced asset, such as the United States dollar or another fiat currency, or a commodity like gold.[5] Such value usually tracks the referenced assets on a one-for-one basis and may use different methods to maintain a stable value, such as holding the referenced asset in reserves or applying algorithms that "increase or decrease the supply of stablecoins in response to demand."[6]

A stablecoin is created in the form of a digital token and logged on a shared digital ledger.[7] Some reported benefits of stablecoins include: fast transactions, transparency, programmability,

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[1] Kemmerer, D., *Stablecoin Market Share and Transaction Volume – [September 2025 Data]*, CoinLedger (Dec. 8, 2025), https://coinledger.io/research/stablecoin-market-share-and-transaction-volume (last visited Feb 11, 2026) (hereinafter cited as "Stablecoin Market Share and Transaction Volume Article").
[2] Forbes, *Top Stablecoins Coins Today by Market Cap*, https://fnord-www.forbes.com/digital-assets/categories/stablecoins/ (last visited Feb. 11, 2026).
[3] Stablecoin Market Share and Transaction Volume Article.
[4] *Id.*
[5] The Securities and Exchange Commission, *Stablecoins* (Apr. 4, 2025), https://www.sec.gov/newsroom/speeches-statements/statement-stablecoins-040425 (last visited Feb. 11, 2026).
[6] *Id.*
[7] Association for Financial Professionals, *Stablecoins*, https://www.financialprofessionals.org/glossary/stablecoins (last visited Feb. 11, 2026) (hereinafter cited as "AFP Stablecoins Article").

unrestricted availability, minimal cost, global access, and flexibility in models.[8] Some risks or challenges include: liquidity gaps, technology and integration challenges, regulatory uncertainty, trustworthiness of issuers and custodians, market risks, a lack of understanding about stablecoins, and costs to convert from fiat currencies to stablecoins.[9]

Stablecoin Regulation

Last year, the Guiding and Establishing National Innovation for U.S. Stablecoins Act (the "GENIUS Act")[10] was passed to regulate stablecoins. Prior to the GENIUS Act, New York passed comprehensive legislation relating to virtual currencies, including stablecoins. Several states attempted to pass legislation in 2025, and some states have pending legislation now to regulate the industry.

Federal Law

GENIUS Act

The GENIUS Act (Act) was signed into law on July 18, 2025, and is effective January 2027 or 120 days after final regulations implementing the Act are issued, whichever is earlier. The GENIUS Act establishes a framework for the regulation of payment stablecoin issuers, and restricts the issuance, offer, or sale of a payment stablecoin[11] to permitted payment stablecoin issuers,[12,13] which must comply with several requirements, such as:[14]

[8] *Id.*; Forbes, *What Are Stablecoins and How Can One Use Them for Payments?* (Oct. 13, 2024), https://www.forbes.com/sites/digital-assets/article/what-are-stablecoins-how-to-use-them/ (last visited Feb. 11, 2026).
[9] AFP Stablecoins Article.
[10] Guiding and Establishing National Innovation for U.S. Stablecoin Act, Pub. L. 119-27 (July 18, 2025).
[11] 12 U.S.C. s. 5901(22) defines "payment stablecoin" as (A) a digital asset – (A) that is, or is designed to be, used as a means of payment or settlement; and (ii) the issuer of which – (I) is obligated to convert, redeem, or repurchase for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and (II) represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value; and (B) does not include a digital asset that – (i) is a national currency; (ii) is a deposit (as defined in section 1813 of Title 12), including a deposit recorded using distributed ledger technology; or (iii) is a security, as defined in section 77b of title 15, section 78c of title 15, ,or section 80a-2 of title 15, except that, for the avoidance of doubt, no bond, note, evidence of indebtedness, or investment contract that was issued by a permitted payment stablecoin issuer shall qualify as a security solely by virtue of its satisfying the conditions described in subparagraph (A), consistent with section 17 of this Act.
[12] 12 U.S.C. s. 5901(23) defines "permitted payment stablecoin issuer" as a person formed in the United States that is – (A) a subsidiary of an insured depository institution that has been approved to issue payment stablecoins under section 5904 of title 12; (B) a federal qualified payment stablecoins issuer; or (C) a state qualified payment stablecoin issuer. 12 U.S.C. s. 5901(11) defines "federal qualified payment stablecoin issuer" as (A) a nonbank entity, other than a state qualified payment stablecoin issuer, approved by the Comptroller, pursuant to section 5904 of title 12, to issue payment stablecoins; (B) an uninsured national bank – (i) that is chartered by the Comptroller, pursuant to title LXII of the Revised Statutes; and (ii) that is approved by the Comptroller, pursuant to section 5904 of this title, to issue payment stablecoins; and (C) a federal branch that is approved by the Comptroller, pursuant to section 5904 of this title, to issue payment stablecoins. 12 U.S.C. s. 5901(31) defines "state qualified payment stablecoin issuer" as an entity that – (A) is legally established under the laws of a state and approved to issue payment stablecoins by a state payment stablecoin regulator; and (B) is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a Federal branch, an insured depository institution, or a subsidiary of such national bank, Federal branch, or insured depository institution.
[13] 12 U.S.C. s. 5902(a).
[14] 12 U.S.C. s. 5903(a)(1).

- Maintain identifiable reserves backing the outstanding payment stablecoins on at least a one-to-one basis[15] comprising on specified types of reserves, such as U.S. coin and currency.
- Publicly disclose the issuer's redemption policy that meets certain criteria.
- Publish the monthly composition of the issuer's reserve on its website containing specified information.

A permitted payment stablecoin issuer must have monthly reports examined by a registered public accounting firm.[16] The GENIUS Act requires the primary federal payment stablecoin regulator (the "federal regulator"),[17] or the state payment stablecoin regulator (the "state regulator") for a state payment stablecoin regulatory regime, to issue regulations implementing:

- Capital requirements that meet certain criteria;
- Liquidity standards;
- Reserve asset diversification and interest rate risk management standards; and
- Appropriate operational, compliance and information technology risk management principles-based requirements and standards.[18]

The GENIUS Act creates a tiered oversight model between federal and state authorities. A state regulator has authority to supervisor, examine, and enforcement all state qualified payment stablecoin issuers (the "state issuers"),[19] and may enter into a memorandum of understanding with the Board to allow the Board to participate in the supervision, examination, and enforcement of GENIUS Act regulations with respect to state issuers.[20] A state issuer that has consolidated total outstanding issuance of less than $10 billion may choose to be regulated under a state-level regulatory regime provided such regime is "substantially similar" to the GENIUS Act regulatory framework.[21]

A state issuer that reaches the $10 billion threshold must either comply with a specified transition to the federal regulatory framework or cease issuing new payment stablecoins until the consolidated total outstanding issuance is below $10 billion.[22] The federal regulator may issue a waiver to allow a state issuer who exceeds the $10 billion threshold to remain supervised solely by the state regulator. If a state complies with certain requirements, such as establishing a

[15] 12 U.S.C. s. 5903(a)(2) prohibits the required reserves from being pledged, rehypothecated, or reused by the permitted payment stablecoin issuer except for specified bases provided in the Act.
[16] 12 U.S.C. s. 5903(a)(3). 12 U.S.C. s. 5901(26) provides the term "registered public accounting firm" has the same meaning as the term is given under section 7201 of title 15. 15 U.S.C. s. 7201 defines "registered public accounting firm" as a public accounting firm registered with the Public Company Accounting Oversight Board in accordance with Public Company Accounting Reform and Corporate Responsibility Act.
[17] 12 U.S.C. s. 5901(25) defines "primary federal payment stablecoin regulator" to mean – (A) with respect to a subsidiary of an insured depository institution (other than an insured credit union), the appropriate federal banking agency of such insured depository institution; (B) with respect to an insured credit union or a subsidiary of an insured credit union, the National Credit Union Administration; (C) with respect to a State chartered depository institution not specified under subparagraph (A), the Federal Deposit Insurance Corporation, the Office of the Comptroller (the "Comptroller"), or the Board of Governors of the Federal Reserve System (the "Board"); and (D) with respect to a federal qualified payment stablecoin issuer, the Comptroller.
[18] 12 U.S.C. s. 5903(a)(4).
[19] 12 U.S.C. s. 5906(a).
[20] 12 U.S.C. s. 5906(b).
[21] 12 U.S.C. s. 5903(c).
[22] 12 U.S.C. s. 5903(d).

prudential regulatory regime for the supervision of digital assets or payment stablecoins before the 90-day period ending on the date of the enactment of the Act, then the state issuer is presumptively approved for a waiver.[23]

Other Federal Regulation

Digital Asset Market Clarity Act of 2025 (the "CLARITY Act")[24] establishes a regulatory framework for digital commodities[25] that are defined as digital assets[26] and rely upon blockchain[27] for their value.[28] The CLARITY Act requires a digital commodity broker, dealer, or exchange to register with the Commodity Futures Trading Commission unless an exemption applies,[29] and requires a digital commodities transaction to meet specified requirements including qualifications to trade on an exchange.[30] While the CLARITY Act is consistent with the GENIUS Act in that it does not authorize interest or yield on stablecoins, there has been some discussion and negotiation about allowing interest, yield, or activity-based rewards.[31] The CLARITY Act has passed the House and is currently in the Senate – Banking, Housing, and Urban Affairs Committee.[32]

Florida Regulation

Florida law does not specifically address the regulation of payment stablecoin issuers. Entities engaging in the issuance or redemption of payment stablecoins may fall within the scope of ch. 560, F.S., relating to money services businesses, as payment instrument sellers. The OFR reports that if Florida does not enact a state framework for payment stablecoins then the state's oversight would be limited to violations of the Florida Deceptive and Unfair Trade Act and

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[23] *Id.*
[24] *The CLARITY Act*, H.R. 3633 – Digital Asset Market Clarity Act of 2025, 119th Congress (2025-2026), https://www.congress.gov/bill/119th-congress/house-bill/3633 (last visited Feb. 11, 2026) (hereinafter cited as "The CLARITY Act").
[25] The CLARITY Act defines "digital commodity" as having the given that term under section 1a of the Commodity Exchange Act (7 U.S.C. 1a).
[26] *Id.* defines "digital asset" as any digital representation of value which is recorded on a cryptographically-secured distributed ledger or similar technology.
[27] *Id.* defines "blockchain" as (A) any technology – (i) where data is – (I) shared across a network to create a distributed ledger of independently verifiable transactions or information among network participants; (II) linked using cryptography to maintain the integrity of the distributed ledger and to execute other functions; and (III) propagated among network participants to reach consensus on the state of the distributed ledger and any other function; and (ii) composed of source code that is publicly available; and (B) any similar technology to the technology described in (A)."
[28] Congress.Gov, *Summary: H.R. 3633 – 119th Congress (2025-2026)*, https://www.congress.gov/bill/119th-congress/house-bill/3633 (last visited Feb. 11, 2025).
[29] *Id.*
[30] The CLARITY Act.
[31] *See* Holtz-Eakin, D., *Some Clarity on GENIUS?* American Action Forum (Jan. 7, 2026), https://www.americanactionforum.org/daily-dish/some-clarity-on-genius/ (last visited Feb. 11, 2026); Schwartz, L., *Landmark Crypto Bill on Knife's Edge as Coinbase CEO Pulls Support Ahead of Key Senate Vote*, Fortune (Jan. 14, 2026), https://fortune.com/2026/01/14/crypto-bill-coinbase-legislation-clarity-market-structure-stablecoins-banking-markup/ (last visited Feb. 11, 2026); Shen, T. and Wynn, S., *Senate Unveils Updated Market Structure Bill Limiting Stablecoin Rewards on Idle Holdings*, The Block, https://www.theblock.co/post/385303/senate-unveils-new-draft-bill-stablecoin-reward (last visited Feb. 11, 2026).
[32] Congress.Gov, *H.R. 3633 – Digital Asset Market Clarity Act of 2025*, https://www.congress.gov/bill/119th-congress/house-bill/3633 (last visited Feb. 11, 2026).

related laws. Stablecoin issuers operating in Florida would be required to obtain licensure in another state or at the federal level.[33]

Other State Regulation

In 2015, New York passed legislation[34] relating to the conduct of virtual currency,[35] which includes stablecoins.[36] In 2022, the New York Department of Financial Services (NY DFS) issued guidance regarding the regulation of stablecoins and specified several requirements that must be met for NY DFS-regulated virtual currency entities, such as backing and redeemability, reserves, and attestations relating to stablecoins.[37]

In 2023, California passed the Digital Financial Assets Law creating a regulatory framework for certain crypto activities allowing stablecoins to be exchanged, transferred, or stored only if the issuer of the stablecoin:

- Is an applicant, is licensed, or is a bank, trust company, or national association authorized under federal law to engage in a trust banking business; and
- Owns eligible securities having an aggregate market value of not less than the aggregate amount of all of its outstanding stablecoins issued or sold.[38]

In 2023, Texas passed the Money Services Modernization Act that defines "money" or "monetary value" that includes stablecoin that:

- Is pegged to a sovereign currency;
- Is fully backed by assets held in reserve; and

[33] The OFR, *2026 Agency Legislative Bill Analysis for Senate Bill 314* (Oct. 30, 2025), p. 4, (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "2026 OFR Agency Analysis for SB 314).
[34] N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.1.
[35] N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(p) defines "virtual currency" as any type of digital unit that is used as a medium of exchange or a form of digitally stored value. Virtual currency shall be broadly construed to include digital units of exchange that: (i) have a centralized repository or administrator; (ii) are decentralized and have no centralized repository or administrator; or (iii) may be created or obtained by computing or manufacturing effort. Virtual currency shall not be construed to include any of the following: (1) digital units that (i) are used solely within online gaming platforms, (ii) have no market or application outside of those gaming platforms, (iii) cannot be converted into, or redeemed for, fiat currency or virtual currency, and (iv) may or may not be redeemable for real-world goods, services, discounts, or purchases; (2) digital units that can be redeemed for goods, services, discounts, or purchases as part of a customer affinity or rewards program with the issuer and/or other designated merchants or can be redeemed for digital units in another customer affinity or rewards program, but cannot be converted into, or redeemed for, fiat currency or virtual currency; or (3) digital units used as part of prepaid cards. N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(e) defines "fiat currency" as government-issued currency that is designated as legal tender in its country of issuance through government decree, regulation, or law. N.Y. Comp. Codes R. & Regs. Tit. 23 s. 200.2(j) defines "prepaid cards" as an electronic payment device that: (i) is usable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo, or is usable at multiple, unaffiliated merchants or service providers; (ii) is issued in and for a specified amount of fiat currency; (iii) can be reloaded in and for only fiat currency, if at all; (iv) is issued and/or reloaded on a prepaid basis for the future purchase or delivery of goods or services; (v) is honored upon presentation; and (vi) can be redeemed in and for only fiat currency, if at all.
[36] New York Department of Financial Services, *Virtual Currency Guidance* (June 8, 2022), Industry Letter - June 8, 2022: Guidance on the Issuance of U.S. Dollar-Backed Stablecoins | Department of Financial Services (last visited Feb. 12, 2026).
[37] *Id.*
[38] Cal. Fin. Code s. 3601 (Division 1.25, Chapter 6 – Stablecoins); California Department of Financial Protection and Innovation, *Digital Financial Assets Law Frequently Asked Questions: Overview*, https://dfpi.ca.gov/regulated-industries/digital-financial-assets/digital-financial-assets-law-frequently-asked-questions/ (last visited Feb. 12, 2026).

- Grants a holder of the stablecoin the right to redeem the stablecoin for sovereign currency from the issuer.[39]

Wyoming passed a few bills relating to stablecoins before the GENUIS Act, one of which authorized special purpose depository institutions to accept deposits, including stablecoins.[40]

California,[41] Missouri,[42] and Texas[43] have pending legislation regulating the business activity of stablecoins but do not explicitly refer to the regulatory requirements under the GENIIUS Act. Several states have not convened regular session for 2026 so additional legislation regulating stablecoins could be forthcoming in 2026. Other states filed legislation last session[44] or have legislation that is pending[45] this session relating to investment in stablecoins or other stablecoin regulation.[46]

[39] Tex. Fin. Code s. 152.003(19), *available at* https://statutes.capitol.texas.gov/?tab=1&code=FI&chapter=FI.152&artSec= (last visited Feb. 12, 2026).
[40] W.S. s. 13-12-101 et seq., *available at* https://wyoleg.gov/statutes/compress/title13.pdf (last visited Feb. 12, 2026).
[41] California Senate Bill 97 (2025-2026), California Legislative Information, Senate Bill-97, *Digital financial assets: stablecoins* (2025-2026), https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB97 (last visited Feb. 12, 2026). Note: CA SB-97 was ordered to inactive file on request of Assembly Member Aguiar-Curry on August 21, 2025.
[42] Missouri Senate Bill 1177 (2026), *available at* https://www.senate.mo.gov/26Info/BTS_Web/Bill.aspx?SessionType=R&BillID=138 (last visited Feb. 12, 2026).
[43] Texas Senate Bill 2922 (2025-2026), *available at* https://capitol.texas.gov/tlodocs/89R/billtext/html/SB02922I.htm (last visited Feb. 12, 2026).
[44] Utah (House Bill 230 (2025)) *available at* https://le.utah.gov/~2025/bills/static/HB0230.html (last visited Feb. 12, 2026). The following states attempted to pass legislation to allow public funds to be invested in stablecoins but the bills did not pass: Iowa (House File 246 (2025-2026)), *available at* https://www.legis.iowa.gov/publications/search/document?fq=id:1521685&q=digital+assets (last visited Feb. 12, 2026); Massachusetts (Bill S.1967 (2025-2026)) *available at* https://malegislature.gov/Bills/194/S1967 (last visited Feb. 12, 2026); Montana (House Bill 429 (2025)) *available at* https://bills.legmt.gov/#/laws/bill/2/LC2663?open_tab=sum (last visited Feb. 12, 2026); Oregon (House Bill 2071 (2025)), *available at* https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/HB2071 (last visited Feb. 12, 2026); and Oklahoma (House Bill 1203 (2025)), *available at* https://www.oklegislature.gov/BillInfo.aspx?Bill=hb1203&Session=2500 (last visited Feb. 12, 2026).
[45] The following states currently have pending legislation that would allow state funds to be invested in stablecoins: Indiana (House Bill 1042 (2026)), *available at* https://iga.in.gov/legislative/2026/bills/house/1042/details (last visited Feb. 12, 2026); North Carolina (House Bill 92 (2025-2026)), *available at* https://www.ncleg.gov/BillLookup/2025/H92 (last visited Feb. 12, 2026); North Dakota (House Bill 1184 (2025-2026)), *available at* https://ndlegis.gov/assembly/69-2025/regular/bill-overview/bo1184.html?utm_source=coinspaidmedia&utm_medium=referral&utm_campaign=20-us-states-consider-bitcoin-reserves (last visited Feb. 12, 2026); and Ohio (House Bill 18 (2025-2026)), *available at* https://www.legislature.ohio.gov/legislation/136/hb18#:~:text=To%20amend%20sections%20145.11%2C%20742.11,name%20this%20act%20the%20Ohio (last visited Feb. 12, 2026).
[46] Michigan House Bill 4511 (2025-2026) (restricting prohibitions on specified activities relating to digital assets, such as prohibiting the state from requiring a permit or license for holding digital assets), *available at* https://legislature.mi.gov/documents/2025-2026/billintroduced/House/htm/2025-HIB-4511.htm; South Carolina Senate Bill 163 (2025-2026) (regulating digital currency use, zoning, mining, taxation, and consumer protections), *available at* https://www.scstatehouse.gov/sess126_2025-2026/bills/163.htm; Wyoming House Bill 308 (2025) (requiring the state attorney general to investigate certain activity related to stablecoins), *available at* https://www.wyoleg.gov/Legislation/2025/HB0308.

Money Services Businesses

The Office of Financial Regulation (OFR) regulates money services businesses (MSB) under ch. 560, F.S. A "money service business" is defined as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter. [47] The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.[48]

Unlicensed Activity

A person may not engage in MSB activities in Florida unless the person is licensed or exempted from licensure.[49] A person who engages in unlicensed activity is subject to penalties, such as currency, monetary value, payment instruments, or virtual currency of a value exceeding $300 but not less than $20,000 in any 12-month period, commits a third-degree felony.[50] In addition to criminal penalties provided under ch. 775, F.S., [51] a person who is convicted of such an offense may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, or virtual currency, except potential fines have a higher maximum amount for second or subsequent violations.[52]

Disciplinary Actions

The OFR has authority to implement several disciplinary actions against a MSB for specified actions, such as failing to comply with the provisions of ch. 560, F.S., certain fraud or misrepresentation conduct, and refusing to allow the examination or inspection of books or files.[53] Section 560.114, F.S., provides for the following disciplinary actions:

- Issuing a cease and desist order;
- Issuing a removal order; or
- Denying, suspending, or revoking a license.[54]

Enforcement Provisions

The OFR has authority to engage in enforcement actions against a MSB that violates ch. 560, F.S., including proceedings for any of the following:

- A restraining order;
- An injunction;
- The appointment of a receiver or administrator;
- A restitution order; or
- Any other remedies provided under ch. 560, F.S.[55]

[47] Section 560.103(23), F.S.
[48] Section 560.114(1), F.S.
[49] Section 560.125(1), F.S.
[50] Section 560.125(5)(a), F.S.
[51] A third-degree felony is punishable as provided in s. 775.082, s. 775.083, to include up to five years imprisonment and a $5,000 fine, and s. 775.084, F.S., which defines sentencing guidelines for habitual felony offenders.
[52] Section 560.125(6), F.S.
[53] *Id.*
[54] *Id.*
[55] Section 560.113, F.S.

Florida Control of Money Laundering in Money Services Business Act

Anti-money laundering regulation in Florida is similar to some of the federal Bank Secrecy Act[56] regulations. A MSB has some reporting requirements to the OFR and must retain certain records relating to certain financial transactions.[57] The OFR is required to retain certain records and has enforcement authority for any violations of the provisions.[58] A person who willfully violates a provision of the act is subject to criminal sanctions, including first, second, and third degree felonies depending on the value of the transaction.[59] A person convicted of a crime for violating the act is also subject to fines.[60]

III. Effect of Proposed Changes:

The bill establishes a framework for regulating qualified payment stablecoin issuers ("issuer") as authorized under the Guiding and Establishing National Innovation for U.S. Stablecoins Act ("GENIUS Act"). The bill provides requirements that must be complied with and authorizes the Office of Financial Regulation (OFR) to impose disciplinary action and to engage in enforcement actions.

Section 1 amends s. 560.103, F.S., relating to definitions as used in ch. 560, F.S., to modify the definition of "money services business" (MSB) to include an issuer as a new category of money services business.

The bill defines "payment stablecoin" to mean a digital asset that is, or is designed to be, used as a means of payment or settlement; and the issuer of which:

- Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value; and
- Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

The term "payment stablecoin" does not include a digital asset that is any of the following:

- A national currency, which means each of the following:
  - A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act.[61]
  - Money standing to the credit of an account with a Federal Reserve Bank.
  - Money issued by a foreign central bank.
  - Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

- A deposit as defined in s. 3 of the Federal Deposit Insurance Act[62] including a deposit recorded using distributed ledger technology. The term "distributed ledger" means

[56] 31 U.S.C. 5311 et seq.
[57] *See* s. 560.123(3) and (4), F.S.
[58] Section 560,123(6) and (7), F.S.
[59] Section 560.123(8), F.S.
[60] Section 560.123(8)(c), F.S.
[61] 12 U.S.C. s. 411.
[62] 12 U.S.C. s. 1813.

technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.
- A security as defined in s. 517.021, F.S.,[63] s. 2 of the Securities Act of 1933,[64] s. 3 of the Securities and Exchange Act of 1934,[65] or s. 2 of the Investment Company Act of 1940.[66]

In addition, the bill defines the following terms:
- "Federal branch" has the same meaning as in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, namely, a branch of a foreign bank established and operating under 12 U.S.C. s. 3102.
- "Federal-qualified payment stablecoin issuer" to mean any of the following:
  - A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of the Currency to issue payment stablecoins.
  - An uninsured national bank that is chartered by the Office of the Comptroller of the Currency pursuant to title LXII of the Revised Statutes and is approved to issue payment stablecoins.
  - A federal branch that is approved by the Office of the Comptroller of the Currency to issue payment stablecoins.
- "Digital asset" to mean any digital representation of value that is recorded on a cryptographically secured digital ledger.
- "National bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.
- "Qualified payment stablecoin issuer" to mean an entity that:
  - Is legally established under the laws of a state and approved to issue payment stablecoins by the office; and
  - Is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a federal branch, an insured depository institution, or a subsidiary of such national bank, federal branch, or insured depository institution. The terms "national bank" and "federal branch" have the same meaning as in subsection (17). The term "insured depository institution" has the same meaning as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, and an insured credit union.

Effective October 1, 2026, **sections 2 and 3** apply to payment stablecoins the following provisions of current law applicable to money services businesses:
- Florida Control of Money Laundering in Money Services Business Act to stablecoins.

[63] Section 517.021(33), F.S., defines "security" to include any of the following: (a) a note; (b) a stock; (c) a treasury stock;(d) a bond; (e) a debenture; (f) an evidence of indebtedness; (g) a certificate of deposit; (h) a certificate of deposit for a security; (i) a certificate of interest or participation; (j) a whiskey warehouse receipt or other commodity warehouse receipt; (k) a certificate of interest in a profit-sharing agreement and the right to participate therein; (l) a certificate of interest in an oil, gas, petroleum, mineral, or mining title or lease or the right to participate therein; (m) a collateral trust certificate; (n) a reorganization certificate; (o) a preorganization subscription; (p) a transferrable share; (q) an investment contract; (r) a beneficial interest in title to property, profits, or earnings; (s) an interest in or under a profit-sharing or participation agreement or scheme; (t) an option contract that entitles the holder to purchase or sell a given amount of the underlying security at a fixed price within a specified period of time; (u) any other instrument commonly known as a security, including an interim or temporary bond, debenture, note, or certificate; (v) a receipt for a security, or for subscription to a security, or a right to subscribe to or purchase any security; and (w) a viatical settlement investment.
[64] 15 U.S.C. s. 77b.
[65] 15 U.S.C. s. 78c.
[66] 15 U.S.C. s. 80a-2.

- Unlicensed activity and certain penalties to registered issuers.

Section 3, effective October 1, 2026, further specifies that an issuer must comply with any anti-money laundering regulation provided in the GENIUS Act.[67] Within 180 days after the approval of an application for a license, and annually thereafter, each issuer must submit to the office a certification that the issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the issuer from facilitating money laundering, including laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities.

- The office must make the certifications available to the Secretary of the Treasury upon request.
- The office may:
  - Revoke the license of the issuer if the issuer does not submit the required certification.
  - Refer the matter to the United States Attorney General or the attorney general of this state which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001 if the office has reason to believe that any person has knowingly violated the provision.

Section 4 creates part V of ch. 560, F.S., entitled "Payment Stablecoin Issuers" that establishes regulation of issuers.

Section 5, which creates s. 560.501, F.S., relating to licensing requirements, effective October 1, 2026, prohibits a person from engaging in the activity of an issuer unless the person is licensed or exempt from licensure. The OFR must provide written notice that the OFR has approved or denied the application for registration.

The following are exempt from licensure:

- A federal qualified payment stablecoin issuer.
- An out-of-state state qualified payment stablecoin issuer of which this state is a host state.

An out-of-state state-qualified payment stablecoin issuer must provide written notice to the office within 30 days after engaging in activity that makes the state a host state of such issuer.

The section defines the following terms:

- "Home state" means a state other than this state in which a payment stablecoin issuer is established or has its principal place of business.
- "Host state" means a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the home state.
- "Out-of-state state-qualified payment stablecoin issuer" means a payment stablecoin issuer that has been approved in accordance with the requirements of the GENIUS Act by the payment stablecoin issuer's home state, other than this state, to issue payment stablecoin.

Current law in s. 560.104, F.S., exempts banks, credit unions, trust companies, and other specified entities from ch. 560, F.S., and thus such entities are not subject to the stablecoin

[67] *See* Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, ch. 2 of Title I of Pub. No. 91-508, and subchapter II of ch. 53 of Title 31, U.S.C.

regulations of ch. 560, F.S. The GENIUS Act prohibits federally-insured depository institutions from being payment stablecoin issuers, though subsidiaries of such institutions meeting certain requirements may be a qualified payment stablecoin issuer. The bill addresses trust companies in sections 11 through 13 of the bill.

Payment stablecoins meeting the requirements of Part V of ch. 560, F.S., are not securities nor subject to ch., 517, F.S., the Florida Securities and Investor Protection Act.

The bill also exempts certain transactions from stablecoin regulation, including:
- The direct transfer of stablecoins between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.
- Any transaction involving the receipt of stablecoins by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.
- Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of stablecoins.

Unless a federal waiver is obtained, if an issuer with a consolidated total outstanding stablecoin issuance reaches a $10 billion threshold, the issuer must take one of the following transition steps:
- Not later than 360 days after the stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the OFR and the United States Office of the Comptroller of the Currency; or
- Beginning on the date the stablecoin issuance reaches such threshold, cease issuing new stablecoins until the stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

An issuer that reaches the $10 billion threshold must, within 7 business days, provide notice to the office that the threshold has been reached.

An issuer remains subject to the stablecoin regulation under the bill if a federal waiver of the transition requirements is obtained, and the OFR remains solely responsible for supervising the issuer, or if the OFR is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the issuer. The OFR may enter into an agreement with the relevant primary federal stablecoin regulator for the joint supervision of any issuer.

Section 6 effective October 1, 2026, creates s. 560.502 F.S., relating to additional licensing requirements, and sets forth the additional requirements to apply as an MSB issuer, including the application requirements that must be completed and submitted on a form prescribed by commission rule which must contain:
- Evidence of the ability of the applicant, based on financial condition and resources, to meet the minimum prudential requirements.
- A statement as to whether an individual who has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud is serving as an officer or director of the applicant.

- An explanation of the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company which includes:
  - The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and
  - The ability of those officers, directors, and principal shareholders to fulfill any commitments to, and any conditions imposed by, the office in connection with the application at issue and any prior applications.
- A statement as to whether the redemption policy of the applicant meets the standards under s. 560.504, minimum prudential requirements.
- Any other factors necessary to ensure the safety and soundness of the issuer.

This information may be incorporated in other licensing application forms required under ch. 560, F.S., as appropriate, to allow a person to apply for two licenses in one application form in order to streamline the application process.

The office is required to comply with the following requirements:

- Upon receipt of a substantially complete application, evaluate and make a determination on each application based on the criteria established in section 6 of the bill.
- Render a decision on the application within 120 days after receiving a substantially complete application.
- Deny a substantially complete application only if the office determines that the activities of the applicant would be unsafe or unsound based on the additional licensing requirements in section 6 of the bill.
- Pay fingerprint retention fees that are charged for the retention of any fingerprints that are required for each control person of the applicant to obtain a license.

An application is considered substantially complete if the application contains sufficient information for the office to render a decision on whether the applicant satisfies the factors in the additional licensing requirements. The office must notify the applicant, within 30 days of receiving the application, as to whether the office considers the application to be substantially complete and any additional information the applicant must provide in order for the application to be considered substantially complete. An application considered substantially complete remains substantially complete unless there is a material change in circumstances. If the office fails to render a decision on a complete application within 120 days, the application is deemed approved.

The issuance of a payment stablecoin on an open, public, or decentralized network is not a valid ground for denial of an application for a license. If the office denies a complete application, the office must provide the applicant with written notice within 30 days after the denial, explaining the denial with specificity, including all findings made by the regulator with respect to all identified material shortcomings in the application, along with actionable recommendations on how the applicant could address the identified material shortcomings. The denial of an application under this section does not prohibit the applicant from filing a subsequent application. A denial entitles the applicant to an opportunity to be heard under to ch. 120, F.S.

Effective October 1, 2026, **section 7** creates s. 560.503, F.S., to limit and specify the types of activities that an issuer may engage unless licensed to engage in other financial business activity under ch. 560, F.S., or ch. 655, F.S. Those activities are to:

- Issue stablecoins.
- Redeem stablecoins.
- Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of Florida.
- Undertake other activities that directly support any of these activities.

Section 8, effective October 1, 2026, creates s. 560.504, F.S., which requires an issuer to comply with minimum prudential requirements, in accordance with the GENIUS Act, including:

- Maintain identifiable reserves backing the outstanding stablecoins of the issuer on at least a one-to-one basis, with reserves consisting of any of the following:
  - United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.
  - Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation (FDIC) and the National Credit Union Administration (NCUA).
  - Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.
  - Money received under repurchase agreements, with the issuer acting as a seller of securities and with an overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less.
  - Reverse purchase agreements, with the issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act.
  - Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described above.
  - Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the OFR.
  - Any of the above type reserve, except money received under repurchase agreements or reverse purchase agreements, in tokenized form if the reserves comply with all applicable laws and regulations.
- Publicly disclose the issuer's redemption policy, which must meet the following requirements:
  - Establish clear and conspicuous procedures for timely redemption of outstanding stablecoins.
  - Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the stablecoins if consumers receive at least seven days' notice of a change in the fees.
- Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain the following information:
  - The total number of outstanding stablecoins issued by the issuer.

  - The amount and composition of the reserves, including the average tenor and geographic location of custody of each category of reserve instruments.
- Comply with all federal prohibitions on pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for the following purposes:
  - Satisfying margin obligations in connection with investments in permitted reserves relating to money received under repurchase agreements or reverse purchase agreements.
  - Satisfying obligations associated with the use, receipt, or provision of standard custodial services.
  - Creating liquidity to meet reasonable expectations of requests to redeem stablecoins, such that reserves in the form of Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:
    - The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or
    - The issuer receives prior approval from the OFR.
- Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. The term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.
- Submit to the OFR each month a certification as to the accuracy of the month-end reserve report by the issuer's chief executive officer and chief financial officer. The bill provides whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty commits a second-degree misdemeanor.[68]
- Must prepare, in accordance with generally accepted accounting principles, an annual financial statement, which must include disclosure of any related party transactions, for an issuer with more than $50 billion in consolidated total outstanding issuance.
  - A registered public accounting firm must perform an audit of the annual financial statements.
  - Each issuer must make the audited financial statements publicly available on its website and submit them annually to the office.
- Comply with any federal regulations or state rules prescribed by commission rule relating to capital, liquidity, and risk management requirements.
- Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.
- Comply with any other federal requirements of s. section 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

An issuer is prohibited from engaging in the following conduct:
- Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from an issuer or agreement not to obtain products or services from a competitor.
- Using deceptive names, including:
  - Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a stablecoin is pegged, such as "USD."

[68] A second degree misdemeanor is punishable by up to 60 days imprisonment or $500 fine under s. 775.082, F.S., or s. 775.083, F.S.

    - Marketing a stablecoin in such a way that a reasonable person would perceive the stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.
- Paying the holder of any stablecoin any form of interest or yield solely in connection with holding, use, or retention of such stablecoin if such payment is prohibited under federal law.

Section 9 creates s. 560.505, F.S., relating to state certification, and requires the OFR to comply with the following requirements for state certification or recertification by the federal government:

- In accordance with the timeline established by the federal Stablecoin Certification Review Committee ("Committee"), the OFR must submit an initial certification to the committee on prescribed form attesting that the state regulatory regime meets the criteria for substantial similarity established pursuant to the GENIUS Act.
- No later than the date to be determined by the United States Secretary of the Treasury each year, the OFR must submit to the Committee an additional certification that confirms the accuracy of the initial certification submitted.
- The OFR must comply with the requirements of s. 4(c)(4) of the GENIUS Act to ensure the state receives certification and annual recertification by the Committee of the state regulatory regime.

Section 10 creates s. 560.506, F.S., relating to rulemaking authority, and requires the Financial Services Commission ("Commission") to adopt rules as required by ss. 4(a)(4) and 13 of the GENIUS Act, including rules relating to capital, liquidity, and risk management. The bill also authorizes the Commission to adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance, in order to meet the minimum requirements established by the Committee.

Section 11 amends s. 655.50, F.S., Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act, to include payment stablecoins in the definition of "money instruments" and further specifies that an issuer must comply with any anti-money laundering regulation provided in the GENIUS Act.[69] Within 180 days after the approval as an issuer, and annually thereafter, each issuer must submit to the office a certification that the issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the issuer from facilitating money laundering, including laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities. The office must make the certifications available to the Secretary of the Treasury upon request. The office may revoke the license of the issuer if the issuer does not submit the required certification. If the office has reason to believe that any person has knowingly violated the provision, it may refer the matter to the United States Attorney General or the attorney general of this state which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001.

[69] *See* Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, ch. 2 of Title I of Pub. No. 91-508, and subchapter II of ch. 53 of Title 31, U.S.C.

Section 12 amends s. 658.19, F.S., application for authority to organize a trust company, requiring an application to organize a trust company to include a request for a certificate of approval as an issuer if desired.

Section 13 creates s. 658.997, F.S., relating to qualified payment stablecoin issuers, and creates regulation of issuers that are trust company. The regulation of MSB issuers is substantially similar to the regulation of trust company issuers, except that trust companies are required to obtain a certificate of approval rather than obtain a separate license as an issuer since they are already regulated under ch. 658, F.S.[70]

The section is substantively the same regulation of trust company issuers in s. 658.997, F.S., as for MSB issuers in part V, ch. 560, F.S., **Sections 1 and 5** (definitions), **Section 5** (certificate of approval instead of license, exemptions, and transition to federal oversight), **section 6** (factors that must be met to obtain approval as an issuer and office duties), **Section 7** (limitation on stablecoin activities), **Section 8** (minimum prudential requirements, and **Section 10** (rulemaking). The section also requires the state's certification submissions required in **Section 9** of the bill to include any relevant information related to the provisions of ch. 658, F.S., in the OFR's request for certification or recertification of the state's regulatory regime of stablecoins. All of these provisions, except for the definitions, certification and recertification requirements, and rulemaking, are effective October 1, 2026.

Section 14 provides, except as otherwise expressly provided, the bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[70] Because the definition of a state qualified payment stablecoin issuer in the GENIUS Act excludes insured depository institutions and all state banks and credit unions are insured, the bill does not include a state regulatory regime of banks or credit unions as issuers. Section 658.38, F.S., provides that a state bank must obtain before opening and thereafter maintain insurance of its deposits by the Federal Deposit Insurance Corporation (FDIC). Failure to apply for insurance by the FDIC within three months after approval by the OFR for authority to organize a state bank or a final order by the FDIC denying an applicant's application for insurance of accounts terminates and revokes the final order issued by the OFR approving the application. Section 658.22, F.S. Section 657.033. F.S., provides that a credit union must obtain and maintain insurance of accounts through the National Credit Union Administration (NCUA).

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 impact on state revenues and expenditures. The Office of Financial Regulation (OFR) reports "[t]he fiscal impact for enforcement is indeterminate because the [OFR] does not know how many entities will become registered stablecoin issuers."[71]

VI. Technical Deficiencies:

None.

VII. Related Issues:

Administrative rules promulgated under the Guiding and Establishing National Innovation for U.S. Stablecoins Act ("GENIUS Act") may require amendments to CS/CS/SB 314 or its implementing rules. Further, if the Digital Asset Market Clarity Act of 2025 (the "CLARITY Act") is enacted, the GENIUS Act and CS/CS/SB 314 may need to be amended. Additional federal legislation and rulemaking related to digital assets remains under consideration, which may also require amendments.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 560.103, 560.123, 560.125, 655.50, and 658.19.

This bill creates the following sections of the Florida Statutes: 560.501, 560.502, 560.503, 560.504, 560.505, 560.506, and 658.997.

[71] 2026 OFR Agency Analysis for CS/SB 314.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on February 25, 2026:

The committee substitute:

- Modifies the registration requirement for qualified payment stablecoin issuers ("issuers") in ch. 560, F.S., to licensure requirements of money services businesses that require or meet standards and factors provided in the GENIUS Act.
- Removes amendments to disciplinary actions provisions referring to "registration" because the registration requirement was changed to a license requirement.
- Establishes a process for trust companies to obtain approval to engage in issuer activities.
- Clarifies entities that are exempt from being licensed or obtaining a certificate of approval as an issuer.
- Requires an issuer that reaches a specified threshold to notify the Office of Financial Regulation (OFR) within a specified time that the threshold has been met.
- Requires an issuer to submit a certification to the OFR containing certain information regarding the implantation of anti-money laundering and economic sanctions compliance programs within a specified and provides penalties for noncompliance.
- Requires the OFR to pay fingerprint retention fees that are charged for the retention of any fingerprints that are required for each control person of the applicant for an issuer license.
- Prohibits paying the holder of any payment stablecoin any form of interest or yield solely in connection with specified activities if such payment is prohibited under federal law, rather than prohibiting such activity unless authorized by federal law.
- Provides criminal penalties if a chief executive officer or chief financial officer makes a false statement to the OFR.
- Requires certain issuers to comply with financial audits and related requirements if certain conditions are met.
- Modifies the OFR's deadline for submitting a certification to the Federal Government to obtain approval of the state regulatory regime of issuers.
- Defines and modifies definitions of terms.
- Provides for delayed implementation of certain sections to allow the OFR to obtain certification from the Federal Government of the state regulatory regime and adopt rules to implement the provisions of the bill.

CS by Banking and Insurance on February 4, 2026:

- Creates a state regulatory framework that is substantially similar to the GENIUS Act, Pub. L. No. 119-27 to regulate payment stablecoin issuers ("issuers") as money services businesses or trust companies.
- Requires an issuer to be registered, qualify for an exemption, or transition to federal oversight unless a waiver is obtained.
- Requires issuers who must register to comply with application and other requirements.

- Limits the activities that an issuer may engage in regarding stablecoins unless the issuer is licensed to conduct other financial business activities.
- Requires an issuer to comply with minimum prudential requirements.
- Prohibits an issuer from engaging in certain activities, including tying arrangements, using deceptive names, and paying any interest or yields to a holder of stablecoin.
- Conforms money services businesses provisions to apply to registered issuers.
- Clarifies the Office of Financial Regulation's (OFR) obligations to obtain an initial certification and annual recertification from the federal government.
- Requires the OFR to adopt rules as required under the GENIUS Act.
- Modifies the effective date.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/25/2026	.	
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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. Present subsections (17) through (32), (33), (34), and (35) and (36) through (39) of section 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, are redesignated as subsections (18) through (33), (35), (36), and (37), and (39) through (42), respectively, new subsections (17), (34) and (38) are added to that section, and present subsection (25) of that section is amended, to read:

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

(17) "Federal-qualified payment stablecoin issuer" means any of the following:

(a) A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of the Currency to issue payment stablecoins.

(b) An uninsured national bank that is chartered by the Office of the Comptroller of the Currency pursuant to title LXII of the Revised Statutes and is approved to issue payment stablecoins. As used in this section, the term "national bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

(c) A federal-branch that is approved by the Office of the Comptroller of the Currency to issue payment stablecoins. For purposes of this section, the term "federal branch" has the same meaning as in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813.

(26)~~(25)~~ "Money services business" means any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ money transmitter, or qualified payment stablecoin issuer.

(34) "Payment stablecoin" means a digital asset that meets all of the following requirements:

(a)1. Is, or is designed to be, used as a means of payment or settlement; and

2. The issuer of which:

a. Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not

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including a digital asset denominated in a fixed amount of monetary value.

b. Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

(b) The term does not include a digital asset that is any of the following:

1. A national currency. For purposes of this subparagraph, the term "national currency" means each of the following:

a. A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act, 12 U.S.C. s. 411.

b. Money standing to the credit of an account with a Federal Reserve Bank.

c. Money issued by a foreign central bank.

d. Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

2. A deposit as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, including a deposit recorded using distributed ledger technology. For purposes of this subparagraph, the term "distributed ledger" means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

3. A security, as defined in s. 517.021, s. 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, s. 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or s. 2 of the

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Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

(c) As used in this subsection, the term "digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(38) "Qualified payment stablecoin issuer" means an entity that:

(a) Is legally established under the laws of this state or has a principal place of business in this state and is approved to issue payment stablecoins by the office; and

(b) Is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a federal branch, an insured depository institution, or a subsidiary of such national bank, federal branch, or insured depository institution. The terms "national bank" and "federal branch" have the same meaning as in subsection (17). The term "insured depository institution" has the same meaning as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, and an insured credit union.

Section 2. Effective October 1, 2026, present subsection (9) of section 560.123, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and subsections (2), (3), and (8) of that section are amended, to read:

560.123 Florida Control of Money Laundering in Money Services Business Act.—

(2) The purpose of this section is to require the maintenance of certain records of transactions involving currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins in order to deter the use of a

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money services business to conceal proceeds from criminal activity and to ensure the availability of such records for criminal, tax, or regulatory investigations or proceedings.

(3) A money services business shall keep a record, as prescribed by the commission, of each financial transaction occurring in this state which it knows to involve currency, monetary value, a payment instrument, ~~or~~ virtual currency, or a payment stablecoin having a value greater than $10,000; to involve the proceeds of specified unlawful activity; or to be designed to evade the reporting requirements of this section or chapter 896. The money services business must maintain appropriate procedures to ensure compliance with this section and chapter 896.

(a) Multiple financial transactions shall be treated as a single transaction if the money services business has knowledge that they are made by or on behalf of any one person and result in value in or value out totaling a value of more than $10,000 during any day.

(b) A money services business may keep a record of any financial transaction occurring in this state, regardless of the value, if it suspects that the transaction involves the proceeds of unlawful activity.

(c) The money services business must file a report with the office of any records required by this subsection, at such time and containing such information as required by rule. The timely filing of the report required by 31 U.S.C. s. 5313 with the appropriate federal agency shall be deemed compliance with the reporting requirements of this subsection unless the reports are not regularly and comprehensively transmitted by the federal

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agency to the office.

(d) A money services business, or control person, employee, or agent thereof, that files a report in good faith pursuant to this section is not liable to any person for loss or damage caused in whole or in part by the making, filing, or governmental use of the report, or any information contained therein.

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section, if the violation involves:

1. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $20,000 but less than $100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties authorized by s. 775.082,

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s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere, regardless of adjudication, to having violated paragraph (b) may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent conviction for or plea of guilty or nolo contendere, regardless of adjudication, to a violation of paragraph (b), the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins.

(d) A person who violates this section is also liable for a civil penalty of up to the greater of the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins involved or $25,000.

(9) A qualified payment stablecoin issuer must comply with any anti-money laundering provisions in the GENIUS Act under Pub. L. No. 119-27, which includes, but is not limited to, provisions relating to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, chapter 2 of Title I of Pub. L. No. 91-508, and subchapter II of chapter 53 of Title 31, United States Code, and any other applicable federal anti-money laundering provisions.

(a) Not later than 180 days after the approval of an application for a license as a qualified payment stablecoin issuer pursuant to this chapter, and on an annual basis thereafter, each qualified payment stablecoin issuer shall submit to the office a certification that the issuer has

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implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the qualified payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities, consistent with the requirements of the act.

(b) The office shall make the certifications described in paragraph (a) available to the Secretary of the Treasury upon request.

(c) The office may revoke the license of the qualified payment stablecoin issuer if such issuer does not submit the certification required under paragraph (a).

(d) If the office has reason to believe that any person has knowingly violated paragraph (a), which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001, the office may refer the matter to the United States Attorney General or the attorney general of this state.

Section 3. Effective October 1, 2026, paragraph (a) of subsection (5), and subsection (6) of section 560.125, Florida Statutes, are amended to read:

560.125 Unlicensed activity; penalties.—

(5) A person who violates this section, if the violation involves:

(a) Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s.

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775.082, s. 775.083, or s. 775.084.

(6) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere to, having violated this section may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent violation of this section the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, or virtual currency.

Section 4. Part V of chapter 560, Florida Statutes, consisting of ss. 560.501-560.506, Florida Statutes, is created and entitled "Payment Stablecoin Issuers."

Section 5. Effective October 1, 2026, section 560.501, Florida Statutes, is created to read:

560.501 License requirement; exemptions; transition to federal oversight; definitions.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Home state" means a state other than this state in which a payment stablecoin issuer is established or has its principal place of business.

(b) "Host state" means a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the home state.

(c) "Out-of-state state-qualified payment stablecoin issuer" means a payment stablecoin issuer that has been approved in accordance with the requirements of the GENIUS Act by the

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payment stablecoin issuer's home state, other than this state, to issue payment stablecoin.

(2) LICENSE REQUIREMENT.—Effective October 1, 2026, a person may not engage in the activity of a qualified payment stablecoin issuer in this state unless the person is licensed or exempted from licensure under this chapter. The office shall give written notice to each applicant that the office has granted or denied the application for a license as a qualified payment stablecoin issuer.

(3) EXEMPTION FROM LICENSURE.—

(a) Subsection (2) does not apply to:

1. A federal-qualified payment stablecoin issuer.

2. An out-of-state state-qualified payment stablecoin issuer of which this state is a host state. An out-of-state state-qualified payment stablecoin issuer must provide written notice to the office within 30 days after engaging in activity that makes this state a host state of such issuer.

(b) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoins between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoins by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

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(c) A payment stablecoin that meets the requirements of this part is not a security and is not subject to chapter 517.

(3) TRANSITION TO FEDERAL OVERSIGHT.—

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the United States Office of the Comptroller of the Currency; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

(b) A qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must, within 7 business days, provide notice to the office that the threshold has been reached.

(c) To the extent or for any relevant period for which a waiver or transition applies, a qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to

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supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision of any qualified payment stablecoin issuer.

Section 6. Section 560.502, Florida Statutes, is created to read:

560.502 Additional license application requirements; office duties; application forms.—

(1) ADDITIONAL LICENSE APPLICATION REQUIREMENTS.—In addition to the license requirements under part I of this chapter, an applicant seeking a license under this part must also submit to the office an application on a form prescribed by rule of the commission. Such application must include all of the following:

(a) Evidence of the ability of the applicant, based on financial condition and resources, to meet the requirements in s. 560.504.

(b) A statement as to whether an individual who has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud is serving as an officer or director of the applicant.

(c) An explanation of the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company which includes, but is not limited to:

1. The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and

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2. The ability of those officers, directors, and principal shareholders to fulfill any commitments to, and any conditions imposed by, the office in connection with the application at issue and any prior applications.

(d) A statement as to whether the redemption policy of the applicant meets the standards under s. 560.504.

(e) Any other factors necessary to ensure the safety and soundness of the qualified payment stablecoin issuer.

(2) OFFICE DUTIES.—The office must comply with the following requirements:

(a) Upon receipt of a substantially complete application, evaluate and make a determination on each application based on the criteria established in this section.

(b) Not later than 120 days after receiving a substantially complete application, the office must render a decision on the application.

1. An application is considered substantially complete if the application contains sufficient information for the office to render a decision on whether the applicant satisfies the factors described in paragraph (1)(a).

2. Not later than 30 days after receiving an application under this section, the office must notify the applicant as to whether the office considers the application to be substantially complete and, if the application is not substantially complete, the additional information the applicant must provide in order for the application to be considered substantially complete.

3. An application considered substantially complete under this subparagraph remains substantially complete unless there is a material change in circumstances that requires the office to

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treat the application as a new application.

4. If the office fails to render a decision on a complete application within the time specified in paragraph (2)(b), the application shall be deemed approved.

(c) The office must deny a substantially complete application received pursuant to this subsection only if the office determines that the activities of the applicant would be unsafe or unsound based on the factors described in paragraph (1)(a).

1. The issuance of a payment stablecoin on an open, public, or decentralized network is not a valid ground for denial of an application for approval as a qualified payment stablecoin issuer.

2. If the office denies a complete application submitted pursuant to this subsection, not later than 30 days after the date of such denial, the office must provide the applicant with written notice explaining the denial with specificity, including all findings made by the regulator with respect to all identified material shortcomings in the application, along with actionable recommendations on how the applicant could address the identified material shortcomings.

3. The denial of an application under this section shall not prohibit the applicant from filing a subsequent application.

4. A denial entitles the applicant to an opportunity to be heard pursuant to chapter 120.

(3) APPLICATION FORMS.—The information required in the application form prescribed by rule of the commission under subsection (1) may be incorporated in other licensing application forms required under this chapter, as appropriate,

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to allow a person to apply for two licenses in one application form in order to streamline the application process.

Section 7. Effective October 1, 2026, section 560.503, Florida Statutes, is created to read:

560.503 Limitation on payment stablecoin activities.—A licensed qualified payment stablecoin issuer may engage only in the following activities:

(1) Issue payment stablecoins.

(2) Redeem payment stablecoins.

(3) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.

(4) Undertake other activities that directly support any of the activities described in this section.

Section 8. Effective October 1, 2026, section 560.504, Florida Statutes, is created to read:

560.504 Minimum prudential requirements.—

(1) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer must comply with all of the following requirements:

(a) Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

1. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

2. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations

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established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

3. United States Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

4. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, which are backed by United States Treasury bills with a maturity of 93 days or less.

5. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by United States Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

6. Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs 1.-5.

7. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

8. Any reserve described in subparagraphs 1., 2., and 3. or subparagraph 6. or subparagraph 7. in tokenized form, provided that such reserves comply with all applicable laws and regulations.

(b) Publicly disclose the issuer's redemption policy, which must comply with all of the following requirements:

1. Establish clear and conspicuous procedures for timely

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redemption of outstanding payment stablecoins.

2. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only upon not less than 7 days' prior notice to consumers.

(c) Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

1. The total number of outstanding payment stablecoins issued by the issuer.

2. The amount and composition of the reserves described in paragraph (a), including the average tenor and geographic location of custody of each category of reserve instruments.

(d) Comply with all federal prohibitions on pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

1. Satisfying margin obligations in connection with investments in permitted reserves under subparagraph (a)4. or subparagraph (a)5.

2. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

3. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of United States Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:

a. The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

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b. The qualified payment stablecoin issuer receives prior approval from the office.

(e) Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. For purposes of this paragraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

(f) Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A qualified payment stablecoin issuer with more than $50 billion in consolidated total outstanding issuance shall prepare, in accordance with generally accepted accounting principles, an annual financial statement, which shall include disclosure of any related party transactions, as defined by such generally accepted accounting principles.

1. A registered public accounting firm must perform an audit of the annual financial statements.

2. Each qualified payment stablecoin issuer required to prepare an audited annual financial statement must comply with all of the following requirements:

a. Make such audited financial statements publicly available on the website of the permitted payment stablecoin issuer; and

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b. Submit such audited financial statements annually to the office.

(h) Comply with any federal regulations or rules prescribed by commission relating to capital, liquidity, and risk management requirements.

(i) Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

(j) Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(2) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

(a) Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products or services from a competitor.

(b) Using deceptive names, which includes, but is not limited to, any of the following:

1. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

2. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

(c) Unless authorized by federal law, paying the holder of any payment stablecoin any form of interest or yield solely in

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connection with holding, use, or retention of such payment stablecoin.

Section 9. Section 560.505, Florida Statutes, is created to read:

560.505 State certification.—

(1) The office shall submit an initial certification to the federal Stablecoin Certification Review Committee, on a form prescribed by the committee, in accordance with the timeline established by the committee for accepting certifications, attesting that the state regulatory regime meets the criteria for substantial similarity to the GENIUS Act, Pub. L. No. 119-27, as required under that act.

(2) No later than the date to be determined by the United States Secretary of the Treasury each year, the office must submit to the Stablecoin Certification Review Committee an additional certification that confirms the accuracy of the initial certification submitted.

(3) The office must comply with the requirements of s. 4(c)(4) of the GENIUS Act, Pub. L. No. 119-27, to ensure the state receives certification and annual recertification by the Stablecoin Certification Review Committee of the state regulatory regime.

Section 10. Section 560.506, Florida Statutes, is created to read:

560.506 Rulemaking authority.—The commission shall adopt rules to administer this part as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission shall also adopt rules relating to capital, liquidity, and risk management which are consistent with section 4(a)(4) of the GENIUS Act, Pub. L. No.

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119-27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance, in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 11. Subsection (12) is added to section 655.50, Florida Statutes, and paragraph (e) of subsection (3) of that section is amended, to read:

655.50 Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act.—

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

(e) "Monetary instruments" means coin or currency of the United States or of any other country, payment stablecoins as defined in s. 658.997, travelers' checks, personal checks, bank checks, money orders, stored value cards, prepaid cards, investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery, or similar devices.

(12) A qualified payment stablecoin issuer, as defined in s. 658.997, must comply with any anti-money laundering provisions in the GENIUS Act under Pub. L. No. 119-27, which includes, but is not limited to, provisions relating to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, chapter 2 of Title I of Pub. L. No. 91-508, and subchapter II of chapter 53 of Title 31, United States Code, and any other applicable federal anti-money laundering provisions.

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(a) Not later than 180 days after the approval of an application for certificate of approval as a qualified payment stablecoin issuer pursuant to s. 658.997, and on an annual basis thereafter, each qualified payment stablecoin issuer shall submit to the office a certification that the issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the qualified payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities, consistent with the requirements of the act.

(b) The office shall make the certifications described in paragraph (a) available to the Secretary of the Treasury upon request.

(c) The office may revoke the certificate of approval of the qualified payment stablecoin issuer if the qualified payment stablecoin issuer does not submit the certification required under paragraph (a).

(d) If the office has reason to believe that any person has knowingly violated paragraph (a), which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001, the office may refer the matter to the United States Attorney General or the Attorney General of this state.

Section 12. Paragraph (h) is added to subsection (1) of section 658.19, Florida Statutes, to read:

658.19 Application for authority to organize a bank or trust company.—

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(1) A written application for authority to organize a banking corporation or a trust company shall be filed with the office by the proposed directors and shall include:

(h) A request for a certificate of approval as a qualified payment stablecoin issuer, as defined in s. 658.997, if desired in connection with an application to organize a trust company.

Section 13. Section 658.997, Florida Statutes, is created to read:

658.997 Qualified payment stablecoin issuers.—

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

(a) "Federal-qualified payment stablecoin issuer" means any of the following:

1. A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of the Currency to issue payment stablecoins.

2. An uninsured national bank that is chartered by the Office of the Comptroller of the Currency pursuant to title LXII of the Revised Statutes and is approved to issue payment stablecoins. As used in this subsection, the term "national bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

3. A federal branch that is approved by the Office of the Comptroller of the Currency to issue payment stablecoins. For purposes of this subparagraph, the term "federal branch" has the same meaning as in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813.

(b) "Home state" means a state other than this state in which a payment stablecoin issuer is established or has its principal place of business.

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(c) "Host state" means a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the home state.

(d) "Out-of-state state-qualified payment stablecoin issuer" means a payment stablecoin issuer that has been approved in accordance with the requirements of the GENIUS Act, Pub. L. No. 119-27, by the payment stablecoin issuer's home state, other than this state, to issue payment stablecoin.

(e) "Payment stablecoin" means a digital asset that meets all of the following requirements:

1.a. Is, or is designed to be, used as a means of payment or settlement; and

b. The issuer of which:

(I) Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.

(II) Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

2. The term does not include a digital asset that is any of the following:

a. A national currency. For purposes of this subparagraph, the term "national currency" means each of the following:

(I) A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act, 12 U.S.C. s. 411.

(II) Money standing to the credit of an account with a

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Federal Reserve Bank.

(III) Money issued by a foreign central bank.

(IV) Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

b. A deposit as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, including a deposit recorded using distributed ledger technology. For purposes of this subparagraph, the term "distributed ledger" means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

c. A security, as defined in s. 517.021, s. 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, s. 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or s. 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

3. As used in this paragraph, the term "digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(f) "Qualified payment stablecoin issuer" means an entity that:

1. Is legally established under the laws of a state and approved to issue payment stablecoins by the office; and

2. Is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a federal branch, an insured depository institution, or a subsidiary of such national bank, federal branch, or insured depository institution. The terms "national bank" and "federal

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branch" have the same meaning as in subsection (17). The term "insured depository institution" has the same meaning as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, and an insured credit union.

(2) APPROVAL REQUIREMENT.—Effective October 1, 2026, a trust company may not engage in the activity of a qualified payment stablecoin issuer in this state unless the trust company obtains a certificate of approval or is exempted from such certificate under this section.

(a) To obtain a certificate of approval as a qualified payment stablecoin issuer pursuant to this chapter, a trust company must request such certificate in conjunction with an application to organize a trust company pursuant to s. 658.19 or apply for a certificate of approval as a qualified payment stablecoin issuer on forms prescribed by rule of the commission that meet the requirements of this section. The application must require only information, documents, or materials that are necessary to determine whether the applicant meets the criteria provided in this section.

(b) With respect to any application for a certificate of approval as a qualified payment stablecoin issuer pursuant to this section, the office must comply with the following requirements:

1. Upon receipt of a substantially complete application, evaluate and make a determination on each application based on the criteria established in this section, including all of the following factors:

a. The ability of the applicant, based on financial condition and resources, to meet the requirements in subsection

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(6).

b. Whether an individual who has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud is serving as an officer or director of the applicant.

c. The competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company which includes, but is not limited to:

(I) The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and

(II) The ability of those officers, directors, and principal shareholders to fulfill any commitments to, and any conditions imposed by, the office in connection with the application at issue and any prior applications.

d. Whether the redemption policy of the applicant meets the standards under subsection (6).

e. Any other factors necessary to ensure the safety and soundness of the qualified payment stablecoin issuer.

2. Not later than 120 days after receiving a substantially complete application, render a decision on the application.

a. An application is considered substantially complete if the application contains sufficient information for the office to render a decision on whether the applicant satisfies the factors described in this subparagraph.

b. Not later than 30 days after receiving an application under this section, the office must notify the applicant as to whether the office considers the application to be substantially complete and, if the application is not substantially complete,

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the additional information the applicant must provide in order for the application to be considered substantially complete.

c. An application considered substantially complete under this subparagraph remains substantially complete unless there is a material change in circumstances that requires the office to treat the application as a new application.

3. If the applicant is approved as a qualified payment stablecoin issuer, issue a certificate of approval to the applicant. A certificate of approval remains valid unless or until the office revokes such certificate pursuant to the provisions of this chapter.

4. Deny a substantially complete application received pursuant to this subsection only if the office determines that the activities of the applicant would be unsafe or unsound based on the factors described in subparagraph 1.

a. The issuance of a payment stablecoin on an open, public, or decentralized network is not a valid ground for denial of an application for approval as a qualified payment stablecoin issuer.

b. If the office denies a complete application submitted pursuant to this subsection, not later than 30 days after the date of such denial, the office must provide the applicant with written notice explaining the denial with specificity, including all findings made by the regulator with respect to all identified material shortcomings in the application, along with actionable recommendations on how the applicant could address the identified material shortcomings.

c. A denial entitles the applicant to an opportunity to be heard pursuant to chapter 120.

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5. Modify any current forms or rules relating to an application to organize a trust company pursuant to s. 658.19 to conform them to the standards and requirements of this section. Any information or documents that are required for the office to determine whether an applicant meets the requirements of this section must be incorporated into an application to organize a trust company so that an applicant may elect, but is not required, to submit such information and documents to apply for a certificate of approval as a qualified payment stablecoin issuer as part of the organization process.

(c) If the office fails to render a decision on a complete application within the time specified in subparagraph (b)2., the application is deemed approved.

(d) The denial of an application under this section may not prohibit the applicant from filing a subsequent application.

(e) The failure to comply with any provision of this section or with any rule or order of the office shall be considered good cause for revocation of a certificate of approval issued pursuant to subparagraph (b)3. The office shall give prior written notice to the qualified payment stablecoin issuer of such withdrawal within a time prescribed by rule.

(3) EXEMPTIONS.—Effective October 1, 2026, subsection (2) does not apply to:

(a) A federal-qualified payment stablecoin issuer.

(b) An out-of-state state-qualified payment stablecoin issuer. The out-of-state state-qualified payment stablecoin issuer must provide written notice to the office within 30 days after engaging in the activity of a qualified payment stablecoin issuer in this state.

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(c) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoin between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoin by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

(d) A payment stablecoin that meets the requirements of this part is not a security and is not subject to the requirements of chapter 517.

(4) TRANSITION TO FEDERAL OVERSIGHT.—Effective October 1, 2026:

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the appropriate federal regulator; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

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(b) A qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must, within 7 business days, provide notice to the office that the threshold has been reached.

(c) To the extent or for any relevant period for which a waiver or transition applies, a qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision of any qualified payment stablecoin issuer.

(5) LIMITATION ON PAYMENT STABLECOIN ACTIVITIES.—Effective October 1, 2026, a qualified payment stablecoin issuer that has been issued a certificate of approval may engage only in the following activities:

(a) Issue payment stablecoins.

(b) Redeem payment stablecoins.

(c) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.

(d) Undertake other activities that directly support any of

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the activities described in this section.

(6) MINIMUM PRUDENTIAL REQUIREMENTS.—Effective October 1, 2026:

(a) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer shall comply with all of the following requirements:

1. Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

a. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

b. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

c. United States Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

d. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, that are backed by United States Treasury bills with a maturity of 93 days or less.

e. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by United States Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

f. Securities issued by an investment company registered

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under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs a.-e.

g. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

h. Any reserve described in subparagraphs 1., 2., and 3. or sub-subparagraphs f. and g in tokenized form, provided that such reserves comply with all applicable laws and regulations.

2. Publicly disclose the issuer's redemption policy, which must comply with all of the following requirements:

a. Establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins.

b. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only upon not less than 7 days' prior notice to consumers.

3. Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

a. The total number of outstanding payment stablecoins issued by the issuer.

b. The amount and composition of the reserves described in subparagraph 1., including the average tenor and geographic location of custody of each category of reserve instruments.

4. Comply with all federal prohibitions on the pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

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a. Satisfying margin obligations in connection with investments in permitted reserves under sub-subparagraph 1.d. or sub-subparagraph (a)1.e.

b. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

c. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of United States Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:

(I) The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

(II) The qualified payment stablecoin issuer receives prior approval from the office.

5. Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. For purposes of this subparagraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

6. Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

7. A qualified payment stablecoin issuer with more than $50

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billion in consolidated total outstanding issuance shall prepare, in accordance with generally accepted accounting principles, an annual financial statement, which shall include disclosure of any related party transactions, as defined by such generally accepted accounting principles.

a. A registered public accounting firm must perform an audit of the annual financial statements.

b. Each qualified payment stablecoin issuer required to prepare an audited annual financial statement must comply with all of the following requirements:

(I) Make such audited financial statements publicly available on the website of the permitted payment stablecoin issuer; and

(II) Submit such audited financial statements annually to the office.

8. Comply with any federal regulations or rules prescribed by the commission relating to capital, liquidity, and risk management requirements.

9. Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

10. Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(b) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

1. Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products

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or services from a competitor.

2. Using deceptive names, which includes, but is not limited to, any of the following:

a. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

b. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

3. Unless authorized by federal law, paying the holder of any payment stablecoin any form of interest or yield solely in connection with holding, use, or retention of such payment stablecoin.

(7) CERTIFICATION.—The office's initial certification and annual recertification submission to the federal Stablecoin Certification Review Committee pursuant to s. 560.505 must include any relevant information related to the provisions of this chapter in the office's request for certification or recertification of the state regulatory regime of payment stablecoins.

(8) RULEMAKING.—The commission may adopt rules to administer this section as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission must also adopt rules relating to capital, liquidity, and risk management which are consistent with s. 4(a)(4) of the GENIUS Act, Pub. L. No. 119-27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of

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qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

========== 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 payment stablecoin; amending s. 560.103, F.S.; revising the definition of the term "money services business"; defining terms; amending s. 560.123, F.S.; revising the Florida Control of Money Laundering in Money Services Business Act to include payment stablecoins; requiring certain payment stablecoin issuers to comply with certain regulations; requiring qualified payment stablecoin issuers to submit a specified certification to the Office of Financial Regulation annually; requiring the office to make such certifications available to the Secretary of the Treasury upon request; authorizing the office to revoke the license of qualified payment stablecoin issuers under certain circumstances; providing criminal penalties; amending s. 560.125, F.S.; revising the circumstances relating to violations of certain provisions; revising penalties; creating part

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V of ch. 560, F.S., entitled "Payment Stablecoin Issuers"; creating s. 560.501, F.S.; defining terms; prohibiting persons from engaging in the activity of a qualified payment stablecoin issuer without being licensed or exempted from licensure; requiring the office to give a specified written notice under certain circumstances; providing applicability; requiring out-of-state state-qualified payment stablecoin issuers to provide a specified written notice to the office within a specified timeframe; specifying that certain transactions are not regulated under certain provisions; specifying that certain stablecoin is not a security and not subject to certain provisions; requiring certain qualified payment stablecoin issuers to comply with certain requirements under certain circumstances; requiring certain qualified payment stablecoin issuers to provide a specified notice to the office; specifying that qualified payment stablecoin issuers are subject to certain provisions under certain circumstances; specifying that the office remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; authorizing the office to enter into an specified agreement; creating s. 560.502, F.S.; requiring applicants seeking to be a qualified payment stablecoin issuer to submit a specified application to the office;

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specifying requirements of such application; requiring the office to comply with certain requirements; authorizing certain information to be incorporated into other licensing application forms; creating s. 560.503, F.S.; specifying that licensed qualified payment stablecoin issuers may only engage in certain activities; creating s. 560.504, F.S.; requiring qualified payment stablecoin issuers to comply with certain requirements; providing criminal penalties; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; creating s. 560.505, F.S.; requiring the office to submit initial certification to a specified committee on a specified form in accordance with a specified timeline; requiring the office to submit a specified additional certification no later than a specified date; requiring the office to comply with certain requirements; creating s. 560.506, F.S.; requiring the Financial Services Commission to adopt specified rules; amending s. 655.50, F.S.; revising the definition of the term “monetary instruments”; requiring qualified payment stablecoin issuers to comply with certain provisions; requiring qualified payment stablecoin issuers to submit to the office a specified certification no later than a specified date; requiring the office to make such certification available to the Secretary of the Treasury upon request; authorizing the office to revoke the license of qualified payment stablecoin issuers under certain

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circumstances; providing criminal penalties; amending s. 658.19, F.S.; revising the application requirements for the application for authority to organize a bank or trust company; creating s. 658.997, F.S.; defining terms; prohibiting a trust company from engaging in the activity of a qualified payment stablecoin issuer unless the trust company obtains a certificate of approval or is exempted from such certificate; requiring a trust company to request a specified certificate in conjunction with a specified application to obtain such certificate or apply for the certificate; specifying application requirements; requiring the office to comply with certain requirements; requiring that the application be deemed approved under certain circumstances; providing that the denial of an application does not prohibit an applicant from filing a subsequent application; specifying that the failure to comply with certain provisions is considered good cause for revocation of a certificate of approval; requiring the office to give a specified notice to a qualified payment stablecoin issuer within a specified timeframe; providing applicability; requiring out-of-state state-qualified payment stablecoin issuers to provide a specified written notice to the office within a specified timeframe; specifying that certain transactions are not regulated under certain provisions; specifying that certain stablecoin is not a security and not subject to certain provisions;

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requiring certain qualified payment stablecoin issuers to comply with certain requirements under certain circumstances; requiring certain qualified payment stablecoin issuers to provide a specified notice to the office; specifying that qualified payment stablecoin issuers are subject to certain provisions under certain circumstances; specifying that the office remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; authorizing the office to enter into an specified agreement; authorizing qualified payment stablecoin issuers to engage in certain activities; requiring qualified payment stablecoin issuers to comply with certain requirements; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; requiring that the office's initial and annual recertification include certain information; providing for certain rule adoption by the commission; providing effective dates.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Burton) recommended the following:

Senate Substitute for Amendment (554568) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (17) through (32), (33), (34), and (35) and (36) through (39) of section 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, are redesignated as subsections (18) through (33), (35), (36), and (37), and (39) through (42), respectively, new subsections (17) and (34) and subsection (38) are added to that section, and

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present subsection (25) of that section is amended, to read:

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

(17) "Federal-qualified payment stablecoin issuer" means any of the following:

(a) A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of the Currency to issue payment stablecoins.

(b) An uninsured national bank that is chartered by the Office of the Comptroller of the Currency pursuant to title LXII of the Revised Statutes and is approved to issue payment stablecoins. As used in this section, the term "national bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

(c) A federal branch that is approved by the Office of the Comptroller of the Currency to issue payment stablecoins. For purposes of this section, the term "federal branch" has the same meaning as in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813.

(26)~~(25)~~ "Money services business" means any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ money transmitter, or qualified payment stablecoin issuer.

(34) "Payment stablecoin" means a digital asset that meets all of the following requirements:

(a)1. Is, or is designed to be, used as a means of payment or settlement; and

2. The issuer of which:

a. Is obligated to convert, redeem, or repurchase the

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digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.

b. Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

(b) The term does not include a digital asset that is any of the following:

1. A national currency. For purposes of this subparagraph, the term "national currency" means each of the following:

a. A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act, 12 U.S.C. s. 411.

b. Money standing to the credit of an account with a Federal Reserve Bank.

c. Money issued by a foreign central bank.

d. Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

2. A deposit as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, including a deposit recorded using distributed ledger technology. For purposes of this subparagraph, the term "distributed ledger" means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

3. A security, as defined in s. 517.021, s. 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, s. 3 of the Securities

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and Exchange Act of 1934, 15 U.S.C. s. 78c, or s. 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

(c) As used in this subsection, the term "digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(38) "Qualified payment stablecoin issuer" means an entity that:

(a) Is legally established under the laws of a state and approved to issue payment stablecoins by the office; and

(b) Is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a federal branch, an insured depository institution, or a subsidiary of such national bank, federal branch, or insured depository institution. The terms "national bank" and "federal branch" have the same meaning as in subsection (17). The term "insured depository institution" has the same meaning as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, and an insured credit union.

Section 2. Effective October 1, 2026, present subsection (9) of section 560.123, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and subsections (2), (3), and (8) of that section are amended, to read:

560.123 Florida Control of Money Laundering in Money Services Business Act.—

(2) The purpose of this section is to require the maintenance of certain records of transactions involving currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins in order to deter the use of a

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money services business to conceal proceeds from criminal activity and to ensure the availability of such records for criminal, tax, or regulatory investigations or proceedings.

(3) A money services business shall keep a record, as prescribed by the commission, of each financial transaction occurring in this state which it knows to involve currency, monetary value, a payment instrument, ~~or~~ virtual currency, or a payment stablecoin having a value greater than $10,000; to involve the proceeds of specified unlawful activity; or to be designed to evade the reporting requirements of this section or chapter 896. The money services business must maintain appropriate procedures to ensure compliance with this section and chapter 896.

(a) Multiple financial transactions shall be treated as a single transaction if the money services business has knowledge that they are made by or on behalf of any one person and result in value in or value out totaling a value of more than $10,000 during any day.

(b) A money services business may keep a record of any financial transaction occurring in this state, regardless of the value, if it suspects that the transaction involves the proceeds of unlawful activity.

(c) The money services business must file a report with the office of any records required by this subsection, at such time and containing such information as required by rule. The timely filing of the report required by 31 U.S.C. s. 5313 with the appropriate federal agency shall be deemed compliance with the reporting requirements of this subsection unless the reports are not regularly and comprehensively transmitted by the federal

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agency to the office.

(d) A money services business, or control person, employee, or agent thereof, that files a report in good faith pursuant to this section is not liable to any person for loss or damage caused in whole or in part by the making, filing, or governmental use of the report, or any information contained therein.

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section, if the violation involves:

1. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $20,000 but less than $100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties authorized by s. 775.082,

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s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere, regardless of adjudication, to having violated paragraph (b) may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent conviction for or plea of guilty or nolo contendere, regardless of adjudication, to a violation of paragraph (b), the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins.

(d) A person who violates this section is also liable for a civil penalty of up to the greater of the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins involved or $25,000.

(9) A qualified payment stablecoin issuer must comply with any anti-money laundering provisions in the GENIUS Act under Pub. L. No. 119-27, which includes, but is not limited to, provisions relating to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, chapter 2 of Title I of Pub. L. No. 91-508, and subchapter II of chapter 53 of Title 31, United States Code, and any other applicable federal anti-money laundering provisions.

(a) Not later than 180 days after the approval of an application for a license as a qualified payment stablecoin issuer pursuant to this chapter, and on an annual basis thereafter, each qualified payment stablecoin issuer shall submit to the office a certification that the issuer has

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implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the qualified payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities, consistent with the requirements of the act.

(b) The office shall make the certifications described in paragraph (a) available to the Secretary of the Treasury upon request.

(c) The office may revoke the license of the qualified payment stablecoin issuer if such issuer does not submit the certification required under paragraph (a).

(d) If the office has reason to believe that any person has knowingly violated paragraph (a), which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001, the office may refer the matter to the United States Attorney General or the attorney general of this state.

Section 3. Effective October 1, 2026, paragraph (a) of subsection (5) and subsection (6) of section 560.125, Florida Statutes, are amended to read:

560.125 Unlicensed activity; penalties.—

(5) A person who violates this section, if the violation involves:

(a) Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s.

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775.082, s. 775.083, or s. 775.084.

(6) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere to, having violated this section may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent violation of this section the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, or virtual currency.

Section 4. Part V of chapter 560, Florida Statutes, consisting of ss. 560.501-560.506, Florida Statutes, is created and entitled "Payment Stablecoin Issuers."

Section 5. Effective October 1, 2026, section 560.501, Florida Statutes, is created to read:

560.501 License requirement; exemptions; transition to federal oversight; definitions.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Home state" means a state other than this state in which a payment stablecoin issuer is established or has its principal place of business.

(b) "Host state" means a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the home state.

(c) "Out-of-state state-qualified payment stablecoin issuer" means a payment stablecoin issuer that has been approved in accordance with the requirements of the GENIUS Act by the

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payment stablecoin issuer's home state, other than this state, to issue payment stablecoin.

(2) LICENSE REQUIREMENT.—Effective October 1, 2026, a person may not engage in the activity of a qualified payment stablecoin issuer in this state unless the person is licensed or exempted from licensure under this chapter. The office shall give written notice to each applicant that the office has granted or denied the application for a license as a qualified payment stablecoin issuer.

(3) EXEMPTION FROM LICENSURE.—

(a) Subsection (2) does not apply to:

1. A federal-qualified payment stablecoin issuer.

2. An out-of-state state-qualified payment stablecoin issuer of which this state is a host state. An out-of-state state-qualified payment stablecoin issuer must provide written notice to the office within 30 days after engaging in activity that makes this state a host state of such issuer.

(b) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoins between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoins by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

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(c) A payment stablecoin that meets the requirements of this part is not a security and is not subject to chapter 517.

(4) TRANSITION TO FEDERAL OVERSIGHT.—

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the United States Office of the Comptroller of the Currency; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

(b) A qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must, within 7 business days, provide notice to the office that the threshold has been reached.

(c) To the extent or for any relevant period for which a waiver or transition applies, a qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to

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supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision of any qualified payment stablecoin issuer.

Section 6. Section 560.502, Florida Statutes, is created to read:

560.502 Additional license application requirements; office duties; application forms.—

(1) ADDITIONAL LICENSE APPLICATION REQUIREMENTS.—In addition to the license requirements under part I of this chapter, an applicant seeking a license under this part must also submit to the office an application on a form prescribed by rule of the commission. Such application must include all of the following:

(a) Evidence of the ability of the applicant, based on financial condition and resources, to meet the requirements in s. 560.504.

(b) A statement as to whether an individual who has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud is serving as an officer or director of the applicant.

(c) An explanation of the competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company which includes, but is not limited to:

1. The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and

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2. The ability of those officers, directors, and principal shareholders to fulfill any commitments to, and any conditions imposed by, the office in connection with the application at issue and any prior applications.

(d) A statement as to whether the redemption policy of the applicant meets the standards under s. 560.504.

(e) Any other factors necessary to ensure the safety and soundness of the qualified payment stablecoin issuer.

(2) OFFICE DUTIES.—The office must comply with the following requirements:

(a) Upon receipt of a substantially complete application, evaluate and make a determination on each application based on the criteria established in this section.

(b) Not later than 120 days after receiving a substantially complete application, render a decision on the application.

1. An application is considered substantially complete if the application contains sufficient information for the office to render a decision on whether the applicant satisfies the factors described in paragraph (1)(a).

2. Not later than 30 days after receiving an application under this section, the office must notify the applicant as to whether the office considers the application to be substantially complete and, if the application is not substantially complete, the additional information the applicant must provide in order for the application to be considered substantially complete.

3. An application considered substantially complete under this subparagraph remains substantially complete unless there is a material change in circumstances that requires the office to treat the application as a new application.

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4. If the office fails to render a decision on a complete application within the time specified in paragraph (2)(b), the application shall be deemed approved.

(c) Deny a substantially complete application received pursuant to this subsection only if the office determines that the activities of the applicant would be unsafe or unsound based on the factors described in paragraph (1)(a).

1. The issuance of a payment stablecoin on an open, public, or decentralized network is not a valid ground for denial of an application for approval as a qualified payment stablecoin issuer.

2. If the office denies a complete application submitted pursuant to this subsection, not later than 30 days after the date of such denial, the office must provide the applicant with written notice explaining the denial with specificity, including all findings made by the regulator with respect to all identified material shortcomings in the application, along with actionable recommendations on how the applicant could address the identified material shortcomings.

3. The denial of an application under this section shall not prohibit the applicant from filing a subsequent application.

4. A denial entitles the applicant to an opportunity to be heard pursuant to chapter 120.

(d) Pay fingerprint retention fees that are charged for the retention of any fingerprints that are required for each control person of the applicant to obtain a license as a qualified payment stablecoin issuer in accordance with this chapter.

(3) APPLICATION FORMS.—The information required in the application form prescribed by rule of the commission under

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subsection (1) may be incorporated in other licensing application forms required under this chapter, as appropriate, to allow a person to apply for two licenses in one application form in order to streamline the application process.

Section 7. Effective October 1, 2026, section 560.503, Florida Statutes, is created to read:

560.503 Limitation on payment stablecoin activities.—A licensed qualified payment stablecoin issuer may engage only in the following activities:

(1) Issue payment stablecoins.

(2) Redeem payment stablecoins.

(3) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.

(4) Undertake other activities that directly support any of the activities described in this section.

Section 8. Effective October 1, 2026, section 560.504, Florida Statutes, is created to read:

560.504 Minimum prudential requirements.—

(1) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer must comply with all of the following requirements:

(a) Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

1. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

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2. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

3. United States Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

4. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, which are backed by United States Treasury bills with a maturity of 93 days or less.

5. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by United States Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

6. Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs 1.-5.

7. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

8. Any reserve described in subparagraphs 1., 2., and 3. or subparagraph 6. or subparagraph 7. in tokenized form, provided that such reserves comply with all applicable laws and regulations.

(b) Publicly disclose the issuer's redemption policy, which

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must comply with all of the following requirements:

1. Establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins.

2. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only upon not less than 7 days' prior notice to consumers.

(c) Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

1. The total number of outstanding payment stablecoins issued by the issuer.

2. The amount and composition of the reserves described in paragraph (a), including the average tenor and geographic location of custody of each category of reserve instruments.

(d) Comply with all federal prohibitions on pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

1. Satisfying margin obligations in connection with investments in permitted reserves under subparagraph (a)4. or subparagraph (a)5.

2. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

3. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of United States Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:

a. The repurchase agreements are cleared by a clearing

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agency registered with the Securities and Exchange Commission; or

b. The qualified payment stablecoin issuer receives prior approval from the office.

(e) Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. For purposes of this paragraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

(f) Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A qualified payment stablecoin issuer with more than $50 billion in consolidated total outstanding issuance shall prepare, in accordance with generally accepted accounting principles, an annual financial statement, which shall include disclosure of any related party transactions, as defined by such generally accepted accounting principles.

1. A registered public accounting firm must perform an audit of the annual financial statements.

2. Each qualified payment stablecoin issuer required to prepare an audited annual financial statement must comply with all of the following requirements:

a. Make such audited financial statements publicly

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available on the website of the permitted payment stablecoin issuer; and

b. Submit such audited financial statements annually to the office.

(h) Comply with any federal regulations or rules prescribed by commission relating to capital, liquidity, and risk management requirements.

(i) Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

(j) Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(2) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

(a) Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products or services from a competitor.

(b) Using deceptive names, which includes, but is not limited to, any of the following:

1. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

2. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

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(c) Paying the holder of any payment stablecoin any form of interest or yield solely in connection with holding, use, or retention of such payment stablecoin if such payment is prohibited under federal law.

Section 9. Section 560.505, Florida Statutes, is created to read:

560.505 State certification.—

(1) The office shall submit an initial certification to the federal Stablecoin Certification Review Committee, on a form prescribed by the committee, in accordance with the timeline established by the committee for accepting certifications, attesting that the state regulatory regime meets the criteria for substantial similarity to the GENIUS Act, Pub. L. No. 119-27, as required under that act.

(2) No later than the date to be determined by the United States Secretary of the Treasury each year, the office must submit to the Stablecoin Certification Review Committee an additional certification that confirms the accuracy of the initial certification submitted.

(3) The office must comply with the requirements of s. 4(c)(4) of the GENIUS Act, Pub. L. No. 119-27, to ensure the state receives certification and annual recertification by the Stablecoin Certification Review Committee of the state regulatory regime.

Section 10. Section 560.506, Florida Statutes, is created to read:

560.506 Rulemaking authority.—The commission shall adopt rules to administer this part as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission shall also adopt rules

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relating to capital, liquidity, and risk management which are consistent with section 4(a)(4) of the GENIUS Act, Pub. L. No. 119-27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance, in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 11. Subsection (12) is added to section 655.50, Florida Statutes, and paragraph (e) of subsection (3) of that section is amended, to read:

655.50 Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act.—

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

(e) "Monetary instruments" means coin or currency of the United States or of any other country, payment stablecoins as defined in s. 658.997, travelers' checks, personal checks, bank checks, money orders, stored value cards, prepaid cards, investment securities or negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery, or similar devices.

(12) A qualified payment stablecoin issuer, as defined in s. 658.997, must comply with any anti-money laundering provisions in the GENIUS Act under Pub. L. No. 119-27, which includes, but is not limited to, provisions relating to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, chapter 2 of Title I of Pub. L. No. 91-508, and subchapter II of chapter

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53 of Title 31, United States Code, and any other applicable federal anti-money laundering provisions.

(a) Not later than 180 days after the approval of an application for certificate of approval as a qualified payment stablecoin issuer pursuant to s. 658.997, and on an annual basis thereafter, each qualified payment stablecoin issuer shall submit to the office a certification that the issuer has implemented anti-money laundering and economic sanctions compliance programs that are reasonably designed to prevent the qualified payment stablecoin issuer from facilitating money laundering, in particular, facilitating money laundering for cartels and organizations designated as foreign terrorist organizations under s. 219 of the Immigration and Nationality Act, 8 U.S.C. s. 1189, and the financing of terrorist activities, consistent with the requirements of the act.

(b) The office shall make the certifications described in paragraph (a) available to the Secretary of the Treasury upon request.

(c) The office may revoke the certificate of approval of the qualified payment stablecoin issuer if the qualified payment stablecoin issuer does not submit the certification required under paragraph (a).

(d) If the office has reason to believe that any person has knowingly violated paragraph (a), which may be subject to federal criminal penalties set forth under 18 U.S.C. s. 1001, the office may refer the matter to the United States Attorney General or the Attorney General of this state.

Section 12. Paragraph (h) is added to subsection (1) of section 658.19, Florida Statutes, to read:

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658.19 Application for authority to organize a bank or trust company.—

(1) A written application for authority to organize a banking corporation or a trust company shall be filed with the office by the proposed directors and shall include:

(h) A request for a certificate of approval as a qualified payment stablecoin issuer, as defined in s. 658.997, if desired in connection with an application to organize a trust company.

Section 13. Section 658.997, Florida Statutes, is created to read:

658.997 Qualified payment stablecoin issuers.—

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

(a) "Federal-qualified payment stablecoin issuer" means any of the following:

1. A nonbank entity, other than a state-qualified payment stablecoin issuer, approved by the Office of the Comptroller of the Currency to issue payment stablecoins.

2. An uninsured national bank that is chartered by the Office of the Comptroller of the Currency pursuant to title LXII of the Revised Statutes and is approved to issue payment stablecoins. As used in this subsection, the term "national bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

3. A federal branch that is approved by the Office of the Comptroller of the Currency to issue payment stablecoins. For purposes of this subparagraph, the term "federal branch" has the same meaning as in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813.

(b) "Home state" means a state other than this state in

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which a payment stablecoin issuer is established or has its principal place of business.

(c) "Host state" means a state in which the payment stablecoin issuer establishes a branch, solicits customers, or otherwise engages in business activities, other than the home state.

(d) "Out-of-state state-qualified payment stablecoin issuer" means a payment stablecoin issuer that has been approved in accordance with the requirements of the GENIUS Act, Pub. L. No. 119-27, by the payment stablecoin issuer's home state, other than this state, to issue payment stablecoin.

(e) "Payment stablecoin" means a digital asset that meets all of the following requirements:

1.a. Is, or is designed to be, used as a means of payment or settlement; and

b. The issuer of which:

(I) Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.

(II) Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

2. The term does not include a digital asset that is any of the following:

a. A national currency. For purposes of this subparagraph, the term "national currency" means each of the following:

(I) A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act, 12

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U.S.C. s. 411.

(II) Money standing to the credit of an account with a Federal Reserve Bank.

(III) Money issued by a foreign central bank.

(IV) Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

b. A deposit as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, including a deposit recorded using distributed ledger technology. For purposes of this subparagraph, the term "distributed ledger" means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

c. A security, as defined in s. 517.021, s. 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, s. 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or s. 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

3. As used in this paragraph, the term "digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(f) "Qualified payment stablecoin issuer" means an entity that:

1. Is legally established under the laws of a state and approved to issue payment stablecoins by the office; and

2. Is not an uninsured national bank chartered by the Comptroller pursuant to title LXII of the Revised Statutes, a federal branch, an insured depository institution, or a

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subsidiary of such national bank, federal branch, or insured depository institution. The terms "national bank" and "federal branch" have the same meaning as in subsection (17). The term "insured depository institution" has the same meaning as defined in s. 3 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, and an insured credit union.

(2) APPROVAL REQUIREMENT.—Effective October 1, 2026, a trust company may not engage in the activity of a qualified payment stablecoin issuer in this state unless the trust company obtains a certificate of approval or is exempted from such certificate under this section.

(a) To obtain a certificate of approval as a qualified payment stablecoin issuer pursuant to this chapter, a trust company must request such certificate in conjunction with an application to organize a trust company pursuant to s. 658.19 or apply for a certificate of approval as a qualified payment stablecoin issuer on forms prescribed by rule of the commission that meet the requirements of this section. The application must require only information, documents, or materials that are necessary to determine whether the applicant meets the criteria provided in this section.

(b) With respect to any application for a certificate of approval as a qualified payment stablecoin issuer pursuant to this section, the office must comply with the following requirements:

1. Upon receipt of a substantially complete application, evaluate and make a determination on each application based on the criteria established in this section, including all of the following factors:

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a. The ability of the applicant, based on financial condition and resources, to meet the requirements in subsection (6).

b. Whether an individual who has been convicted of a felony offense involving insider trading, embezzlement, cybercrime, money laundering, financing terrorism, or financial fraud is serving as an officer or director of the applicant.

c. The competence, experience, and integrity of the officers, directors, and principal shareholders of the applicant, its subsidiaries, and parent company which includes, but is not limited to:

(I) The record of those officers, directors, and principal shareholders of compliance with laws and regulations; and

(II) The ability of those officers, directors, and principal shareholders to fulfill any commitments to, and any conditions imposed by, the office in connection with the application at issue and any prior applications.

d. Whether the redemption policy of the applicant meets the standards under subsection (6).

e. Any other factors necessary to ensure the safety and soundness of the qualified payment stablecoin issuer.

2. Not later than 120 days after receiving a substantially complete application, render a decision on the application.

a. An application is considered substantially complete if the application contains sufficient information for the office to render a decision on whether the applicant satisfies the factors described in this subparagraph.

b. Not later than 30 days after receiving an application under this section, the office must notify the applicant as to

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whether the office considers the application to be substantially complete and, if the application is not substantially complete, the additional information the applicant must provide in order for the application to be considered substantially complete.

c. An application considered substantially complete under this subparagraph remains substantially complete unless there is a material change in circumstances that requires the office to treat the application as a new application.

3. If the applicant is approved as a qualified payment stablecoin issuer, issue a certificate of approval to the applicant. A certificate of approval remains valid unless or until the office revokes such certificate pursuant to the provisions of this chapter.

4. Deny a substantially complete application received pursuant to this subsection only if the office determines that the activities of the applicant would be unsafe or unsound based on the factors described in subparagraph 1.

a. The issuance of a payment stablecoin on an open, public, or decentralized network is not a valid ground for denial of an application for approval as a qualified payment stablecoin issuer.

b. If the office denies a complete application submitted pursuant to this subsection, not later than 30 days after the date of such denial, the office must provide the applicant with written notice explaining the denial with specificity, including all findings made by the regulator with respect to all identified material shortcomings in the application, along with actionable recommendations on how the applicant could address the identified material shortcomings.

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c. A denial entitles the applicant to an opportunity to be heard pursuant to chapter 120.

5. Modify any current forms or rules relating to an application to organize a trust company pursuant to s. 658.19 to conform them to the standards and requirements of this section. Any information or documents that are required for the office to determine whether an applicant meets the requirements of this section must be incorporated into an application to organize a trust company so that an applicant may elect, but is not required, to submit such information and documents to apply for a certificate of approval as a qualified payment stablecoin issuer as part of the organization process.

(c) If the office fails to render a decision on a complete application within the time specified in subparagraph (b)2., the application is deemed approved.

(d) The denial of an application under this section may not prohibit the applicant from filing a subsequent application.

(e) The failure to comply with any provision of this section or with any rule or order of the office shall be considered good cause for revocation of a certificate of approval issued pursuant to subparagraph (b)3. The office shall give prior written notice to the qualified payment stablecoin issuer of such withdrawal within a time prescribed by rule.

(3) EXEMPTIONS.—Effective October 1, 2026, subsection (2) does not apply to:

(a) A federal-qualified payment stablecoin issuer.

(b) An out-of-state state-qualified payment stablecoin issuer. The out-of-state state-qualified payment stablecoin issuer must provide written notice to the office within 30 days

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after engaging in the activity of a qualified payment stablecoin issuer in this state.

(c) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoin between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoin by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

(d) A payment stablecoin that meets the requirements of this part is not a security and is not subject to the requirements of chapter 517.

(4) TRANSITION TO FEDERAL OVERSIGHT.—Effective October 1, 2026:

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the appropriate federal regulator; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins

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until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

(b) A qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must, within 7 business days, provide notice to the office that the threshold has been reached.

(c) To the extent or for any relevant period for which a waiver or transition applies, a qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision of any qualified payment stablecoin issuer.

(5) LIMITATION ON PAYMENT STABLECOIN ACTIVITIES.—Effective October 1, 2026, a qualified payment stablecoin issuer that has been issued a certificate of approval may engage only in the following activities:

(a) Issue payment stablecoins.

(b) Redeem payment stablecoins.

(c) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this

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state.

(d) Undertake other activities that directly support any of the activities described in this section.

(6) MINIMUM PRUDENTIAL REQUIREMENTS.—Effective October 1, 2026:

(a) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer shall comply with all of the following requirements:

1. Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

a. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

b. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

c. United States Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

d. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, that are backed by United States Treasury bills with a maturity of 93 days or less.

e. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by United States Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that

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meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

f. Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs a.-e.

g. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

h. Any reserve described in subparagraphs 1., 2., and 3. or sub-subparagraphs f. and g in tokenized form, provided that such reserves comply with all applicable laws and regulations.

2. Publicly disclose the issuer's redemption policy, which must comply with all of the following requirements:

a. Establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins.

b. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only upon not less than 7 days' prior notice to consumers.

3. Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

a. The total number of outstanding payment stablecoins issued by the issuer.

b. The amount and composition of the reserves described in subparagraph 1., including the average tenor and geographic location of custody of each category of reserve instruments.

4. Comply with all federal prohibitions on the pledging,

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rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

a. Satisfying margin obligations in connection with investments in permitted reserves under sub-subparagraph 1.d. or sub-subparagraph (a)1.e.

b. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

c. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of United States Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:

(I) The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

(II) The qualified payment stablecoin issuer receives prior approval from the office.

5. Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. For purposes of this subparagraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

6. Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s.

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775.083.

7. A qualified payment stablecoin issuer with more than $50 billion in consolidated total outstanding issuance shall prepare, in accordance with generally accepted accounting principles, an annual financial statement, which shall include disclosure of any related party transactions, as defined by such generally accepted accounting principles.

a. A registered public accounting firm must perform an audit of the annual financial statements.

b. Each qualified payment stablecoin issuer required to prepare an audited annual financial statement must comply with all of the following requirements:

(I) Make such audited financial statements publicly available on the website of the permitted payment stablecoin issuer; and

(II) Submit such audited financial statements annually to the office.

8. Comply with any federal regulations or rules prescribed by the commission relating to capital, liquidity, and risk management requirements.

9. Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

10. Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(b) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

1. Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the

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purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products or services from a competitor.

2. Using deceptive names, which includes, but is not limited to, any of the following:

a. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

b. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

3. Paying the holder of any payment stablecoin any form of interest or yield solely in connection with holding, use, or retention of such payment stablecoin if such payment is prohibited under federal law.

(7) CERTIFICATION.—The office's initial certification and annual recertification submission to the federal Stablecoin Certification Review Committee pursuant to s. 560.505 must include any relevant information related to the provisions of this chapter in the office's request for certification or recertification of the state regulatory regime of payment stablecoins.

(8) RULEMAKING.—The commission may adopt rules to administer this section as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission must also adopt rules relating to capital, liquidity, and risk management which are consistent with s. 4(a)(4) of the GENIUS Act, Pub. L. No. 119-

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27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 14. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

========== 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 payment stablecoin; amending s. 560.103, F.S.; revising the definition of the term "money services business"; defining terms; amending s. 560.123, F.S.; revising the Florida Control of Money Laundering in Money Services Business Act to include payment stablecoins; requiring certain payment stablecoin issuers to comply with certain regulations; requiring qualified payment stablecoin issuers to submit a specified certification to the Office of Financial Regulation annually; requiring the office to make such certifications available to the Secretary of the Treasury upon request; authorizing the office to revoke the license of qualified payment stablecoin issuers under certain circumstances; providing

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criminal penalties; amending s. 560.125, F.S.; revising the circumstances relating to violations of certain provisions; revising penalties; creating part V of ch. 560, F.S., entitled "Payment Stablecoin Issuers"; creating s. 560.501, F.S.; defining terms; prohibiting persons from engaging in the activity of a qualified payment stablecoin issuer without being licensed or exempted from licensure; requiring the office to give a specified written notice under certain circumstances; providing applicability; requiring out-of-state state-qualified payment stablecoin issuers to provide a specified written notice to the office within a specified timeframe; specifying that certain transactions are not regulated under certain provisions; specifying that certain stablecoin is not a security and not subject to certain provisions; requiring certain qualified payment stablecoin issuers to comply with certain requirements under certain circumstances; requiring certain qualified payment stablecoin issuers to provide a specified notice to the office; specifying that qualified payment stablecoin issuers are subject to certain provisions under certain circumstances; specifying that the office remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; authorizing the office to enter into an specified agreement;

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creating s. 560.502, F.S.; requiring applicants seeking to be a qualified payment stablecoin issuer to submit a specified application to the office; specifying requirements of such application; requiring the office to comply with certain requirements; authorizing certain information to be incorporated into other licensing application forms; creating s. 560.503, F.S.; specifying that licensed qualified payment stablecoin issuers may only engage in certain activities; creating s. 560.504, F.S.; requiring qualified payment stablecoin issuers to comply with certain requirements; providing criminal penalties; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; creating s. 560.505, F.S.; requiring the office to submit initial certification to a specified committee on a specified form in accordance with a specified timeline; requiring the office to submit a specified additional certification no later than a specified date; requiring the office to comply with certain requirements; creating s. 560.506, F.S.; requiring the Financial Services Commission to adopt specified rules; amending s. 655.50, F.S.; revising the definition of the term “monetary instruments”; requiring qualified payment stablecoin issuers to comply with certain provisions; requiring qualified payment stablecoin issuers to submit to the office a specified certification no later than a specified date; requiring the office to make such certification

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available to the Secretary of the Treasury upon request; authorizing the office to revoke the license of qualified payment stablecoin issuers under certain circumstances; providing criminal penalties; amending s. 658.19, F.S.; revising the application requirements for the application for authority to organize a bank or trust company; creating s. 658.997, F.S.; defining terms; prohibiting a trust company from engaging in the activity of a qualified payment stablecoin issuer unless the trust company obtains a certificate of approval or is exempted from such certificate; requiring a trust company to request a specified certificate in conjunction with a specified application to obtain such certificate or apply for the certificate; specifying application requirements; requiring the office to comply with certain requirements; requiring that the application be deemed approved under certain circumstances; providing that the denial of an application does not prohibit an applicant from filing a subsequent application; specifying that the failure to comply with certain provisions is considered good cause for revocation of a certificate of approval; requiring the office to give a specified notice to a qualified payment stablecoin issuer within a specified timeframe; providing applicability; requiring out-of-state state-qualified payment stablecoin issuers to provide a specified written notice to the office within a specified timeframe; specifying that certain

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transactions are not regulated under certain provisions; specifying that certain stablecoin is not a security and not subject to certain provisions; requiring certain qualified payment stablecoin issuers to comply with certain requirements under certain circumstances; requiring certain qualified payment stablecoin issuers to provide a specified notice to the office; specifying that qualified payment stablecoin issuers are subject to certain provisions under certain circumstances; specifying that the office remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; authorizing the office to enter into an specified agreement; authorizing qualified payment stablecoin issuers to engage in certain activities; requiring qualified payment stablecoin issuers to comply with certain requirements; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; requiring that the office's initial and annual recertification include certain information; providing for certain rule adoption by the commission; providing effective dates.

By the Committee on Banking and Insurance; and Senator Burton

597-02497-26 2026314c1

A bill to be entitled

An act relating to payment stablecoin; amending s. 560.103, F.S.; revising the definition of the term "money services business"; defining terms; amending s. 560.114, F.S.; revising the actions by a money services business which constitute grounds for disciplinary actions; amending s. 560.123, F.S.; revising the Florida Control of Money Laundering in Money Services Business Act to include payment stablecoins; requiring certain payment stablecoin issuers to comply with certain regulations; amending s. 560.125, F.S.; revising the prohibition regarding the business of money services businesses or deferred presentment providers; revising the circumstances relating to violations of certain provisions; creating part V of ch. 560, F.S., entitled "Payment Stablecoin Issuers"; creating s. 560.501, F.S.; prohibiting persons from engaging in the activity of a qualified payment stablecoin issuer without registering and receiving a specified notification; providing that certain money services businesses are exempt from registration requirements; specifying that certain payment stablecoins are not a security and are not subject to certain requirements; specifying that certain transactions are not regulated under certain provisions; requiring qualified payment stablecoin issuers to comply with certain requirements; specifying that qualified payment stablecoin issuers are subject to certain provisions under certain

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circumstances; specifying that the Office of Financial Regulation remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; creating s. 560.502, F.S.; requiring applicants seeking to be a qualified payment stablecoin issuer to submit a specified application to the office; requiring applicants to resolve deficiencies found in their applications within a certain timeframe; requiring registrants to report changes in their information within a specified timeframe; requiring registrants to renew registration annually; requiring the registrant to renew registration in a specified manner; specifying that the renewal registration becomes effective on a certain date; requiring the office to approve renewal registration within a specified timeframe; specifying that failure to submit an application within a specified timeframe results in the registration becoming expired; requiring a qualified payment stablecoin issuer with an expired registration to submit a new application to the office; providing that the office must issue a certification of registration before the qualified payment stablecoin issuer may conduct business in this state; authorizing the office to deny the prospective registrant's renewal application under certain circumstances; requiring the office to deny the application of qualified payment

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stablecoin issuers under certain circumstances; specifying that any false statement in the application renders the registration void; providing construction; creating s. 560.503, F.S.; specifying that qualified payment stablecoin issuers may only engage in certain activities; creating s. 560.504, F.S.; requiring qualified payment stablecoin issuers to comply with certain requirements; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; creating s. 560.505, F.S.; requiring the office to submit initial and additional certifications to a specified committee under certain circumstances; requiring the office to comply with certain requirements; creating s. 560.506, F.S.; requiring the Financial Services Commission to adopt specified rules; creating s. 658.997, F.S.; defining terms; specifying that certain trust companies are exempt from registration as qualified payment stablecoin issuers but are subject to certain provisions; specifying that certain payment stablecoins are not securities and are not subject to certain requirements; specifying that certain transactions are not regulated by certain provisions; requiring qualified payment stablecoin issuers to comply with certain requirements; specifying that qualified payment stablecoin issuers remain subject to certain provisions under certain circumstances; authorizing the office to enter into an agreement with specified regulators for joint supervision of qualified payment

stablecoin issuers; specifying that the office remains solely responsible for supervising qualified payment stablecoin issuers or is jointly responsible with the United States Office of the Comptroller of the Currency for such supervision under certain circumstances; specifying that qualified payment stablecoin issuers may engage only in certain activities; requiring qualified payment stablecoin issuers to comply with certain requirements; defining the term "registered public accounting firm"; prohibiting qualified payment stablecoin issuers from engaging in certain conduct; requiring that the office's initial and annual recertification include certain information; providing for certain rule adoption by the commission; providing an effective date.

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

Section 1. Present subsections (33), (34), and (35) and (36) through (39) of section 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, are redesignated as subsections (34), (35), and (36) and (38) through (41), respectively, new subsections (33) and (37) are added to that section, and subsection (25) of that section is amended, to read:

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

(25) "Money services business" means any person located in or doing business in this state, from this state, or into this

state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, ~~or~~ money transmitter, or qualified payment stablecoin issuer.

(33) "Payment stablecoin" means a digital asset that meets all of the following requirements:

(a)1. Is, or is designed to be, used as a means of payment or settlement; and

2. The issuer of which:

a. Is obligated to convert, redeem, or repurchase the digital asset for a fixed amount of monetary value, not including a digital asset denominated in a fixed amount of monetary value.

b. Represents that such issuer will maintain, or create the reasonable expectation that it will maintain, a stable value relative to the value of a fixed amount of monetary value.

(b) The term does not include a digital asset that is any of the following:

1. A national currency. For purposes of this subparagraph, the term "national currency" means each of the following:

a. A Federal Reserve note as the term is used in the first undesignated paragraph of s. 16 of the Federal Reserve Act, 12 U.S.C. s. 411.

b. Money standing to the credit of an account with a Federal Reserve Bank.

c. Money issued by a foreign central bank.

d. Money issued by an intergovernmental organization pursuant to an agreement by two or more governments.

2. A deposit as defined in s. 3 of the Federal Deposit

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Insurance Act, 12 U.S.C. s. 1813, including a deposit recorded using distributed ledger technology. For purposes of this subparagraph, the term "distributed ledger" means technology in which data is shared across a network that creates a public digital ledger of verified transactions or information among network participants and cryptography is used to link the data to maintain the integrity of the public ledger and execute other functions.

3. A security, as defined in s. 517.021, s. 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, s. 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or s. 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

(c) As used in this subsection, the term "digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(37) "Qualified payment stablecoin issuer" means an entity legally established under the laws of a state and approved by the office to issue payment stablecoins.

Section 2. Paragraph (w) of subsection (1) of section 560.114, Florida Statutes, is amended to read:

560.114 Disciplinary actions; penalties.—

(1) The following actions by a money services business, authorized vendor, or affiliated party constitute grounds for the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or taking any other action within the authority of the office pursuant to this chapter:

(w) Engaging or advertising engagement in the business of a money services business or deferred presentment provider without

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a license or registration, unless exempted from licensure or registration.

Section 3. Present subsection (9) of section 560.123, Florida Statutes, is redesignated as subsection (10), a new subsection (9) is added to that section, and subsections (2), (3), and (8) of that section are amended, to read:

560.123 Florida Control of Money Laundering in Money Services Business Act.—

(2) The purpose of this section is to require the maintenance of certain records of transactions involving currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins in order to deter the use of a money services business to conceal proceeds from criminal activity and to ensure the availability of such records for criminal, tax, or regulatory investigations or proceedings.

(3) A money services business shall keep a record, as prescribed by the commission, of each financial transaction occurring in this state which it knows to involve currency, monetary value, a payment instrument, ~~or~~ virtual currency, or a payment stablecoin having a value greater than $10,000; to involve the proceeds of specified unlawful activity; or to be designed to evade the reporting requirements of this section or chapter 896. The money services business must maintain appropriate procedures to ensure compliance with this section and chapter 896.

(a) Multiple financial transactions shall be treated as a single transaction if the money services business has knowledge that they are made by or on behalf of any one person and result in value in or value out totaling a value of more than $10,000

during any day.

(b) A money services business may keep a record of any financial transaction occurring in this state, regardless of the value, if it suspects that the transaction involves the proceeds of unlawful activity.

(c) The money services business must file a report with the office of any records required by this subsection, at such time and containing such information as required by rule. The timely filing of the report required by 31 U.S.C. s. 5313 with the appropriate federal agency shall be deemed compliance with the reporting requirements of this subsection unless the reports are not regularly and comprehensively transmitted by the federal agency to the office.

(d) A money services business, or control person, employee, or agent thereof, that files a report in good faith pursuant to this section is not liable to any person for loss or damage caused in whole or in part by the making, filing, or governmental use of the report, or any information contained therein.

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section, if the violation involves:

1. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s.

775.082, s. 775.083, or s. 775.084.

2. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $20,000 but less than $100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value totaling or exceeding $100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of, or entered a plea of guilty or nolo contendere, regardless of adjudication, to having violated paragraph (b) may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent conviction for or plea of guilty or nolo contendere, regardless of adjudication, to a violation of paragraph (b), the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins.

(d) A person who violates this section is also liable for a civil penalty of up to the greater of the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins involved or $25,000.

(9) A state qualified payment stablecoin issuer must comply with any anti-money laundering regulation provided in the GENIUS

Act under Pub. L. No. 119-27, which includes, but is not limited to, provisions relating to economic sanctions, prevention of money laundering, customer identification, and due diligence in the Bank Secrecy Act, s. 21 of the Federal Deposit Insurance Act, 12 U.S.C. s. 1813, chapter 2 of Title I of Pub. L. No. 91-508, and subchapter II of chapter 53 of Title 31, United States Code.

Section 4. Subsection (1), paragraph (a) of subsection (5), and subsection (6) of section 560.125, Florida Statutes, are amended to read:

560.125 Unlicensed activity; penalties.—

(1) A person may not engage in the business of a money services business or deferred presentment provider in this state unless the person is licensed, registered, or exempted from licensure or registration under this chapter. A deferred presentment transaction conducted by a person not authorized to conduct such transaction under this chapter is void, and the unauthorized person has no right to collect, receive, or retain any principal, interest, or charges relating to such transaction.

(5) A person who violates this section, if the violation involves:

(a) Currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins of a value exceeding $300 but less than $20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of,

or entered a plea of guilty or nolo contendere to, having violated this section may be sentenced to pay a fine of up to the greater of $250,000 or twice the value of the currency, monetary value, payment instruments, ~~or~~ virtual currency, or payment stablecoins, except that on a second or subsequent violation of this section the fine may be up to the greater of $500,000 or quintuple the value of the currency, monetary value, payment instruments, or virtual currency.

Section 5. Part V of chapter 560, Florida Statutes, consisting of ss. 560.501-560.506, Florida Statutes, is created and entitled "Payment Stablecoin Issuers."

Section 6. Section 560.501, Florida Statutes, is created to read:

560.501 Registration required; exemptions; transition to federal oversight.—

(1) REGISTRATION REQUIREMENT.—Unless exempted, a person may not engage in the activity of a qualified payment stablecoin issuer as authorized in s. 560.503 in this state without first registering, or renewing registration, with the office in accordance with s. 560.502 and receiving notification from the office that such person is approved as a qualified payment stablecoin issuer. The office shall give written notice to such person that the agency has approved or denied the application for registration.

(2) EXEMPTIONS.—

(a) A payment instrument seller, foreign currency exchanger, check casher, or money transmitter that is licensed as a money services business pursuant to s. 560.141 and issues payment stablecoins with a consolidated total outstanding

issuance of $10 billion or less is exempt from registration as a qualified payment stablecoin issuer but is subject to ss. 560.503 and 560.504.

(b) A payment stablecoin that meets the requirements of this part is not a security and is not subject to chapter 517.

(c) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoins between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoins by an individual between an account owned by the individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

(3) TRANSITION TO FEDERAL OVERSIGHT.—

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the United States Office of the Comptroller of the Currency; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins

until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

(b) A qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision of any qualified payment stablecoin issuer.

Section 7. Section 560.502, Florida Statutes, is created to read:

560.502 Registration applications.—

(1) To apply to be a qualified payment stablecoin issuer under this part, the applicant must submit a completed registration application on forms prescribed by rule of the commission. The application must include the following information:

(a) The legal name of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business, and the physical and mailing addresses of the applicant.

(b) The date of the applicant's formation and the state in which the applicant was formed, if applicable.

(c) The name, social security number, alien identification number or taxpayer identification number, business and residence

addresses, and employment history for the past 5 years for each control person as defined in s. 560.103.

(d) A description of the organizational structure of the applicant, including the identity of any parent or subsidiary of the applicant, and a disclosure of whether any parent or subsidiary is publicly traded.

(e) The name and mailing address of the registered agent in this state for service of process.

(f) An attestation that the applicant has developed clearly documented policies, processes, and procedures regarding the use of blockchain analytics to prevent transfers to wallet addresses linked to known criminal activity, including the manner in which such blockchain analytics activity will integrate into its compliance controls, and that the applicant will maintain and comply with such blockchain analytics policies, processes, and procedures.

(g) Any other information as required by this chapter or commission rule.

(2) Any information needed to resolve deficiencies found in the application must be provided within a time period prescribed by rule.

(3) A registrant shall report, on a form prescribed by rule of the commission, any change in the information contained in an initial application form or an amendment thereto within 30 days after the change is effective.

(4) A registrant must renew its registration annually on or before December 31 of the year preceding the expiration date of the registration. To renew such registration, the registrant must submit a renewal application that provides the information

required in subsection (1) if there are changes in the application information, or an affidavit signed by the registrant that the information remains the same as the prior year's information.

(5) Any renewal registration made pursuant to this section becomes effective upon the date the office approves the application for registration. The office shall approve the renewal registration within a timeframe prescribed by rule.

(6) Failure to submit an application to renew a qualified payment stablecoin issuer's registration within 60 days after the registration becomes inactive will result in the registration becoming expired. If the registration is expired, a new application to register the qualified payment stablecoin issuer pursuant to subsection (1) must be submitted to the office, and a certification of registration must be issued by the office before the qualified payment stablecoin issuer may conduct business in this state.

(7) If a control person of a registrant or prospective registrant has engaged in any unlawful business practice, or has been convicted or found guilty of, or pled guilty or nolo contendere to, regardless of adjudication, a crime involving dishonest dealing, fraud, acts of moral turpitude, or other acts that reflect an inability to engage lawfully in the business of a registered qualified payment stablecoin issuer, the office may deny the prospective registrant's initial registration application or the registrant's renewal application.

(8) The office shall deny the application of a qualified payment stablecoin issuer that submits a renewal application that fails to comply with subsection (1).

(9) Any false statement made by a qualified payment stablecoin issuer in an application for registration under this section renders the registration void. A void registration may not be construed as creating a defense to any prosecution for violation of this chapter.

Section 8. Section 560.503, Florida Statutes, is created to read:

560.503 Limitation on payment stablecoin activities.—Unless licensed under this chapter or chapter 655 to conduct other financial business activities, a qualified payment stablecoin issuer may engage only in the following activities:

(1) Issue payment stablecoins.

(2) Redeem payment stablecoins.

(3) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.

(4) Undertake other activities that directly support any of the activities described in this section.

Section 9. Section 560.504, Florida Statutes, is created to read:

560.504 Minimum prudential requirements.—

(1) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer must comply with all of the following requirements:

(a) Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

1. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

2. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

3. Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

4. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less.

5. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

6. Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs 1.-5.

7. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

8. Any reserve described in subparagraphs 1.-3. or subparagraph 6. or subparagraph 7. in tokenized form, provided that such reserves comply with all applicable laws and

regulations.

(b) Publicly disclose the issuer's redemption policy, which must comply with all of the following requirements:

1. Establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins.

2. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only upon not less than 7 days' prior notice to consumers.

(c) Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

1. The total number of outstanding payment stablecoins issued by the issuer.

2. The amount and composition of the reserves described in paragraph (a), including the average tenor and geographic location of custody of each category of reserve instruments.

(d) Comply with all federal prohibitions on pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

1. Satisfying margin obligations in connection with investments in permitted reserves under subparagraph (a)4. or subparagraph (a)5.

2. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

3. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less,

provided that either:

a. The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

b. The qualified payment stablecoin issuer receives prior approval from the office.

(e) Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report. For purposes of this paragraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

(f) Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer.

(g) Comply with any federal regulations or state rules prescribed by commission rule relating to capital, liquidity, and risk management requirements.

(h) Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

(i) Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(2) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

(a) Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products

or services from a competitor.

(b) Using deceptive names, which includes, but is not limited to, any of the following:

1. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

2. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

(c) Unless authorized by federal law, paying the holder of any payment stablecoin any form of interest or yield solely in connection with holding, use, or retention of such payment stablecoin.

Section 10. Section 560.505, Florida Statutes, is created to read:

560.505 State certification.—

(1) No later than 20 days after the federal Stablecoin Certification Review Committee begins accepting certifications or no later than 20 days after the effective date of this act, whichever is later, the office must submit an initial certification to such committee on a form prescribed by the committee attesting that the state regulatory regime meets the criteria for substantial similarity established pursuant to the GENIUS Act.

(2) No later than the date to be determined by the United States Secretary of the Treasury each year, the office must submit to the Stablecoin Certification Review Committee an

additional certification that confirms the accuracy of the initial certification submitted.

(3) The office must comply with the requirements of s. 4(c)(4) of the GENIUS Act to ensure the state receives certification and annual recertification by the Stablecoin Certification Review Committee of the state regulatory regime.

Section 11. Section 560.506, Florida Statutes, is created to read:

560.506 Rulemaking authority.—The commission shall adopt rules to administer this part as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission shall also adopt rules relating to capital, liquidity, and risk management which are consistent with s. 4(a)(4) of the GENIUS Act, Pub. L. No. 119-27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance, in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 12. Section 658.997, Florida Statutes, is created to read:

658.997 Qualified payment stablecoin issuers.—

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

(a) "Payment stablecoin" has the same meaning as in s. 560.103.

(b) "Qualified payment stablecoin issuer" has the same meaning as in s. 560.103. The term does not include an insured depository institution, an uninsured national bank, a federal branch of a foreign bank, or a subsidiary of such entities. For

purposes of this paragraph, the terms:

1. "Federal branch" means a branch of a foreign bank established and operating under 12 U.S.C. s. 3102.

2. "Insured depository institution" means any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and insured credit union means any credit union the member accounts of which are insured by the National Credit Union Administration Board.

3. "Subsidiary" means any company that is owned or controlled directly or indirectly by another company and includes any service corporation owned in whole or in part by an insured depository institution or any subsidiary of such a service corporation.

(2) EXEMPTIONS.—

(a) A trust company that is organized pursuant to this section and issues payment stablecoins with a consolidated total outstanding issuance of $10 billion or less is exempt from registration as a qualified payment stablecoin issuer but is subject to the provisions of this section.

(b) A payment stablecoin that meets the requirements of this part is not a security and is not subject to the requirements of chapter 517.

(c) The following transactions are not regulated under this part:

1. The direct transfer of payment stablecoin between two individuals acting on their own behalf and for their own lawful purposes, without the involvement of an intermediary.

2. Any transaction involving the receipt of payment stablecoin by an individual between an account owned by the

individual in the United States and an account owned by the individual abroad which are offered by the same parent company.

3. Any transaction by means of a software or hardware wallet that facilitates an individual's own custody of payment stablecoins.

(3) TRANSITION TO FEDERAL OVERSIGHT.—

(a) Unless a federal waiver is obtained, a qualified payment stablecoin issuer with a consolidated total outstanding payment stablecoin issuance that reaches the $10 billion threshold must comply with one of the following requirements:

1. Not later than 360 days after the payment stablecoin issuance reaches such threshold, transition to the applicable federal regulatory framework administered jointly by the office and the United States Office of the Comptroller of the Currency; or

2. Beginning on the date the payment stablecoin issuance reaches such threshold, cease issuing new payment stablecoins until the payment stablecoin falls below the $10 billion consolidated total outstanding issuance threshold.

(b) A qualified payment stablecoin issuer remains subject to this part if a federal waiver of the transition requirements in paragraph (a) is obtained pursuant to the GENIUS Act, Pub. L. No. 119-27, and the office remains solely responsible for supervising the qualified payment stablecoin issuer, or if the office is jointly responsible with the United States Office of the Comptroller of the Currency to supervise the qualified payment stablecoin issuer pursuant to subparagraph (a)1. The office may enter into an agreement with the relevant primary federal payment stablecoin regulator for the joint supervision

of any qualified payment stablecoin issuer.

(4) LIMITATION ON PAYMENT STABLECOIN ACTIVITIES.—Unless licensed under chapter 560 or chapter 655 to conduct other financial business activities, a qualified payment stablecoin issuer may engage only in the following activities:

(a) Issue payment stablecoins.

(b) Redeem payment stablecoins.

(c) Manage related reserves, including purchasing, selling, and holding reserve assets or providing custodial services for reserve assets, consistent with federal law and the laws of this state.

(d) Undertake other activities that directly support any of the activities described in this section.

(5) MINIMUM PRUDENTIAL REQUIREMENTS.—

(a) In accordance with the GENIUS Act, Pub. L. No. 119-27, a qualified payment stablecoin issuer shall comply with all of the following requirements:

1. Maintain identifiable reserves backing the outstanding payment stablecoins of the qualified payment stablecoin issuer on at least a one-to-one basis, with reserves consisting of any of the following:

a. United States coin or currency or money standing to the credit of an account with a Federal Reserve Bank.

b. Funds held as demand deposits or insured shares at an insured depository institution, subject to limitations established by the Federal Deposit Insurance Corporation and the National Credit Union Administration.

c. Treasury bills, notes, or bonds with a remaining maturity or issued with a maturity of 93 days or less.

d. Money received under repurchase agreements, with the qualified payment stablecoin issuer acting as a seller of securities and with an overnight maturity, that are backed by Treasury bills with a maturity of 93 days or less.

e. Reverse purchase agreements, with the qualified payment stablecoin issuer acting as a purchaser of securities and with an overnight maturity, that are collateralized by Treasury bills, notes, or bonds on an overnight basis, subject to overcollateralization in line with standard market terms that meet federal requirements in the GENIUS Act, Pub. L. No. 119-27.

f. Securities issued by an investment company registered under s. 8(a) of the Investment Company Act of 1940, 15 U.S.C. s. 80a-8(a), or other registered government money market fund, and that are invested solely in underlying assets described in subparagraphs 1.-5.

g. Any other similarly liquid Federal Government-issued asset approved by the primary federal payment stablecoin regulator, in consultation with the office.

h. Any reserve described in subparagraphs 1.-3. or subparagraph 6. or subparagraph 7. in tokenized form, provided that such reserves comply with all applicable laws and regulations.

2. Publicly disclose the issuer's redemption policy, which must comply with all of the following requirements:

a. Establish clear and conspicuous procedures for timely redemption of outstanding payment stablecoins.

b. Publicly, clearly, and conspicuously disclose in plain language all fees associated with purchasing or redeeming the payment stablecoins, provided that such fees can be changed only

upon not less than 7 days' prior notice to consumers.

3. Publish on the issuer's website a monthly reserve composition of the issuer's reserve which must contain all of the following information:

a. The total number of outstanding payment stablecoins issued by the issuer.

b. The amount and composition of the reserves described in subparagraph 1., including the average tenor and geographic location of custody of each category of reserve instruments.

4. Comply with all federal prohibitions on the pledging, rehypothecating, or reusing reserve assets, either directly or indirectly, except for any of the following purposes:

a. Satisfying margin obligations in connection with investments in permitted reserves under subparagraph (a)4. or subparagraph (a)5.

b. Satisfying obligations associated with the use, receipt, or provision of standard custodial services.

c. Creating liquidity to meet reasonable expectations of requests to redeem payment stablecoins, such that reserves in the form of Treasury bills may be sold as purchased securities for repurchase agreements with a maturity of 93 days or less, provided that either:

(I) The repurchase agreements are cleared by a clearing agency registered with the Securities and Exchange Commission; or

(II) The qualified payment stablecoin issuer receives prior approval from the office.

5. Engage a registered public accounting firm to conduct a monthly examination of the previous month-end reserve report.

For purposes of this subparagraph, the term "registered public accounting firm" means a public accounting firm registered with the Public Company Accounting Oversight Board.

6. Submit to the office each month a certification as to the accuracy of the month-end reserve report by the qualified payment stablecoin issuer's chief executive officer and chief financial officer.

7. Comply with any federal regulations or state rules prescribed by commission rule relating to capital, liquidity, and risk management requirements.

8. Engage only custodians or safekeepers that comply with s. 10 of the GENIUS Act, Pub. L. No. 119-27.

9. Comply with any other federal requirements of s. 4(a) of the GENIUS Act, Pub. L. No. 119-27, and any implementing federal regulations.

(b) A qualified payment stablecoin issuer is prohibited from engaging in all of the following conduct:

1. Except as may be authorized under federal law, tying arrangements that condition access to stablecoin services on the purchase of unrelated products or services from such qualified payment stablecoin issuer or an agreement not to obtain products or services from a competitor.

2. Using deceptive names, which includes, but is not limited to, any of the following:

a. Using any combination of terms relating to the United States Government, except abbreviations directly related to the currency to which a payment stablecoin is pegged, such as "USD."

b. Marketing a payment stablecoin in such a way that a reasonable person would perceive the payment stablecoin to be

legal tender, as described in 31 U.S.C. s. 5103, issued by the United States, or guaranteed or approved by the United States Government.

3. Unless authorized by federal law, paying the holder of any payment stablecoin any form of interest or yield solely in connection with holding, use, or retention of such payment stablecoin.

(6) CERTIFICATION.—The office's initial certification and annual recertification submission to the federal Stablecoin Certification Review Committee pursuant to s. 560.505 must include any relevant information related to the provisions of this chapter in the office's request for certification or recertification of the state regulatory regime of payment stablecoins.

(7) RULEMAKING.—The commission may adopt rules to administer this section as required in s. 13 of the GENIUS Act, Pub. L. No. 119-27. The commission must also adopt rules relating to capital, liquidity, and risk management which are consistent with s. 4(a)(4) of the GENIUS Act, Pub. L. No. 119-27. The commission may adopt rules establishing standards for the conduct, supervision, examination, and regulation of qualified payment stablecoin issuers, including requirements relating to reserves, customer-asset protection, reporting, and compliance in order to meet the minimum requirements established by the Stablecoin Certification Review Committee.

Section 13. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

SENATOR COLLEEN BURTON
12th District

February 18, 2026

The Honorable Kathleen Passidomo
404 South Monroe Street
400 Senate Office Building
Tallahassee, Florida 32399

Dear Senator Passidomo,

I respectfully request SB 314 Payment Stablecoin be placed on the Rules Committee agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

CC: Shasta Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

314
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ash Mason

Phone

Address
Street

Email

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: FL. Office of Financial Regulation

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 326
INTRODUCER:	Judiciary Committee and Senator Burgess
SUBJECT:	Curators of Estates
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Fav/CS**
2.	Moody	Knudson	BI	**Favorable**
3.	Collazo	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 326 amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in probate proceedings. A curator is a person appointed by the court for a limited time to protect the interests of a decedent's estate when a personal representative has not yet been appointed or must be replaced.

Specifically, the bill:

- Increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.
- Requires curators, except for banks and trust companies serving as curators, to post a reasonable bond unless waived by the court.
- Requires curators to file reports with the court detailing their actions taken in estate management, but only when the court deems it necessary.

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Probate Code ("Probate Code")[1] outlines the state's probate process, which is the court-supervised process[2] 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.[3] The probate process is also known as "estate administration."[4] Whenever a decedent dies leaving a valid will,[5] estate administration generally proceeds in accordance with the will's terms, with estate assets being distributed to the named beneficiaries;[6] however, where 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.[7]

Personal Representatives

Regardless of whether a decedent had a will or died intestate, when an estate is probated, the court appoints a personal representative[8] to oversee the estate's administration and grants that person letters of administration.[9] 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 personal representatives.

Qualifications

In determining who may serve as a personal representative for a particular estate, Florida law establishes an order of preference that generally must be observed, as follows:

- In testate estates (i.e. where there is a will):
  - The personal representative named in the will.
  - The person selected by a majority in interest of the persons entitled to the estate.
  - A devisee under the will (or the most qualified of such devisees, as chosen by the court, if there is more than one).[10]
- In intestate estates (i.e. where there is no will):
  - The surviving spouse.

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[1] Chapters 731-735, F.S.; *see also* s. 731.005, F.S. (providing the short title).
[2] 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. 28, 2026).
[3] "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.
[4] "Estate" means the property of a decedent that is the subject of administration. Section 731.201(14), F.S.
[5] 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.
[6] *See generally* Parts V, VI, and IX, ch. 732, F.S. (governing wills, rules of will construction, and will production, respectively).
[7] *See generally* Part I, ch. 732, F.S. (governing intestate succession).
[8] "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.
[9] Letters of administration convey the legal authority to manage a decedent's estate. Section 731.201(24), F.S.
[10] Section 733.301(1)(a), F.S.

- The person selected by a majority in interest of the heirs.
- The heir nearest in degree (or the most qualified of such heirs, as chosen by the court, if there is more than one).[11]

To qualify to act as a personal representative, the person must have full legal capacity to act on his or her own behalf and be a Florida resident at the time of the relevant decedent's death;[12] or if the person is not a Florida resident, the person must be:

- The decedent's legally adopted child or adoptive parent;
- Related by lineal consanguinity to the decedent;
- The decedent's sibling, uncle, aunt, nephew, or niece, or someone related by lineal consanguinity to any such person; or
- The spouse of any such person.[13]

Florida law also provides that a person is not qualified to act as a personal representative if he or she:

- Is a convicted felon;
- Has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult;
- Is mentally or physically unable to perform the duties of a personal representative; or
- Is a minor.[14]

Duties and Powers

A personal representative is a fiduciary who must observe the standard of care applicable to trustees of express trusts[15] and who is liable to interested persons for damage or loss resulting from the breach of his or her fiduciary duty.[16] Such duty generally begins upon appointment[17] and includes a duty to:

- Settle and distribute the estate in accordance with the decedent's will (if any) and applicable law.[18]
- Expeditiously proceed with the settlement and distribution of the decedent's estate.[19]
- Act in the best interests of interested persons, including creditors.[20]
- File a verified inventory of estate property, subject to statutory requirements.[21]
- Take all steps reasonably necessary for the estate's management, protection, and preservation.[22]

[11] Section 733.301(1)(b), F.S.
[12] Section 733.302, F.S.
[13] Section 733.304, F.S.
[14] Section 733.303, F.S.
[15] 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).
[16] Section 733.609(1), F.S.
[17] Section 733.601, F.S.
[18] Section 733.602(1), F.S.
[19] Section 733.603, F.S.
[20] Section 733.602(1), F.S.
[21] Section 733.604, F.S.
[22] Section 733.607(1), F.S.

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.[23]

Fiduciary Bonds

Unless the bond requirement has been waived by the will or by the court, every personal representative (other than a bank or a trust acting as a personal representative) must execute and file a bond with surety, payable to the Governor and the Governor's successors in office, conditioned on the performance of all personal representative duties.[24] All such bonds must be in an amount that the court deems sufficient after considering the estate's gross value, the relationship of the personal representative to the beneficiaries, exempt property and any family allowance, the type and nature of assets, known creditors, and any liens or other encumbrances on the assets.[25]

Reporting Requirements

Florida law requires a personal representative to file certain reports with the court during various stages of the estate's administration, which the court may then review to ensure that the personal representative is properly managing the administration and meeting his or her fiduciary duties. These reports include:

- An inventory report detailing all of the decedent's assets and their respective market values.[26]
- A report detailing all claims filed against the estate.
- Any interim or supplemental accountings ordered by the court.[27]
- A final accounting with a petition for discharge stating, among other things:
  - That all claims filed against the estate have been paid, settled, or otherwise disposed of.
  - The amount of compensation paid or to be paid to the personal representative, attorneys, and others who aided the personal representative in account administration.

[23] *See generally* s. 733.612, F.S.
[24] Section 733.402(1), F.S.
[25] Section 733.403, F.S.
[26] Section 733.604(1), F.S.
[27] The personal representative may also choose to file interim accountings at any time, although such interim accountings are voluntary unless the court directs their filing. *See* Fla. Prob. R. 5.345(a) (providing that the fiduciary "may elect to file an interim accounting at any time, or the court may require an interim or supplemental accounting").

- A schedule of all prior estate asset distributions.
- An inventory of the estate assets remaining in the hands of the personal representative.
- A plan for the distribution of all remaining estate assets.[28]

Compensation

A personal representative is entitled to reasonable compensation for ordinary service, payable from the estate's assets, without a court order.[29] 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 to be reasonable if calculated at statutorily-specified rates.[30] However, the court may increase or decrease the personal representative's compensation for ordinary services upon petition of any interested parties.[31]

A personal representative is also entitled to reasonable compensation for any extraordinary services, which the court may award upon petition of any interested person.[32] 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.[33]
- Any other special services that may be necessary for the personal representative to perform.[34]

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.[35]

Resignation

A personal representative generally has the right to resign and the court may, after notice to all interested persons, accept the resignation and then revoke the letters of the resigning personal representative if the resignation does not jeopardize the estate's interests.[36] Once the court

[28] Fla. Prob. R. 5.400.
[29] Section 733.617(1), F.S.
[30] 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.
[31] Section 733.617(7), F.S.
[32] Section 733.617(3), F.S.
[33] 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.
[34] Section 733.617(3), F.S.
[35] Section 733.617(4), F.S.
[36] Section 733.502, F.S.

accepts the resignation, the court must then appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.[37]

Further, the resigning personal representative must:
- Surrender to the successor fiduciary all estate assets, records, documents, papers, and other property of or concerning the estate in the resigning personal representative's possession or control.[38]
- File and serve a final accounting of the personal representative's administration.[39]

Ultimately, a resigning personal representative may be discharged only after:
- Determination of the liability, if any, of such resigning personal representative.
- Compensation of the resigning personal representative and the attorney and other persons employed thereby.
- Receipt of evidence that undistributed estate assets have been delivered to the successor fiduciary.[40]

Removal

The court must remove and revoke the letters of a personal representative if the personal representative was not qualified to act at the time of appointment.[41] Further, the court may remove and revoke the letters of a personal representative for any of the following reasons:
- An adjudication of the personal representative's incapacity.
- Physical or mental incapacity.
- Failure of the personal representative to comply with any court order.
- Failure of the personal representative to account for the sale of property or to produce and exhibit estate assets when so required.
- Wasting or maladministration of the estate.
- Failure of the personal representative to give bond or security.
- The personal representative's felony conviction.
- The insolvency of, or the appointment of a receiver or liquidator for, a corporate personal representative.
- Holding or acquiring conflicting or adverse interests against the estate that will or may interfere with the administration of the estate as a whole.
- Revocation of the probate of the decedent's will that authorized or designated the personal representative's appointment.
- Termination of Florida residence, if such residence was a requirement of initial appointment.
- The personal representative was qualified to act at the time of appointment but would not now qualify.[42]

A removal proceeding may begin upon the petition of an interested person, or the court may begin such a proceeding upon its own initiative.[43] In either case, the court must revoke the letters

[37] Section 733.503, F.S.
[38] Section 733.5035, F.S.
[39] Section 733.5036(1), F.S.
[40] Section 733.5036(2), F.S.
[41] Section 733.504, F.S.
[42] *Id.*
[43] Section 733.506, F.S.

of a removed personal representative and appoint a successor personal representative or, as discussed below, a curator to serve until a successor personal representative is appointed.[44]

Curators

State law provides that, when necessary, the court may appoint[45] a "curator"[46] after formal notice to the person apparently entitled to letters of administration (that is, to the personal representative, or the person likely to be so appointed); however, where there is great danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the court's jurisdiction, and if a curator's appointment would be delayed by giving notice, the court may appoint a curator without giving notice.[47]

In either case, curators may be authorized to perform any duty or function of a personal representative, may be subject to removal and surcharge, and may be required to post a bond as the court deems necessary; however, no bond may be required of a bank or trust company acting as a curator. Further, curators are entitled to reasonable compensation for their services, and the court may consider the provisions applicable to personal representative compensation in awarding such compensation.[48]

Though the necessity for which a curator's appointment might arise is not specified in Florida law, Florida courts have recognized that such necessity may include a delay in a personal representative's appointment, or in the appointment of a successor personal representative where the original personal representative resigns or otherwise becomes unwilling or unable to oversee the estate's administration.[49] However, Florida courts have also found that it is legally improper to simultaneously have a curator and a personal representative acting on behalf of an estate; thus, a court would likely need to remove any appointed personal representative before appointing a curator.[50] This comports with the general understanding, acknowledged by the courts, that a curator is usually only appointed as a temporary expedient to take possession of and preserve an estate's assets until a qualified personal representative may be appointed to manage the estate's administration.[51]

III. Effect of Proposed Changes:

The bill amends s. 733.501, F.S., regarding curators of estates, to expand the role of curators in state probate proceedings.

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[44] *Id.;* s. 733.5061, F.S.
[45] Curator appointment may occur upon the filing of a sufficient petition for such appointment, which petition must include, among other things, a statement as to why a curator should be appointed. A court may also appoint a curator on its own initiative. Fla. Prob. R. 5.122.
[46] "Curator" means a person appointed by the court to take charge of the estate of a decedent until letters of administration are issued. Section 731.201(8), F.S.
[47] Section 733.501(1), F.S.
[48] Section 733.501, F.S.
[49] *Gordin v. Estate of Maisel,* 179 So. 3d 518, 520-21 (Fla. 4th DCA 2015); *In re Estate of Miller,* 568 So. 2d 487, 488-90 (Fla. 1st DCA 1990).
[50] *Gordin*, 179 So. 3d at 521.
[51] *In re Sale's Estate*, 227 So. 2d 199, 202 (Fla. 1969).

Appointment of a Curator

The bill changes when a court may appoint a curator. Current law provides that the court may appoint a curator in only two situations:

- If it is necessary after formal notice to the person apparently entitled to letters of administration.
- If there is great danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and without giving notice if the appointment of a curator would be delayed by giving notice.

Under the bill, the court may appoint a curator in any of the following circumstances:

- At any time with notice to interested persons as the court deems appropriate.
- There is significant danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court, and without giving notice to other interested persons if the appointment of a curator would be delayed by giving notice.
- In any other proper case, if deemed necessary to protect the interests of the estate or a decedent's heirs.

Accordingly, the bill increases the number of situations when a court may appoint a curator and gives the court greater discretion regarding the giving of notice.

Bond Requirements

Current law provides that a bond "shall be required of the curator as the court deems necessary." Similarly, under the bill, curators must post a reasonable bond in an amount to be determined by the court, but the court may waive this requirement. Bonds are not required for banks and trust companies that serve as curators.

Court Review

The bill requires curators to file reports with the court as the court deems necessary. The reports must detail the actions taken by the curator in managing the estate. The court must review the reports to ensure that the curator is effectively managing the estate and fulfilling its duties. The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

Reenactment of s. 90.5021(1), F.S.

The bill reenacts s. 90.5021(1), F.S., to incorporate the amendments to s. 733.501, F.S., made by the bill.

Effective Date

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 requires curators to file reports with the court as the court deems necessary. These reports must detail the actions taken by the curator in managing the estate. This requirement may impose additional costs on the decedent's estate, which will now have to compensate curators for preparing and filing these reports with the court.

C. Government Sector Impact:

The bill requires courts to review the reports submitted by curators to ensure that the curator is effectively managing the estate and fulfilling his or her duties. However, the court can control how often curators submit reports for review. Accordingly, the bill may impose some additional costs on courts associated with reviewing curator's reports but these additional costs, if any, are likely to be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 733.501 of the Florida Statutes.

This bill reenacts section 90.5021 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Judiciary on February 3, 2026:
The committee substitute deletes the provisions in the bill regarding the authority and duties of curators and only requires curators to file reports with the court if the court deems it necessary.

B. Amendments:

None.

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

By the Committee on Judiciary; and Senator Burgess

590-02446-26 2026326c1

A bill to be entitled

An act relating to curators of estates; amending s. 733.501, F.S.; revising the authorization for a court to appoint a curator of estates; revising bond requirements for a curator of estates; clarifying who may subject a curator of estates to removal and surcharge; requiring a curator to file reports with the court in specified circumstances; requiring that certain details be included in such reports; requiring the court to review such reports; authorizing the court to require more frequent reporting or additional documents under certain circumstances; reenacting s. 90.5021(1), F.S., relating to fiduciary lawyer-client privilege, to incorporate the amendment made to s. 733.501, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 733.501, Florida Statutes, is amended to read:

733.501 Curators.—

(1) APPOINTMENT OF A CURATOR.—When it is necessary, the court may appoint a curator after formal notice to the person apparently entitled to letters of administration as follows:

(a) The court may appoint a curator at any time with notice to other interested persons as the court deems appropriate. The curator may be authorized to perform any duty or function of a personal representative.

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

590-02446-26 2026326c1

(b) If there is significant ~~great~~ danger that any of the decedent's property is likely to be wasted, destroyed, or removed beyond the jurisdiction of the court and if the appointment of a curator would be delayed by giving notice, the court may appoint a curator without giving notice to other interested persons.

(c) In any other proper case, the court may appoint a curator when deemed necessary to protect the interests of an estate or a decedent's heirs.

(2) BOND REQUIREMENTS.—Unless waived by the court, curators must post a reasonable bond in an amount to be determined by the court. However, bonds are not required for banks and trust companies that serve as curators ~~Bond shall be required of the curator as the court deems necessary. No bond shall be required of banks and trust companies as curators~~.

(3) COMPENSATION.—Curators are ~~shall be~~ allowed reasonable compensation for their services, and the court may consider ~~the provisions of~~ s. 733.617.

(4) REMOVAL AND SURCHARGE.—Curators are ~~shall be~~ subject to removal and surcharge by the court.

(5) COURT REVIEW.—

(a) The curator shall file reports with the court when the court deems it necessary. Such reports must detail the actions taken by the curator in managing the estate. The court shall review such reports to ensure that the curator is effectively managing the estate and fulfilling its duties.

(b) The court may require more frequent reporting or additional documentation as it deems necessary to protect the interests of the estate.

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

Section 2. For the purpose of incorporating the amendment made by this act to section 733.501, Florida Statutes, in a reference thereto, subsection (1) of section 90.5021, Florida Statutes, is reenacted to read:

90.5021 Fiduciary lawyer-client privilege.—

(1) For the purpose of this section, a client acts as a fiduciary when serving as a personal representative or a trustee as defined in ss. 731.201 and 736.0103, an administrator ad litem as described in s. 733.308, a curator as described in s. 733.501, a guardian or guardian ad litem as defined in s. 744.102, a conservator as defined in s. 710.102, or an attorney in fact as described in chapter 709.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill # 326**, relating to Curators of Estates, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 332
INTRODUCER:	Governmental Oversight and Accountability Committee; Judiciary Committee; and Senator Bradley
SUBJECT:	Public Meetings/Private Property Rights
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Harmsen	McVaney	GO	**Fav/CS**
3.	Bond	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 332 creates a public meetings exemption to allow an agency to meet privately with its attorney to review a claim made against the government pursuant to the Bert J. Harris, Jr., Property Rights Protection Act. The bill also creates a public records exemption for the transcript, recordings, minutes, and records generated during an exempt portion of such meeting. Once the claim is resolved or has expired, the records of the meeting will be open to the public.

The Bert Harris Act creates a means for a landowner to seek compensation in certain instances where a local government entity has taken an action that has reduced the fair market value of the property. A claimant must make a claim prior to filing a lawsuit and the local government must respond to the claim.

Under current law, the meeting among government officials to discuss a Bert Harris claim and determine potential settlement offers must be open to the public. However, similar meetings of a public body to discuss lawsuit strategies and settlement offers in the same type of matter are closed to the public during the course of the lawsuit but open when the litigation is concluded.

The bill is expected to have an indeterminate impact on state and local government expenditures.

The bill is subject to Article I, section 24 of the State Constitution, which requires a two-thirds vote of each house of the Legislature on final passage.

The bill is effective July 1, 2026.

II. Present Situation:

Bert Harris Act

The "Bert J. Harris, Jr., Private Property Rights Protection Act" was first enacted by the 1995 Legislature.[1]

The act provides that, when a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government.[2] The stated intent of the act is to provide relief in cases that may not rise to the level of a taking under the State Constitution or the United States Constitution.[3]

For purposes of the act, a governmental entity is an agency of the state, a regional or local government created by the State Constitution or by general or special act, a county or municipality, or any other entity that independently exercises governmental authority.[4]

The act creates a civil cause of action for an affected property owner.[5] At least 90 days prior to filing a lawsuit, the property owner must file a claim with the governmental entity. The claim must include a written appraisal report that supports the claim and demonstrates the loss in fair market value to the real property.[6] During the 90-day-notice period, unless extended by agreement of the parties, the governmental entity must reply with a written settlement offer that includes actions that the entity may take to mitigate the impact, including one or more of the following:

- An adjustment of land development or permit standards or other provisions controlling the development or use of land.
- Increases or modifications in the density, intensity, or use of areas of development.
- Transfer of development rights.
- Land swaps or exchanges.

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[1] Chapter 95-181, Laws of Fla. Bert J. Harris, Jr. was known as a champion of private property rights in Florida. He was a state Representative who represented the Lake Placid area from 1982 to 1996. He made the promotion of agriculture his life's avocation. A 1943 honors graduate of the University of Florida with a degree in agriculture, Harris served as a corporal in the U.S. Army Air Corps during World War II. A citrus grower and rancher himself, Harris owned Rainbow Caladiums and was an independent farming consultant until his election into the Legislature. Harris' efforts with the passage of private property rights to protect landowners from excessive government resulted in the naming of the bill the "Bert J. Harris Jr. Private Property Rights Protection Act." He also sponsored legislation to settle citrus canker cases, passed legislation to prevent the disparagement of perishable food products and worked to meet the Greenbelt Law. He passed away in 2019. This note is a compilation of historical data gleaned from the Florida Agricultural Hall of Fame, at https://floridaaghalloffame.org/1999/10/bert-j-harris-jr/ and other sources, including https://en.wikipedia.org/wiki/Bert_J._Harris_Jr.

[2] Section 70.001(2), F.S.

[3] Section 70.001(9), F.S.

[4] Section 70.001(3)(c), F.S.

[5] Section 70.001(5)(b), F.S.

[6] Section 70.001(4)(a), F.S.

- Other mitigation including payments in lieu of onsite mitigation, or location on the least sensitive portion of the property.
- Conditioning the amount of development or use permitted.
- A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.
- Issuance of the development order, a variance, a special exception, or any other extraordinary relief.
- Purchase of the real property, or an interest therein, by an appropriate governmental entity or payment of compensation.

Alternatively, the entity may reply with a statement that there will be no changes to the action of the governmental entity.[7] The governmental entity must also make a written statement of allowable uses of the property, whether or not it makes a settlement offer.[8]

If the property owner rejects the settlement offer and written statement of allowable uses, then the property owner has exhausted the available remedies and may file a claim in circuit court in the county in which the real property is located.[9] Any act prior to the property owner's filing of a claim is a pre-suit action, for which certain protections—namely, a public meeting exemption prescribed in s. 286.011(8), F.S—that apply to parties in pending litigation do not apply.[10] Thus, in order to craft a proposed settlement as required in s. 70.001(4)(c), F.S., the governmental entity must hold a public meeting. Claimants can attend these public meetings and discover the entity's view of the claim and its possible responses.

The governmental entity must reply to the property owner's claim within the judicial process after a claim is filed. Before filing for a judgment on the claim (or other type of pleading), the movant attorney has a duty to confer with opposing counsel (or the opposing party) to make a good-faith effort to resolve the issues raised in the motion—including a discussion of the anticipated results if they do not settle and alternative settlement strategies.[11] Ordinarily, lawyers and clients can meet in private regarding litigation strategy, whether they are private actors or public.[12] The reason for this privacy is to encourage the client to be open and honest with his or her attorney without fear that others will be able to pry into those conversations. Further, being fully informed by the client enables the attorney to provide the best legal advice.[13]

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.[14] This applies to the official business

[7] Section 70.001(4)(c)11., F.S.
[8] Section 70.001(4)(c) and (5)(a), F.S.
[9] Section 70.001(5)(b), F.S.
[10] Op. Att'y Gen, Fla. 09-25 (2009).
[11] Florida Rule of Civil Procedure Rule 1.202.
[12] Section 90.502, F.S.
[13] Jacqueline Kate Unger, *Maintaining the Privilege: A Refresher on Important Aspects of the Attorney-Client Privilege*, ABA Law Today (Oct. 2013), https://www.americanbar.org/groups/business_law/resources/business-law-today/2013-october/maintaining-the-privilege/.
[14] FLA. CONST. art. I, s. 24(a).

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.[15]

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.[16] The Public Records Act states that:

> [i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[17]

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.[18] 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.

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."[19]

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.[20] A violation of the Public Records Act may result in civil or criminal liability.[21]

Only the Legislature may create an exemption to public records requirements.[22] An exemption must be created by general law and must specifically state the public necessity justifying the

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[15] *Id*.; *see also Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).
[16] Public records laws are found throughout the Florida Statutes.
[17] Section 119.01(1), F.S.
[18] *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).
[19] *Shevin v. Byron, Harless, Schaffer, Reid & Assoc*., 379 So. 2d 633, 640 (Fla. 1980).
[20] Section 119.07(1)(a), F.S.
[21] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[22] FLA. CONST. art. I, s. 24(c).

exemption.[23] 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[24] and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.[25]

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*.[26] 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.[27] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[28]

Open Meetings Law

The Florida Constitution provides that the public has a right to access governmental meetings.[29] Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.[30] This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.

Public policy regarding access to government meetings is also addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the "Government in the Sunshine Law,"[31] or the "Sunshine Law,"[32] requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.[33] A commonly used exception creates an exception for meetings often referred as a "shade meeting." By general law passed by a two-thirds vote of each house, the Legislature may exempt any meeting from the public meeting requirements.[34]

Shade Meetings

A shade meeting refers to a private meeting of any public board or commission to discuss litigation strategy with an attorney hired by that board or commission.[35] To be lawful, a shade meeting must comply with these requirements:

- The board or commission's attorney must advise the board or commission at a public meeting that the attorney desires advice concerning the litigation.

[23] *Id.*
[24] The bill may, however, contain multiple exemptions that relate to one subject.
[25] FLA. CONST. art. I, s. 24(c).
[26] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[27] *Id.*
[28] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[29] FLA. CONST., art. I, s. 24(b).
[30] *Id*.
[31] *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).
[32] *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).
[33] Section 286.011(1)-(2), F.S.
[34] FLA. CONST., art. I, s. 24(c).
[35] Section 286.011(8), F.S.

- The subject matter of the meeting must be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- The entire private session must be recorded by a certified court reporter.
- The entity must give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session.
- The transcript must be made part of the public record upon conclusion of the litigation.[36]

III. Effect of Proposed Changes:

The bill creates a public meetings exemption allowing an agency,[37] or the chief administrative or executive officer of an agency, to conduct a private meeting with an attorney for the purpose of discussing a pre-suit claim submitted pursuant to the procedures required by the Bert J. Harris, Jr. Private Property Rights Protection Act.

The meeting must be:
- Limited to the subject of settlement negotiations or strategy sessions relating to the claim.
- Noticed to occur during an otherwise open meeting, and the notice must include the time and date of the session, and the names of who will attend.
- Initiated upon the agency attorney's notice at a public meeting that he or she desires advice concerning a Bert Harris Act claim.
- Recorded by a certified court reporter, whose notes must also include the start and finish times of the closed session, all discussion and proceedings, the name of all persons present, and the names of all persons speaking. These notes must be transcribed and filed with the governmental entity's clerk within a reasonable time after the meeting.

The transcript, recordings, minutes, and records generated during the shaded meeting is exempt from public records laws. Any transcript created becomes public record upon any settlement of the claim, or at the expiration of the statute of limitations for hearing a claim arising under the Bert Harris Act if no litigation is filed and there is no settlement of a claim. The process created for this pre-suit meeting is the same as the process provided for in s. 286.011(8), F.S., that currently applies to the very similar attorney-client meetings of a governing body.

The bill also includes a public necessity statement and complies with the Open Government Sunset Review Act.

The bill is effective July 1, 2026, and is repealed October 2, 2031, unless saved from repeal.

[36] Sections 286.011(8)(a)-(e), F.S.

[37] The bill defines an agency in accordance with the definition provided in s. 119.011, F.S., as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

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 from the public records and public meetings requirements. This bill creates a public records and meetings exemption for meetings that occur within the context of the Bert Harris Act to facilitate a settlement and for records, transcripts, minutes, and recordings generated during that shaded meeting. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records and public meetings requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemptions.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption from the public meetings requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to provide for private discussion of litigation and settlement strategies for a Bert Harris Act claim. This bill closes only those portions of the meetings at which such conversations are had and therefore is no broader than necessary.

Additionally, the bill requires the local government to record and create a transcript of the pre-suit settlement meeting. The transcript, recording, minutes, and records generated during the exempt portion of the meeting are protected from disclosure by a public records exemption created by the bill. The transcript becomes a part of the public record at the settlement of a Bert Harris claim, or upon the expiration of the statute of limitations for such a claim. This is therefore narrowly tailored to protect just the information from the shaded meetings.

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 is expected to have an indeterminate impact on state and local government expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 70.90 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 Governmental Oversight and Accountability on February 11, 2026:

- Creates a public record exemption for the transcript and recording required to be made during the exempt portion of a meeting.
- Specifies that the exemptions are applicable to all agencies subject to public meeting and public record requirements.
- Updates the public necessity statement.

CS by Judiciary on January 27, 2026:
The amendment changed the placement of the exemption to a standalone section without changing process or effect, added a public necessity statement, and added a future repeal to comply with the Open Government Sunset Review Act.

B. Amendments:

None.

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

By the Committees on Governmental Oversight and Accountability; and Judiciary; and Senator Bradley

585-02770-26 2026332c2

A bill to be entitled

An act relating to public records and public meetings; creating s. 70.90, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings between agencies and their attorneys to discuss certain claims concerning private property rights; specifying what may be discussed during such meetings; requiring that such meetings be transcribed; providing that such transcripts become public records at specified times; providing an exemption from public records requirements for transcripts, recordings, minutes, and records generated during the exempt meetings or portions of such meetings; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 70.90, Florida Statutes, is created to read:

70.90 Public meetings and records regarding a claim under the Bert J. Harris, Jr., Private Property Rights Protection Act.—

(1) A meeting or portion of a meeting between an agency as defined in s. 119.011, or the chief administrative or executive officer of an agency, and the agency's attorney during the 90-day notice period specified in s. 70.001(4) to discuss claims submitted in accordance with that subsection is exempt from s.

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585-02770-26 2026332c2

286.011 and s. 24(b), Art. I of the State Constitution, provided that:

(a) The agency's attorney shall advise the agency at a public meeting that he or she desires advice concerning a claim submitted in accordance with s. 70.001(4).

(b) The subject matter of the meeting must be confined to settlement negotiations or strategy sessions relating to a claim submitted in accordance with s. 70.001(4).

(c) The entire session must be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session may be off the record. The court reporter's notes must be fully transcribed and filed with the agency's clerk within a reasonable time after the meeting.

(d) The agency shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session must commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting must be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript must be made part of the public record upon settlement of a claim under s. 70.001, or upon the expiration of the statute of limitations for the claim arising under this chapter in the event that no litigation is filed and

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

there is no settlement of a claim under s. 70.001.

(2) Transcripts, recordings, minutes, and records generated during an exempt meeting or portion of such a meeting, pursuant to subsection (1), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

Section 2. (1) The Legislature finds that it is a public necessity that meetings or portions of meetings between an agency as defined in s. 119.011, Florida Statutes, or the chief administrative or executive officer of an agency, and the agency's attorney during the 90-day notice period specified in s. 70.001(4), Florida Statutes, to discuss claims submitted in accordance with that subsection be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution, provided that certain conditions are met. When those meetings are conducted in an open meeting, the agency cannot effectively review, discuss, and prepare strategies for resolution of the claim. Similar meetings regarding ongoing litigation are currently confidential. Making these meetings, or portions of these meetings, closed to the public encourages agencies to reasonably develop negotiation strategies that make prelitigation resolution more likely. Requiring meetings relating to a Bert Harris claim to be public defeats the purpose of having a prelitigation claim process, namely, to foster settlement quickly while limiting attorney fees of all parties. The public is protected by the requirement that the records of

the meeting be open once the claim is settled.

(2) The Legislature finds that it is a public necessity that the transcripts, recordings, minutes, and records generated during meetings or portions of meetings between an agency as defined in s. 119.011, Florida Statutes, or the chief administrative or executive officer of an agency, and the agency's attorney during the 90-day notice period specified in s. 70.001(4), Florida Statutes, to discuss claims submitted in accordance with that subsection be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Release of such information during negotiations or settlement discussions would negate the public meeting exemption. As such, the Legislature finds that the public record exemption is a public necessity.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

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

SENATOR JENNIFER BRADLEY
6th District

February 12, 2026

Senator Kathleen Passidomo, Chair
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo:

I respectfully request that CS/CS/SB 332 be placed on the agenda of the Committee on Rules at your earliest convenience. The bill would allow for allow for closed meetings during the presuit litigation period of Bert Harris claims.

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

Sincerely,

Jennifer Bradley

Jennifer Bradley

cc: Shasta W. Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

Feb 24, 2026

Meeting Date

Rules

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 332

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matthew Singer Phone 850-701-3652

Address Street

Email

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida League of Cities

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

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

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The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

SB 332
Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (727) 637-4081

Address 100 S Monroe
Street

Email jscala@fl-counties.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Association of Counties

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 436
INTRODUCER:	Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Leek
SUBJECT:	Felony Battery
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	**Fav/CS**
2.	Atchley	Harkness	ACJ	**Fav/CS**
3.	Vaughan	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 436 amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds "*resisting an officer with violence*" under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add battery on a law enforcement officer resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

The bill may have a positive significant impact (an increase of more than 25 prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Battery

The offense of battery occurs when a person:

- Actually and intentionally touches or strikes another person against the will of the other; or

- Intentionally causes bodily harm to another person.[1]

Battery is generally classified as a first degree misdemeanor.[2] However, if an individual has a prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery offense, they can be charged with a third degree felony.[3]

The intent required for battery under Florida law is established when a defendant either purposefully touches or strikes another person or engages in conduct knowing that such contact is substantially certain to occur. Courts have clarified that this intent may be inferred from the circumstances surrounding the act rather than requiring direct evidence of purpose. For example, in *Clark v. State*, the court held that battery may occur through the intentional touching or striking of an object so intimately connected to the person that it is regarded as an extension of the person, such as clothing or items held in hand.[4] Later, in *Fey v. State*, the court expanded the definition of intentional touching or striking to include situations where the defendant knows that contact is substantially certain to result from their actions.[5] Finally, *S.D. v. State* emphasized that intent to commit battery must be determined by circumstances surrounding the touching or striking of the victim.[6]

The Florida Bar's Florida Standard Criminal Jury Instructions for Battery provides an instruction that to prove the crime of Battery, the State must prove the following beyond a reasonable doubt that:

- the Defendant actually and intentionally touched or struck the victim against his or her will; or
- the Defendant intentionally caused bodily harm to the victim.[7]

Assault or Battery on a Law Enforcement Officers or Other Specified Professional

An offense for assault, aggravated assault, battery, and aggravated battery is reclassified when a person is charged with intentionally committing any of these offenses against an officer or employee who is engaged in engaged in the lawful performance of his or her duties.[8]

Law enforcement officers and specified personnel are currently identified as any of the following:

- A law enforcement officer.
- A firefighter.
- An emergency medical care provider.
- A railroad special officer.
- A traffic accident investigation officer.

[1] Section 784.03, F.S.
[2] A first degree misdemeanor is punishable by not more than a year in county jail and a fine not exceeding $1,000. Sections 775.082 and 775.083, F.S.
[3] Section 784.03(2), F.S.
[4] *Clark v. State*, 783 So. 2d 967 (Fla. 2001)
[5] *Fey v. State*, 125 So. 3d 828 (Fla. 4th DCA 2013)
[6] *S.D. v. State*, 882 So.2d 447 (Fla. 4th DCA 2004)
[7] Florida Standard Jury Instruction 8.3
[8] Section 784.07(2), F.S.

- A nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI.
- A law enforcement explorer.
- A traffic infraction enforcement officer.
- A parking enforcement specialist.
- A person licensed as a security officer and wearing a uniform bearing at least one patch or emblem that is visible at all times and clearly identifies the person's employing agency and that the person is a licensed security officer.
- A security officer employed by the board of trustees of a community college.
- A public transit employee or agent.
- A utility worker is engaged in the lawful performance of his or her duties.[9]

The reclassification of the degree of the offense is as follows:
- In the case of assault, from a second degree misdemeanor to a first degree misdemeanor.
- In the case of battery, from a first degree misdemeanor to a third degree felony.
- In the case of aggravated assault, from a third degree felony to a second degree felony, and any person convicted of aggravated assault upon a law enforcement officer is subject to a mandatory three-year minimum term of imprisonment.
- In the case of aggravated battery, from a second degree felony to a first degree felony,[10] and any person convicted of aggravated battery of a law enforcement officer is subject to a mandatory five-year minimum term of imprisonment.[11]

Additionally, if an individual, during the commission of a battery of an officer, possessed:
- A firearm or destructive device, the person is subject to a mandatory minimum term of imprisonment of three years; or
- A semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, the person is subject to a mandatory minimum term of imprisonment of eight years.[12]

Resisting Arrest

A person who knowingly and willfully resists, obstructs, or opposes specified officers by offering or doing violence to the officer, commits a third degree felony.[13]

Officers specified in s. 843.01, F.S., include any of the following:

[9] Section 784.07, F.S.
[10] A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding $10,000. Sections 775.082 and 775.083, F.S.
[11] Section 784.07(2)(a)-(d), F.S.
[12] Section 784.07(3)(a) and (b), F.S. Additionally, adjudication of guilt or imposition of sentence shall not be suspended, deferred, or withheld, and the defendant is not eligible for statutory gain-time or any form of discretionary early release, other than pardon or executive clemency, or conditional medical release, prior to serving the minimum sentence. Section 784.07(3), F.S.
[13] Section 843.01, F.S.

- Law enforcement officer, correctional officer, correctional probation officer, part-time law enforcement officer, part-time correctional officer or auxiliary law enforcement officer.[14]
- Members of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission.
- Parole and probation supervisors.
- County probation officers.
- Personnel or representatives of the Department of Law Enforcement.
- Other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty.

The Florida Bar's Florida Standard Criminal Jury Instructions for Obstruction of Justice, resisting an officer with violence provides an instruction that to prove the crime of Resisting Officer with Violence, the State must prove all of the following elements beyond a reasonable doubt:

- The defendant knowingly and willfully resisted, obstructed or opposed the victim by offering to do violence or doing violence to the victim.
- At the time, the victim was engaged in the execution of legal process or lawful execution of a legal duty.
- At the time, the victim was an officer or a person legally authorized to execute process.
- At the time, the defendant knew the victim was an officer or a person legally authorized to execute process.[15]

"Offering" to do violence means threatening to do violence.

Florida courts have clarified the scope of intent in resisting and battery-related offenses through several decisions. In *Kirkland v. State*, [16] the court held that verbal threats alone do not constitute "resisting with violence" when the defendant lacks the ability to carry out those threats, as in the case where the defendant was hogtied and physically incapable of acting on them. This illustrates that intent requires more than words, it must be coupled with the capacity to act. In *Frey v. State*,[17] the Florida Supreme Court determined that resisting arrest with violence is not a specific intent crime, meaning the defense of voluntary intoxication does not apply; the offense only requires a general intent to resist, not a heightened mental state. Similarly, in *Wright v. State*[18] (1998), the court recognized that a defendant charged with attempted battery on a law enforcement officer was entitled to a jury instruction on the justifiable use of non-deadly force, reinforcing that intent must be evaluated in light of the circumstances and available defenses. Together, these cases underscore that intent in these circumstances is determined by both the defendant's ability to act and the surrounding circumstances, rather than requiring proof of a specific purpose.

[14] Section 943.10(1), (2), (3), (6), (7), (8), or (9), F.S.
[15] Florida Standard Jury Instruction 21.1
[16] *Kirkland v State*, 647 So. 2d.142 (Fla. 1994)
[17] *Frey v State*, 708 So.2d 918 (Fla. 1998)
[18] *Wright v State,* 705 So.2d 102 (Fla. 1998)

Sentencing

The Criminal Punishment Code[19] (Code) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10).[20]

The maximum sentence that can be imposed for a criminal offense is generally based on the degree of the misdemeanor or felony as follows:
- Sixty days in a county jail for a second degree misdemeanor.
- One year in a county jail for a first degree misdemeanor.
- Five years in state prison for a third degree felony.
- Fifteen years in state prison for a second degree felony.
- Generally, 30 years in state prison for a first degree felony.[21]

Offense Severity Ranking Chart

Section 921.0022(1) and (2), F.S., provides the offense severity ranking chart that must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The chart has 10 offense levels, ranked from least severe to most severe.

Section 921.0023, F.S., provides that until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level defaults to the following parameters:
- A third degree felony is within offense level 1.
- A second degree felony is within offense level 4.
- A first degree felony is within offense level 7.
- A first degree punishable by life felony is within offense level 9.
- A life felony is within offense level 10.

A person who commits battery on a law enforcement officer is guilty of a third-degree felony. The offense is ranked as a Level 4 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third degree felony is punishable by up to five years in state prison, five years of probation, and a $5,000 fine.[22]

Resisting an officer with violence is classified as a third-degree felony and is ranked as a Level 5 offense on the Criminal Punishment Code Offense Severity Ranking Chart. A third degree felony is punishable by up to five years in state prison, five years of probation, and a $5,000 fine.[23]

[19] 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.
[20] Offenses are either ranked in the offense severity level ranking chart in section 921.0022, F.S., or are ranked by default based on a ranking assigned to the felony degree of the offense as provided in section 921.0023, F.S.
[21] Section 775.082, F.S. Fines may also be imposed, and those fines escalate based on the degree of the offense. section 775.083, F.S., provides the following maximum fines; $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.
[22] Section 784.07, F.S.
[23] Section 843.01, F.S.

Enhancement

Florida law authorizes several sentence enhancement provisions for qualifying offenders, including Prison Releasee Reoffender, Habitual Felony Offender, and Violent Career Criminal designations.

Prison Releasee Reoffender

If the state attorney determines that a defendant is a prison releasee reoffender, the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

- For a felony punishable by life,[24] by a term of imprisonment for life.
- For a first degree felony,[25] by a term of imprisonment of 30 years.
- For a second degree felony[26], by a term of imprisonment of 15 years.
- For a third degree felony,[27] by a term of imprisonment of 5 years.[28]

A person sentenced as a prison releasee reoffender can be released only by expiration of sentence and is not eligible for parole, control release, or any form of early release. A prison releasee reoffender must also serve 100 percent of the court-imposed sentence.[29]

A "prison releasee reoffender" is a person who has committed or attempted to commit any of the following enumerated offenses within 3 years after being released from a prison sentence:[30]

- Treason.
- Murder.
- Manslaughter.
- Sexual battery.
- Carjacking.
- Home-invasion robbery.
- Robbery.
- Arson.
- Kidnapping.
- Aggravated assault with deadly weapon.
- Aggravated battery.

[24] For example, a capital felony is generally punishable by death or life imprisonment, a life felony is generally punishable by life imprisonment or by a term of imprisonment not exceeding 40 years, and a first degree felony may be punishable by a term of years not exceeding life imprisonment when specifically provided by statute. Section 775.082, F.S.
[25] The maximum term of imprisonment for a first degree felony is generally 30 years imprisonment. Section 775.082, F.S.
[26] The maximum term of imprisonment for a second degree felony is 15 years imprisonment. Section 775.082, F.S.
[27] The maximum term of imprisonment for a third degree felony is 5 years imprisonment. Section 775.082, F.S.
[28] Section 775.082(9)(a)3., F.S.
[29] Section 775.082(9)(b), F.S. Section 775.082(9), F.S., does not prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084, F.S., or any other provision of law. Section 775.082(9)(c), F.S.
[30] Section 775.082, F.S., states that Florida state or private correctional facility, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year.

- Aggravated stalking.
- Aircraft piracy.
- Unlawful throwing, placing, or discharging of a destructive device or bomb.
- Any felony that involves the use or threat of physical force or violence against an individual.
- Armed burglary.
- Burglary of a dwelling or an occupied structure.
- Any violation of s. 790.07, F.S. (felons in possession of firearms).
- Any violation of s. 800.04, F.S. (lewd or lascivious act in the presence of a child).
- Any violation of s. 827.03, F.S. (abuse, aggravated abuse and neglect of a child).
- Any violation of s. 827.071, F.S. (sexual performance by a child).
- Any violation of s. 847.013(5), F.S. (prohibited computer transmissions constituting lewd exhibition).[31]

Habitual Felony Offender

The Habitual Felony Offender (HFO) statute targets repeat felony offenders who demonstrate a pattern of recidivism, allowing courts to impose longer sentences to protect public safety while preserving judicial discretion. Under current law, an HFO is a defendant for whom the court may impose an extended term of imprisonment. The court may classify a person as a Habitual Felony Offender if it finds that:

- The defendant has two or more felony convictions (or other qualified offenses) in this state. [32]
- The felony for which the defendant is to be sentenced was committed:
    - While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or
    - Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13. F.S., relating to the purchase or the possession of a controlled substance.

The defendant has not received a pardon for any felony or other qualified offense that is necessary for habitual felony offender designation.[33]

If the State pursues the HFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment and may sentence the habitual felony offender as follows:

- A life felony or a felony of the first degree, for life.

[31] Section 775.082, F.S.
[32] Section 775.084(1)(a), F.S., provides that any felony offense qualifies except violations of s. 893.13, F.S., relating to the purchase or possession of a controlled substance, which are expressly excluded.
[33] Section 775.084, F.S.

- A felony of the second degree, for a term of years not exceeding 30 years.
- A felony of the third degree, for a term of years not exceeding 10 years.

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public but must provide written reasons for doing so.

Violent Career Criminal

Violent career criminal (VCC) designation targets offenders with a demonstrated pattern of violent criminal behavior and prior incarceration, aiming to incapacitate individuals deemed high-risk for recidivism. A violent career criminal designation applies to defendants who meet all of the following criteria:

- The defendant has three or more prior adult convictions for qualifying offenses, which include:
  - Any forcible felony.[34]
  - Aggravated stalking.[35]
  - Aggravated child abuse.[36]
  - Aggravated abuse of an elderly person or disabled adult.[37]
  - Lewd or lascivious battery, molestation, conduct, or exhibition.[38]
  - Escape.[39]
  - Any felony violation of ch. 790, F.S., involving the use or possession of a firearm.
- The defendant has been incarcerated in a state or federal prison.
- The current felony offense must be one of the enumerated crimes and committed:
  - While serving a sentence or supervision for a prior enumerated felony, or
  - Within 5 years of the last prior conviction or release from incarceration/supervision for an enumerated felony.

In 2007, *State v. Hearns*, the Supreme Court, held that battery on law enforcement officer was not a "forcible felony" that could be used to enhance subsequent felony as violent career criminal.[40] "Forcible felony" is used in several sentence enhancement statutes, including the Prison Releasee Reoffender, Habitual Felony Offender, and the Violent Career Criminal designation. By excluding battery on a law enforcement officer from this category, the Court limited its use as a qualifying offense for these enhanced sentencing schemes.

[34] Section 776.08, F.S., "Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.
[35] Section 784.048(3) and (4), F.S.
[36] Section 827.03(2)(a), F.S.
[37] Section 825.102(2), F.S.
[38] Section 800.04 or s. 847.0135(5), F.S.
[39] Section 944.40, F.S.
[40] *State v Hearns*, 961 So.2d 211 (Fla. 2007)

Reclassification

Reclassifying an offense increases the degree of the offense. Typically, the maximum sentence for a criminal offense is determined by the degree of the misdemeanor or felony. The following are the maximum sentences associated with each degree:

- Sixty days in a county jail for a second degree misdemeanor.
- One year in a county jail for a first degree misdemeanor.
- Five years in state prison for a third degree felony.
- Fifteen years in state prison for a second degree felony.
- Generally, thirty years in state prison for a first degree felony.[41]

III. Effect of Proposed Changes:

The bill amends s. 784.03, F.S., to expand the list of qualifying prior offenses that allow for the reclassification of misdemeanor battery to a third degree felony. Specifically, the bill adds "*resisting an officer with violence*" under s. 843.01, F.S., to the list of prior convictions that may trigger felony reclassification.

The bill amends s. 775.082, F.S., to add battery on a law enforcement officer resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

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 Art. 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.

[41] Section 775.082, F.S. (maximum penalties). Fines may also be imposed, and those fines escalate based on the degree of the offense. Section 775.082, F.S., provides the following maximum fines: $500 for a second degree misdemeanor; $1,000 for a first degree misdemeanor; $5,000 for a third degree felony; and $10,000 for a second degree felony and a first degree felony.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive significant prison bed impact (an increase of more than 25 prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per FDLE, in FY 24-25, there were 1,138 arrests for the 1st degree misdemeanor under s. 784.03, F.S., with 405 guilty/convicted charges and 70 adjudication withheld charges for those with a prior conviction or adjudication withheld under s. 843.01, F.S.
- Per DOC, the incarceration rate for this felony was between 11 percent and 15 percent over the last three fiscal years. This is higher than the incarceration rate for Level 1, 3rd degree felonies in general (9.7 percent in FY 24-25). However, even with the lowest incarceration rate, the number of offenders that would be incarcerated would be above the threshold for significance (25 offenders in a fiscal year).[42]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 775.082 and 784.03 of the Florida Statutes.

This bill reenacts the following sections of Florida Statutes: 775.261, 900.05, 903.011, 907.041, 943.0584, 944.608, 944.609, and 944.705, F.S.

[42] Office of Economic and Demographic Research, *SB 436- Felony Battery,* (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 18, 2026:
The committee substitute clarifies that the prison releasee reoffender qualifying prior offense is a battery committed on a law enforcement officer resulting in bodily injury.

CS by Criminal Justice on January 12, 2026:
The committee substitute adds felony battery resulting in bodily injury to the list of qualifying offenses for prison releasee reoffender status.

B. Amendments:

None.

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

By the Appropriations Committee on Criminal and Civil Justice; the Committee on Criminal Justice; and Senator Leek

604-02979-26 2026436c2

A bill to be entitled

An act relating to felony battery; amending s. 775.082, F.S.; revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit battery on a law enforcement officer which results in bodily injury; amending s. 784.03, F.S.; providing enhanced criminal penalties for persons who commit a second or subsequent battery after having a prior conviction for resisting an officer with violence; reenacting ss. 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb), 903.011(6), 907.041(5)(c), 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and (b), F.S., relating to the Florida Career Offender Registration Act, the definition of the term "prison release reoffender flag," pretrial release, pretrial detention, notification to the Department of Law Enforcement of information on career offenders, notification upon release of certain career offenders, and inmate release documents, respectively, to incorporate the amendment made to s. 775.082, F.S., in references thereto; reenacting s. 943.0584(2), F.S., relating to criminal history records ineligible for court-ordered expunction or court-ordered sealing, to incorporate the amendment made to s. 784.03, F.S., in a reference thereto; providing an effective date.

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

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

604-02979-26 2026436c2

Section 1. Paragraph (a) of subsection (9) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

a. Treason;

b. Murder;

c. Manslaughter;

d. Sexual battery;

e. Carjacking;

f. Home-invasion robbery;

g. Robbery;

h. Arson;

i. Kidnapping;

j. Aggravated assault with a deadly weapon;

k. Aggravated battery;

l. Aggravated stalking;

m. Aircraft piracy;

n. Unlawful throwing, placing, or discharging of a destructive device or bomb;

o. Any felony that involves the use or threat of physical force or violence against an individual;

p. Armed burglary;

q. Burglary of a dwelling or burglary of an occupied structure; ~~or~~

r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5); or

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

s. Battery on a law enforcement officer which results in bodily injury;

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs 1.a.-s. ~~(a)1.a.-r.~~ while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in

this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;

c. For a felony of the second degree, by a term of imprisonment of 15 years; and

d. For a felony of the third degree, by a term of imprisonment of 5 years.

Section 2. Subsection (2) of section 784.03, Florida Statutes, is amended to read:

784.03 Battery; felony battery.—

(2) A person who has one prior conviction for battery, aggravated battery, ~~or~~ felony battery, or resisting an officer with violence under s. 843.01 and who commits any second or subsequent battery commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

Section 3. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in references thereto, paragraph (a) of subsection (2), paragraph (g) of subsection (4), and subsections (8) and (10) of section 775.261, Florida Statutes, are reenacted to read:

775.261 The Florida Career Offender Registration Act.—

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

(a) "Career offender" means any person who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(4) REGISTRATION.—

(g) A career offender who indicates his or her intent to reside in a state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 2 working days after the date upon which the career offender indicated he or she would leave this state, report in person to the sheriff or the department, whichever agency is the agency to which the career offender reported the intended change of residence, of his or her intent to remain in this state. If the sheriff is notified by the career offender that he or she intends to remain in this state, the sheriff shall promptly report this information to the department. A career offender who reports his or her intent to reside in a state or jurisdiction other than the State of Florida, but who remains in this state without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or identification card; who fails to provide required location information or change-of-name information; or who otherwise

fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who misuses public records information concerning a career offender, as defined in this section, or a career offender, as defined in s. 944.608 or s. 944.609, to secure a payment from such career offender; who knowingly distributes or publishes false information concerning such a career offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

(a) Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section and, if known, the

whereabouts of the career offender;

(b) Harbor or attempt to harbor, or assist another in harboring or attempting to harbor, the career offender;

(c) Conceal or attempt to conceal, or assist another in concealing or attempting to conceal, the career offender; or

(d) Provide information to the law enforcement agency regarding the career offender which the person knows to be false.

Section 4. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (bb) of subsection (2) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

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

(bb) "Prison releasee reoffender flag" means an indication that the defendant is a prison releasee reoffender as defined in s. 775.082 or any other statute.

Section 5. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, subsection (6) of section 903.011, Florida Statutes, is reenacted to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.—

(6) A person may not be released before his or her first appearance hearing or bail determination and a judge must determine the appropriate bail, if any, based on an individualized consideration of the criteria in s. 903.046(2), if the person meets any of the following criteria:

(a) The person was, at the time of arrest for any felony,

on pretrial release, probation, or community control in this state or any other state;

(b) The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

(c) The person was arrested for violating a protective injunction;

(d) The person was, at the time of arrest, on release from supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731;

(e) The person has, at any time before the current arrest, been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

(f) The person has been arrested three or more times in the 6 months immediately preceding his or her arrest for the current offense; or

(g) The person's current offense of arrest is for one or more of the following crimes:

1. A capital felony, life felony, felony of the first degree, or felony of the second degree;

2. A homicide under chapter 782; or any attempt, solicitation, or conspiracy to commit a homicide;

3. Assault in furtherance of a riot or an aggravated riot; felony battery; domestic battery by strangulation; domestic violence, as defined in s. 741.28; stalking; mob intimidation; assault or battery on a law enforcement officer; assault or battery on juvenile probation officer, or other staff of a detention center or commitment facility, or a staff member of a

commitment facility, or health services personnel; assault or battery on a person 65 years of age or older; robbery; burglary; carjacking; or resisting an officer with violence;

4. Kidnapping, false imprisonment, human trafficking, or human smuggling;

5. Possession of a firearm or ammunition by a felon, violent career criminal, or person subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking;

6. Sexual battery; indecent, lewd, or lascivious touching; exposure of sexual organs; incest; luring or enticing a child; or child pornography;

7. Abuse, neglect, or exploitation of an elderly person or disabled adult;

8. Child abuse or aggravated child abuse;

9. Arson; riot, aggravated riot, inciting a riot, or aggravated inciting a riot; or a burglary or theft during a riot;

10. Escape; tampering or retaliating against a witness, victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;

12. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

14. Failure to appear at required court proceedings while on bail.

Section 6. For the purpose of incorporating the amendment

made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this

subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 7. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in references thereto, subsections (1) and (8) of section 944.608, Florida Statutes, are reenacted to read:

944.608 Notification to Department of Law Enforcement of information on career offenders.—

(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of, a contractor-operated correctional facility, and who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(8) The failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with

the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, subsection (1) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of a contractor-operated correctional facility, who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

Section 9. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraphs (a) and (b) of subsection (7) of section 944.705, Florida Statutes, are reenacted to read:

944.705 Release orientation program.—

(7)(a) The department shall notify every inmate in the inmate's release documents:

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the

department; and

2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) This section does not preclude the sentencing of a person pursuant to s. 775.082(9), and evidence that the department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is not required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

Section 10. For the purpose of incorporating the amendment made by this act to section 784.03, Florida Statutes, in a reference thereto, subsection (2) of section 943.0584, Florida Statutes, is reenacted to read:

943.0584 Criminal history records ineligible for court-ordered expunction or court-ordered sealing.—

(2) A criminal history record is ineligible for a certificate of eligibility for expunction or a court-ordered expunction pursuant to s. 943.0585 or a certificate of eligibility for sealing or a court-ordered sealing pursuant to s. 943.059 if the record is a conviction for any of the following offenses:

(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;

(b) Illegal use of explosives, as defined in chapter 552;

(c) Terrorism, as defined in s. 775.30;

(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;

(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;

(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);

(g) Aggravated assault, as defined in s. 784.021;

(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in ss. 784.03, 784.041, and 784.045, respectively;

(i) Stalking or aggravated stalking, as defined in s. 784.048;

(j) Luring or enticing a child, as defined in s. 787.025;

(k) Human trafficking, as defined in s. 787.06;

(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;

(m) Any offense defined in chapter 794;

(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;

(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;

(p) Arson, as defined in s. 806.01;

(q) Burglary of a dwelling, as defined in s. 810.02;

(r) Voyeurism or digital voyeurism, as defined in ss. 810.14 and 810.145, respectively;

(s) Robbery or robbery by sudden snatching, as defined in ss. 812.13 and 812.131, respectively;

(t) Carjacking, as defined in s. 812.133;

(u) Home-invasion robbery, as defined in s. 812.135;

(v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;

(w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;

(x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in s. 825.1025;

(y) Child abuse or aggravated child abuse, as defined in s. 827.03;

(z) Sexual performance by a child, as defined in s. 827.071;

(aa) Any offense defined in chapter 839;

(bb) Certain acts in connection with obscenity, as defined in s. 847.0133;

(cc) Any offense defined in s. 847.0135;

(dd) Selling or buying of minors, as defined in s. 847.0145;

(ee) Aircraft piracy, as defined in s. 860.16;

(ff) Manufacturing a controlled substance in violation of chapter 893;

(gg) Drug trafficking, as defined in s. 893.135; or

(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Section 11. This act shall take effect July 1, 2026.

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

The Florida Senate

APPEARANCE RECORD

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

02/24/2026
Meeting Date

Rules
Committee

SB 436
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson

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Address 123 W. Indiana Ave
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Delard fl. 32720
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Volusia Sheriffs Office

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 474
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator Wright
SUBJECT:	Military Affairs
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	**Fav/CS**
2.	Wells	Sadberry	AP	**Favorable**
3.	McVaney	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 474 revises laws relating to military service leave for public employees. Specifically, the bill:

- Expands eligibility for certain military service leave protections to include public officials who are also members of the United States Coast Guard.
- Expands eligibility for certain leave protections to include public officials and public employees who are also members of the Florida State Guard.
- Narrows the instances for which servicemembers who are also public officials or public employees are entitled to 30 days' pay from their government employment for federal military service to apply only when the servicemember has federal military service of 90 consecutive days or more on a single order (rather than a series of shorter orders).
- Clarifies which positions within the Department of Military Affairs and the Florida State Guard are eligible for Senior Management Service Class retirement membership.
- Deletes statutory references to the Forward March and About Face programs that have been eliminated.
- Expands the eligibility requirements for financial assistance from the Soldiers and Airmen Assistance Program.

The bill is expected to have an indeterminate impact on state expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Leaves of Absence for Military Duty for County and State Officials

A county or state official may be granted a leave of absence from office to serve in the volunteer forces of the United States, in the National Guard of any state, or in the regular federal Army, Navy, Air Force, Marine Corps, or Space Force when the official is called into active service of the United States during war between the Unites States and a foreign government.[1] Upon completing the service, the county or state officer granted such leave must immediately enter into the duties of his or her office for the remainder of the term for which elected.[2]

Section 114.01, F.S., defines when a vacancy occurs in any office. In pertinent part, a vacancy occurs upon the officer's unexplained absence for 60 consecutive days.[3] When an executive branch officer, other than a Cabinet officer, wants to be absent from the state for 60 consecutive days or more, the officer must provide written notification to the Governor.[4] However, the officer must return to the state and perform his or her duties whenever requested by the Governor. Failure to return and perform such duties allows the Governor to declare the office vacant.[5]

The Attorney General, Chief Financial Officer, and the Commissioner of Agriculture may not be absent from the state for 60 consecutive days or more without the consent of the Governor and a majority of the Cabinet. If a Cabinet officer violates this prohibition, the office may be deemed vacant.[6]

Any official of the state or of a county, municipality and other political subdivision of the state, including a school district and a community college, who is a servicemember in the National Guard or a reserve component of the Armed Forces must be granted a leave of absence from office and duties to perform active military service.[7] The servicemember will receive full pay from the Florida governmental entity for the first 30 days of the leave of absence if the active federal military service is equal to or greater than 90 consecutive days.[8]

Leaves of Absence for Military Service for Public Employees

Every officer or employee of the state, counties, cities, or other political subdivisions of the state who is a member of the U.S. military reserves or a member of the National Guard and assigned to active or inactive duty is entitled to a leave of absence while in training ordered pursuant to the U.S. military or naval training regulations.[9] This leave is available without loss of vacation leave, pay, time, or efficiency rating, for those days during which the officer or employee is

[1] Section 115.01, F.S.
[2] Section 115.06, F.S.
[3] Section 114.01(1)(f), F.S.
[4] Section 114.02, F.S.
[5] *Id.*
[6] Section 114.03, F.S.
[7] Section 115.09, F.S.
[8] *Id.*
[9] Section 115.07(1), F.S.

engaged in the training. This type of leave of absence may not exceed 240 working hours (equivalent of six 40-hour workweeks) in any one annual period.[10]

All employees of the state, counties, municipalities, and other political subdivisions of the state must be granted a leave of absence for active military service with the same rights and privileges granted officers of the governmental entities.[11] Like the officers, the employees receive full pay for the first 30 days of a leave of absence whenever the active federal military service is equal to or greater than 90 consecutive days.[12]

The provisions of the Uniformed Services Employment and Reemployment Rights Act, 38 United State Code ss. 4301-1335,[13] is applicable in Florida. Florida law specifies that any state, county, or municipal official who refuses to comply with the Act is subject to removal from office.[14]

Programs within the Department of Military Affairs

Forward March

Forward March is job-readiness program for economically disadvantaged participants. This program provides training on topics that directly relate to the skills required for real-world success, emphasizing functional life skills, computer literacy, interpersonal relationships, and critical-thinking skills. Upon completion of the program, the participants go to the local workforce development boards for placement in the job placement pool.[15] The program was terminated in 2011 when state funding was eliminated.

About Face

The About Face program is a summer and year-round after-school life preparation program for economically disadvantaged youths aged 13 through 17 years. The program is intended to provide training in academic study skills and the basic skills that businesses require for employment consideration.[16] The program was terminated in 2011 when state funding was eliminated.

Soldiers and Airmen Assistance Program

This program, authorized under s. 250.116, is intended to provide financial assistance and services to eligible members of the Florida National Guard. Florida National Guard Foundation,

[10] Section 115.07(2), F.S.
[11] Section 115.14, F.S.
[12] *Id.*
[13] Section 115.15, F.S. The purposes of the Uniformed Services Employment and Reemployment Rights Act are to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service; minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities by providing for the prompt reemployment of such persons upon their completion of such service; and to prohibit discrimination against persons because of their service in the uniformed services. 77 AM. JUR. 2D *Veterans and Veterans' Laws* s. 86 (Nov. 2025 update).
[14] Section 115.15, F.S.
[15] Section 250.10(2)(m), F.S.
[16] Section 250.10(2)(m), F.S.

Inc., (the Foundation), is a direct support organization that provides funding for the program. To be eligible, the guardsman:

- Must be on active duty serving in either the Global War on Terrorism or Overseas Contingency Operation, or must have requested assistance within 120 days after termination orders for such services and return to his or her home of record; and
- Must be deployed by the federal government and participating in state operations for homeland defense or request assistance within 120 days after termination orders for such service and return to his or her home of records.[17]

A beneficiary of an eligible guardsman designated on the United States Department of Defense Form 93 and an individual demonstrating a financial need who is a dependent or family member of a guardsman are also eligible to receive assistance.[18]

Assistance authorized includes housing assistance, living expenses that are deemed reasonable and necessary to meet basic needs, vehicle repairs or short-term rentals of vehicles, as well as health care services that are documented as necessary for the health and welfare of the individual.

The requests for assistance are reviewed and processed at the local level by an official designated by the Adjutant General. The Department of Military Affairs (DMA) makes the final review and approval of requests for assistance.

Because the Foundation provides the funding for the program, the financial committee of the board of directors of the Foundation must review the financial transactions on a quarterly basis. This review is provided to DMA to determine whether the Foundation is being operated in a manner consistent with the purposes of the program and in the best interests of the DMA. The financial committee also may request the Office of the Inspector General to conduct additional reviews.[19]

Direct-Support Organization of the Department of Military Affairs

The Foundation was formed in 1983 as a 501(c)(3) non-profit organization to protect the history of the Florida National Guard and to administer a scholarship program developed by the Florida National Guard Association of Florida. After September 11, 2001, the focus of the Foundation shifted to providing financial assistance to soldiers and airmen of the Florida National Guard and their families. In 2003, the Foundation became a direct support organization to the DMA as provided by s. 250.115, F.S., to administer the Soldiers and Airman Relief Fund. The Foundation is organized and operated exclusively to raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the direct or indirect benefit of the Florida National Guard.[20]

[17] Section 250.116(4)(a), F.S.
[18] Section 250.116(4)(b), F.S.
[19] Section 250.116(6), F.S.
[20] Department of Military Affairs, Florida National Guard Foundation, Inc., Financial Statements and Independent Auditors' Report for the Years Ended June 30, 2024 and 2023, floridafiscalportal.state.fl.us/Document.aspx?ID=33033&DocType=PDF.

The table below shows the last reported financial statements submitted to the DMA by the Foundation.[21]

	2023	2024
Assets	$756,545	$588,154
Liabilities	$7,175	0
Net Assets	$749,370	$588,154
Revenues	$554,451	$165,284
Expenses	$184,037	$326,500
Change in assets	$370,414	($161,216)

Miscellaneous

The term "active military service" is intended to:

> …signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.[22]

Florida Retirement System

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers' Retirement System, the State and County Officers and Employees' Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.[23] The FRS is a contributory system, with active members contributing three percent of their salaries.[24]

The FRS is a multi-employer plan, governed by ch. 121, F.S., the "Florida Retirement System Act." As of June 30, 2025, the FRS had 659,233 active non-retired members, 459,428 annuitants, 14,171 disabled retirees, and 29,017 active participants of the Deferred Retirement Option

[21] *Id.*
[22] Section 115.08(1), F.S.
[23] Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Summary Plan Description*, (July 1, 2025), https://frs.fl.gov/forms/spd-pp.pdf (last visited Jan. 11, 2026).
[24] Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

Program (DROP).[25] As of December 2025, the FRS consisted of 1,000 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 187 cities and 151 special districts that have elected to join the system.[26]

The membership of the FRS is divided into five membership classes:
- The Regular Class[27] consists of 562,840 active members and 9,932 in renewed membership;
- The Special Risk Class[28] includes 79,529 active members and 1,379 in renewed membership;
- The Special Risk Administrative Support Class[29] has 97 active members and three are in renewed membership;
- The Elected Officers' Class[30] has 2,148 active members and 105 in renewed membership; and
- The Senior Management Service Class[31] has 7,871 active members and 253 in renewed membership.[32]

Each class is funded separately based upon the costs attributable to the members of that class.

Members of the FRS have two primary plan options available for participation:
- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.[33]

Investment Plan

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.[34]

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[25] DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30, 2025*, at 203, https://frs.fl.gov/forms/2024-25_ACFR.pdf (last visited Jan. 11, 2026).
[26] DMS, Division of Retirement, *Participating Employers for Fiscal Year 2025-2026* (Dec. 2025), https://frs.fl.gov/forms/part-emp.pdf (last visited Jan. 11, 2026).
[27] The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.
[28] The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S. *See also*, DMS, *FRS Pension Plan Member Handbook (2025)*, https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).
[29] The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.
[30] The Elected Officers' Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers' Class participation for its elected officers. Section 121.052, F.S.
[31] The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.
[32] All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems Annual Comprehensive Financial Report Fiscal Year Ended June 30,2025*, at 226.
[33] Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), https://www.myfrs.com/pdf/forms/plancomparison.pdf (last visited Jan. 11, 2026).
[34] *See*, ch. 2000-169, Laws of Fla.

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.[35]

A member vests immediately in all employee contributions paid to the investment plan.[36] With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.[37] Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.[38] The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.[39] An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.[40]

The State Board of Administration (SBA) is primarily responsible for administering the investment plan.[41] The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.[42]

Pension Plan

The pension plan is administered by the Secretary of Management Services (DMS) through the Division of Retirement.[43] The SBA manages the pension fund's assets.[44]

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.[45] For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.[46] Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.[47] For most current members of the pension plan, normal retirement (when first

[35] Section 121.4501(1), F.S.
[36] Section 121.4501(6)(a), F.S.
[37] If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.
[38] Section 121.591, F.S.
[39] *See* s. 121.4501(16), F.S.
[40] Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.
[41] Section 121.4501(8), F.S.
[42] FLA. CONST. art. IV, s. 4.
[43] Section 121.025, F.S.
[44] Section 215.44, F.S.
[45] Section 121.021(45)(a), F.S.
[46] Section 121.021(45)(b), F.S.
[47] Section 121.091, F.S. *See also*, DMS, *FRS Pension Plan Member Handbook*, 29 (2025), https://frs.fl.gov/forms/member_handbook.pdf (last visited Jan. 11, 2026).

eligible for unreduced benefits) occurs at the earliest attainment of 30 years of service or age 62.[48] For public safety employees in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earliest of 25 years of service or age 55.[49] Members, other than Special Risk Class members, initially enrolled in the pension plan on or after July 1, 2011, have longer service requirements. For members initially enrolled after that date, the member must complete 33 years of service or attain age 65.[50]

Senior Management Service Class Retirement, Generally

The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S. The state agency positions in the Senior Management Service include division directors and above, assistant attorneys general, selected managerial staff of the Legislature, the Executive Service of the State University System and state university presidents, senior-level managerial staff of the State Board of Administration, specific positions in the State Court System, assistant state attorneys, and assistant public defenders.

Senior Management Service Class Retirement in the Department of Military Affairs

Participation in the Senior Management Service Class of the FRS is currently mandatory for ten positions in the DMA, with eight of the positions specifically named in the current statute, leaving only two positions to be designated at the discretion of the Adjutant General.[51] With the activation of the Florida State Guard as an on-going program, two employees of the State Guard have been designated as members of the Senior Management Service Class. This has reduced the flexibility of the Department of Military Affairs to designate its personnel for these retirement benefits.

III. Effect of Proposed Changes:

Section 1 amends s. 115.01, F.S., to expand the instances for which a county or state official may be granted a leave of absence from office to include service in the United State Coast Guard. In addition, the purpose of the active service is broadened to include any active service, regardless of whether the active service is related to a war between the United State and a foreign government.

Section 2 amends s. 115.07, F.S., to grant a member of the Florida State Guard a leave of absence from duties of employment by the state, counties, municipalities or other political subdivisions of the state. During this leave of absence, the State Guard member will not lose vacation leave, pay, or time on any day during which the member is engaged in training ordered pursuant to state law relating to personnel assigned to active or inactive duty.

Section 3 amends s. 115.08, F.S., to make technical, non-substantive changes to the term "active military service."

[48] Section 121.021(29)(a)1., F.S.
[49] Section 121.021(29)(b), F.S.
[50] Sections 121.021(29)(a)2., F.S.
[51] Section 121.055(1)(j)

Section 4 amends s. 115.09, F.S., to limit when an employing governmental entity provides full pay for the first 30 days of the leave of absence of a servicemember-employee to only those instances in which the servicemember is called for active federal military service that is equal to or greater than 90 consecutive days on a single order (rather than a series of orders). This section also updates the name of the Florida College System, eliminating the reference to community colleges.

Section 5 amends s. 115.14, F.S., to limit the payment of full pay for the first 30 days of the leave of absence by the employing governmental entity to only those instances in which the servicemember is called to federal military service that is equal to or greater than 90 consecutive days on a single order (rather than a series of orders).

Section 6 amends s. 121.055, F.S., to retain only four of the eight named positions in the Senior Management Service Class and to allow other positions to be eligible for such membership based on the statutory requirements used for other state agencies (division directors and above, and managerial, confidential, and supervisory employees) if the position meets the statutory requirements for inclusion in the Senior Management Service Class of the State Personnel System set forth in s. 110.205. This is intended to give the Department of Military Affairs some flexibility as the organizational structure and size changes over time.

Section 7 amends s. 250.10, F.S., to eliminate the duty of the Adjutant General to administer the youth About Face program and the adult Forward March program. These programs ended in 2011 when state funding was eliminated.

Section 8 amends s. 250.116, F.S., to expand the application of the Soldiers and Airmen Assistance Program to include any traditional drilling guardsmen on state active duty or on Title 32 United State Code duty who do not qualify for other assistance programs and who demonstrate valid financial need. A request for assistance to the program must be reviewed, processed, and approved by the board of directors of the Florida National Guard Foundation, rather than the Department of Military Affairs.

The section requires an annual external audit of the program. And the board directors of the Foundation must review annually the foundation's bylaws that govern the program. A report of the review of bylaws, rather than financial transactions, will be forwarded to the Adjutant General for approval.

Section 9 reenacts s. 115.06, F.S., relating to the resumption of duties for officers returning from the service of the United States, to incorporate the amendment made to s. 115.01, F.S., by section 1 of the bill.

Section 10 provides that the act takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

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 overall impact of the bill is indeterminate. Public employers of servicemembers who are on active duty for less than 90 days on a single order will no longer be obligated to pay the first 30 days of pay. The Department of Military Affairs may experience higher retirement contributions if more than ten personnel are designated as members of the Senior Management Service Class of the Florida Retirement System.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 115.01, 115.07, 115.08, 115.09, 115.14, 121.055, 250.10, 250.116, and 115.06.

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:
The CS makes school district and state college system employees who are servicemembers eligible for a leave of absence to take care of military obligations. The CS also clarifies that beneficiaries of the Soldiers and Airmen Assistance Program may be designated by the guardsman in his service records. Lastly, the CS reinstates the current law review of financial transactions of the Soldiers and Airmen Assistance Program and adds a required annual audit of the program.

B. Amendments:

None.

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

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

585-02207-26 2026474c1

A bill to be entitled

An act relating to military affairs; amending s. 115.01, F.S.; revising the authorization to be granted a leave of absence for military service to include the Coast Guard; deleting the condition that such service be during war between the United States and a foreign government; amending s. 115.07, F.S.; revising the authorization to be granted a leave of absence for reserve or guard training to include members of the Florida State Guard; revising legislative intent; amending s. 115.08, F.S.; revising the definition of the term "active military service"; amending s. 115.09, F.S.; specifying that an authorization for a leave of absence for public officials to perform active military service for a specified timeframe is based on a single order; making a technical change; amending s. 115.14, F.S.; clarifying the applicable employing agencies subject to military leave requirements; specifying that an authorization for a leave of absence for all employees of the state and the counties, municipalities, and political subdivisions of the state to perform active military service for a specified timeframe is based on a single order; amending s. 121.055, F.S.; deleting a requirement that certain positions from the Department of Military Affairs participate in the Senior Management Service Class; providing that participation in such class for all other members employed with the Department of Military Affairs and the Florida State

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Guard be governed by a specified provision; amending s. 250.10, F.S.; deleting a requirement that the Adjutant General administer youth About Face programs and adult Forward March programs; deleting provisions governing the programs; amending s. 250.116, F.S.; revising eligibility for the Soldiers and Airmen Assistance Program to include traditional drilling guardsmen on state active duty or on Title 32 United States Code duty and their eligible beneficiaries experiencing valid financial need; defining the term "beneficiary"; revising the review process for requests for assistance to be reviewed, processed, and approved by the Florida National Guard Foundation's board of directors; revising the criteria to review and evaluate requests for assistance; requiring an annual external audit of the program; requiring the board of directors to review annually the bylaws that govern the program; requiring the board of directors to provide a report to the Department of Military Affairs to be approved by the Adjutant General; reenacting s. 115.06, F.S., relating to resumption of duties for officers returning from the service of the United States, to incorporate the amendment made to s. 115.01, F.S., in a reference thereto; providing an effective date.

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

Section 1. Section 115.01, Florida Statutes, is amended to

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

read:

115.01 Leave of absence for military service.—Any county or state official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, or in the National Guard of any state, or in the regular Army, Navy, Air Force, Marine Corps, Coast Guard, or Space Force of the United States, when the same shall be called into active service of the United States ~~during war between the United States and a foreign government~~.

Section 2. Subsections (1) and (4) of section 115.07, Florida Statutes, are amended to read:

115.07 Officers and employees' leaves of absence for reserve or guard training.—

(1) All officers or employees of the state, of the several counties of the state, and of the municipalities or political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard or the Florida State Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations or the applicable laws of this state for such personnel when assigned to active or inactive duty.

(4) It is the intent of the Legislature that the state, its several counties, and its municipalities and political subdivisions shall grant leaves of absence for active or

inactive training to all employees who are members of the United States Reserve Forces, ~~or~~ the National Guard, or the Florida State Guard, to ensure the state and national security at all times through a strong armed force of qualified and mobilization-ready personnel.

Section 3. Subsection (1) of section 115.08, Florida Statutes, is amended to read:

115.08 Definitions.—

(1) The term "active military service" as used in this chapter means ~~shall signify~~ active duty in the Florida State Guard ~~defense force~~ or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and includes ~~shall include~~ the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Section 4. Section 115.09, Florida Statutes, is amended to read:

115.09 Leave to public officials for military service.—All officials of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and Florida ~~community~~ College System officers, which officials are also servicemembers in the National Guard or a reserve component of the Armed Forces of the United States, must be granted leave of absence from their respective offices and duties to perform active military service, with the first 30 days of any such leave of absence to

be with full pay for active federal military service that is equal to or greater than 90 consecutive days on a single order.

Section 5. Section 115.14, Florida Statutes, is amended to read:

115.14 Employees.—All employees of the state, the several counties of the state, and the municipalities or political subdivisions of the state, including district school and Florida College System employees, must be granted leave of absence under the terms of this law; upon such leave of absence being granted, such employee must enjoy the same rights and privileges as are granted to officials under this law, including, without limitation, receiving full pay for the first 30 days for federal military service that is equal to or greater than 90 consecutive days on a single order. Notwithstanding s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall continue to provide all health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 6. Paragraph (g) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

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

(1)

(g) Effective July 1, 1996, participation in the Senior Management Service Class shall be compulsory for any member of the Florida Retirement System employed with the Department of Military Affairs in the positions of the Adjutant General, Assistant Adjutant General-Army, Assistant Adjutant General-Air, and State Quartermaster~~, Director of Human Resources, Director of Legislative Affairs, Inspector General, Executive Officer, and additional directors as designated by the agency head, not to exceed a total of 10 positions~~. In lieu of participation in the Senior Management Service Class, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6). Eligibility for participation in the Senior Management Service Class for all other members of the Florida Retirement System employed within the Department of Military Affairs or within the Division of the State Guard is separately governed by s. 110.205.

Section 7. Paragraph (m) of subsection (2) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(2) The Adjutant General shall:

~~(m) Subject to annual appropriations, administer youth About Face programs and adult Forward March programs at sites to be selected by the Adjutant General. Both programs must provide schoolwork assistance, focusing on the skills needed to master basic high school competencies and functional life skills, including teaching students to work effectively in groups; providing basic instruction in computer skills; teaching basic problem-solving, decisionmaking, and reasoning skills; teaching~~

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

~~how the business world and free enterprise work through computer simulations; and teaching home finance and budgeting and other daily living skills.~~

~~1. About Face is a summer and year-round after-school life-preparation program for economically disadvantaged and at-risk youths from 13 through 17 years of age. The program must provide training in academic study skills, and the basic skills that businesses require for employment consideration.~~

~~2. Forward March is a job-readiness program for economically disadvantaged participants who are directed to Forward March by the local workforce development boards. The Forward March program shall provide training on topics that directly relate to the skills required for real-world success. The program shall emphasize functional life skills, computer literacy, interpersonal relationships, critical-thinking skills, business skills, preemployment and work maturity skills, job-search skills, exploring careers activities, how to be a successful and effective employee, and some job-specific skills. The program also shall provide extensive opportunities for participants to practice generic job skills in a supervised work setting. Upon completion of the program, Forward March shall return participants to the local workforce development boards for placement in a job placement pool.~~

Section 8. Subsections (4), (5), and (6) of section 250.116, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

250.116 Soldiers and Airmen Assistance Program.—

(4) ELIGIBILITY. ~~Persons eligible for assistance from the program include:~~

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

(a) Persons eligible for assistance from the program include servicemembers who are members of the Florida National Guard who are~~:~~

~~1.~~ traditional drilling guardsmen on state active duty or on Title 32 United States Code duty, who otherwise do not qualify for the assistance programs available to servicemembers serving under Title 10 United States Code, and who demonstrate valid financial need, and their eligible beneficiaries, and such persons are authorized to apply for and receive financial assistance from the program, as administered by the Florida National Guard Foundation's board of directors and its governing bylaws, contingent upon the availability of funds ~~serving in the Global War on Terrorism or Overseas Contingency Operation or who request assistance within 120 days after the termination of orders for such service and return to their home of record~~.

~~2. Deployed by the Federal Government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for such service and return to their home of record.~~

(b)~~1.~~ As used in this subsection, the term "beneficiary" means the current spouse, dependent children, or other beneficiaries as designated in the servicemember's service component records ~~Beneficiaries of an eligible servicemember designated on United States Department of Defense Form 93~~.

~~2. Individuals demonstrating a financial need for authorized assistance who are dependents or family members of an eligible servicemember.~~

(5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.—

(a) A request for assistance must ~~shall~~ be reviewed, ~~and~~

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

processed, and approved by the Florida National Guard Foundation's board of directors ~~at the local level by an official designated by the Adjutant General. During the initial review and processing of the request, the Department of Military Affairs may accept assistance from the direct-support organization. Final review and approval of requests for assistance shall be made by the Department of Military Affairs~~.

(b) Requests for assistance must ~~shall~~ be reviewed and evaluated based on the following criteria:

1. The impact of a servicemember's financial situation ~~absence~~ and inability to provide quality of life and other qualifying life-impacting ~~assist in home and vehicle repairs or meet other~~ family needs;

2. ~~The economic impact of deployment;~~

~~3. The overall financial situation of the applicant;~~

~~4.~~ The assistance authorized under the program; and

3.~~5.~~ Any other consideration dictated in the bylaws of the Florida National Guard Foundation ~~Other relevant information~~.

(6) ANNUAL ~~QUARTERLY~~ FINANCIAL REVIEW.—The financial committee of the board of directors of the direct-support organization shall review financial transactions of the program each quarter. The board of directors also must ensure an annual external audit is completed and published on the publicly available website of the direct-support organization. This audit must ~~review shall~~ be provided to the Department of Military Affairs in order to determine whether the direct-support organization is being operated in a manner that is consistent with the purposes of the Soldiers and Airmen Assistance Fund, and in the best interests of the department. The financial

committee may request the Office of Inspector General to conduct additional reviews.

(7) ANNUAL BYLAW REVIEW.—The board of directors of the direct-support organization shall annually review its bylaws that govern the Soldiers and Airmen Assistance Program. This review shall be provided in a report to the Department of Military Affairs and subject to approval by the Adjutant General.

Section 9. For the purpose of incorporating the amendment made by this act to section 115.01, Florida Statutes, in a reference thereto, section 115.06, Florida Statutes, is reenacted to read:

115.06 Reassumption of duties.—Upon being mustered out of the service of the United States, such officer granted leave under s. 115.01 shall immediately enter into the duties of his or her office for the remainder of the term for which he or she was elected.

Section 10. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 15, 2026

I respectfully request that **Senate Bill 474**, relating to Military Affairs, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Thank you for your consideration of this request.

Tom A. Wright

Senator Tom A. Wright
Florida Senate, District 8

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

24 FEB 2026
Meeting Date

Rules
Committee

474
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colonel Jason Hunt, Dept of Military Affairs

Phone 850-414-9048

Address The Capitol, Ste 2103
Street

Email jason.m.hunt.mil@army.mil

Tallahassee FL
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 540
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Banking and Insurance Committee; and Senator Martin
SUBJECT:	Office of Financial Regulation
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Fav/CS**
3.	Moody	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 540 modifies the provisions of laws governing financial services regulated by the Office of Financial Regulation (OFR).

Investigations of Suspected Financial Exploitation of Specified and Vulnerable Adults

The bill requires the Department of Children and Families (DCF) to cooperate with the Office of Financial Regulation (OFR) as it relates to protective investigations of suspected financial exploitation of specified adults. The DCF is authorized to provide copies of any records generated related to the report upon the request of the OFR. The bill authorizes the OFR to use the copies of the reports from the hotline or related records in any investigation, examination, or other action conducted under s. 20.121(3)(a)2. (general responsibilities and powers), or chs. 517 (money services businesses) and 655, F.S. (financial institutions). The bill provides all confidentiality provisions that apply to the DCF continue to apply to records made available to the OFR and its officials, employees and agents unless an exception applies.

The bill authorizes the DCF and the OFR to enter into a Memorandum of Agreement (MOA) which specifies how the OFR may assist the DCF with effective and efficient protective investigations of vulnerable adult financial exploitation reports. The OFR's investigations and examinations of a dealer or investment adviser must be in accordance with the MOA.

The bill allows the OFR to consider and use the financial exploitation reports to the hotline and records that are generated from the report as part of the OFR's investigations and examinations or other actions related to the authority under those provisions of financial institutions, dealers, and investment advisers. The bill amends the information that a dealer or investment adviser must include in a report to notify the OFR of a delayed disbursement or transaction and clarifies that compliance with the requirements in s. 517.34, F.S., does not substitute the dealer's or investment adviser's duty to report a suspected financial exploitation to the central abuse hotline.

Cybersecurity

Mortgage brokers, mortgage lenders, and money services businesses

The bill:

- Creates a regulatory framework patterned after the Federal Standards for Safeguarding Customer Information ("Safeguard Rules") requiring mortgage brokers, mortgage lenders, and money services businesses licensees to create and maintain a written information security program that meets specified criteria and is designed for certain purposes.
- Requires licensees to:
  - Test, monitor, and adjust the program to meet specified requirements.
  - Establish a written incident response plan that consists of certain information.
  - Maintain certain records for a specified time.
  - Notify the OFR of certain breaches of security.
  - Provide specified updates required by the OFR.
- Exempts certain licensees from the regulatory requirements established in the bill.
- Provides licensees are not exempt from complying with security requirements under consumer protection laws.
- Requires the Financial Services Commission (Commission) to adopt rules to administer provisions in this section of the bill.

The bill authorizes the OFR to impose disciplinary actions or penalties against the licensees for failing to comply with certain notice requirements.

Financial Institutions

The bill requires a financial institution to comply with security measures of personal information that are substantially similar to the security requirements under the consumer protection laws in ch. 501, F.S. A financial institution is required to comply with specified notice requirements to the Department of Legal Affairs (DLA), and certain individuals and consumer reporting agencies.

Securities Transactions

The bill amends the definition of "investment adviser" and the definition of "family office" to exclude certain persons and exempt certain offers or sales of securities from regulation and define the term "place of business."

Surrendered or Repossessed Vehicles

The bill provides that a parties' rights and obligations with respect to a surrendered or repossessed motor vehicle are exclusively governed by the Uniform Commercial Code, Secured Transactions, part VI of ch. 679, F.S.

Money Services Businesses Disciplinary Actions

The bill clarifies that an affiliated party of a money services business which is subject to disciplinary action and penalties must have been affiliated at the time the actionable grounds occurred and provides additional grounds for disciplinary action and penalties.

The bill requires, rather than authorizes, the OFR to issue an "emergency order" to suspend, instead of summarily suspending, the license of a money services business if the OFR makes certain findings. The bill clarifies that no further findings of immediate danger, necessity, or procedural fairness are required if certain facts exist.

Financial Institutions Director and Officer Qualifications

The bill allows certain directors and officers to have certain minimum experience within 10 years, rather than within five years of applying to form a banking corporation or trust company.

Debt Collection

The bill amends check cashing and deferred presentment provider provisions to require only a third-party debt collector or first-party debt collector that uses any name other than its own to collect debts to comply with the Fair Debt Collections Practices Act.

Redemption of checks

The bill provides a deferred presentment provider that allows a check to be redeemed upon payment of the outstanding transaction balance may treat redemption through debit card the same as redemption in cash.

Credit Unions

The bill requires the majority of five or more individual applicants, rather than all individual applicants, that organize a credit union must be residents of the state. The bill allows credit union members to meet electronically and without an in-person quorum and allows virtual attendees to satisfy quorum requirements. The bill eliminates the limit on fixed asset investments.

Financial Institutions and Family Trust Companies Examination Costs

The bill requires that certain financial institutions and family trust companies must pay examination costs within 45 days, instead of within 30 days.

The bill does not impact state revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

Financial Exploitation of Specified Adults

Financial exploitation of vulnerable adults is a growing crisis across the United States. It is estimated one in five Americans over the age of 65 have been a victim of financial exploitation with estimated annual losses of $2.9 billion.[1]

Financial abuse or exploitation of specified individuals involves the illegal, unauthorized or improper use of their funds, property, or assets by caregivers, family, friends, health care providers, business associates, neighbors or strangers.[2] Financial exploitation can take the form of fraud, identify theft, misuse of or improperly obtained power of attorney, theft, promises exchanged, inappropriate products by investment or mortgage brokers, investment fraud by a financial advisor or tax preparer, forgery by professional caregiver, fraud by a representative payee, or other scams.[3]

The Federal Bureau of Investigation (FBI) investigates financial scams targeting seniors, including investment scams, technical/customer support schemes, money mule and romance scams, and others. According to the FBI's Internet Crime Complaint Center, there were more than 147,127 complaints filed by individuals 60 years or older with $4.885 billion in losses.[4] According to the FBI, Florida ranks third in the nation for number of complaints (52,191) as well as losses ($1.1 billion).[5]

The Department of Children and Families Protective Investigations

The Department of Children and Families is responsible for a vast array of services to the citizens of Florida. The DCF provides services to vulnerable adults through its Adult Protective Services Program, which seeks to prevent further harm to vulnerable adults who are the victims of abuse, neglect, exploitation or self-neglect.[6]

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[1] O'Donnell, Kelly, *Elder Exploitation Is a Growing Crisis – But Pending Legislation Holds Promise* (Dec. 15, 2025), Invested in America, https://www.ici.org/ici-viewpoints/elder-financial-exploitation-is-a-growing-crisis (last visited Feb. 12, 2026).
[2] American Bankers Association, *Protect Older Americans from Financial Exploitation*, https://www.aba.com/advocacy/community-programs/consumer-resources/protect-your-money/elderly-financial-abuse (last visited Feb. 12, 2026).
[3] U.S. Department of Justice, Elder Justice Initiative Home, *Financial Exploitation*, https://www.justice.gov/elderjustice/financial-exploitation-0 (last visited Feb. 12, 2026).
[4] Federal Bureau of Investigation, Internet Crime Complaint Center, *Internet Crime Report 2024,* https://www.ic3.gov/AnnualReport/Reports/2024_IC3Report.pdf (last visited Feb. 26, 2026).
[5] *Id* at p. 17.
[6] Florida Department of Children and Families, Services, Abuse, *Adult Protective Services*, https://www.myflfamilies.com/services/abuse/adult-protective-services (last visited Feb. 12, 2026).

Chapter 415, F.S., the Adult Protective Services Act, provides for mandatory and immediate reporting of abuse, neglect, or exploitation of vulnerable adults, to include bank, savings and loan, or credit union officer, trustee, or employee or a dealer, investment advisor, or associated person under ch. 517, F.S.[7]

The Florida Abuse Hotline (hotline) screens allegations of both child and adult abuse and/or neglect or financial exploitation of vulnerable adults to determine whether the information meets the criteria of an abuse report. If the criteria for an abuse, neglect or exploitation report are met, a protective investigation is initiated by the DCF to confirm whether or not there is evidence that an abuse, neglect, or exploitation occurred. In its investigation, the DCF determines whether there is an immediate or long-term risk to the victim and whether the victim needs additional services to safeguard his or her well-being.[8] In Fiscal Years 2022-2025, the DCF recorded 21,212 exploitation reports to the hotline, with 6,315 of those reports attributed to financial institutions.[9] The three year history of exploitation reports to the hotline is depicted in the below chart.[10]

Reports of Exploitation of Vulnerable Adults Received by Hotline			
Fiscal Year	Exploitation Reports	Number Reported by Financial Institution	Percent of Whole
2022 – 2023	6,913	2,052	29.68%
2023 – 2024	6,827	2,048	30.00%
2024 – 2025	7,472	2,215	29.64%
Totals	21,212	6,315	

Protection of Specified Adults

Florida law provides additional protections for specified adults who is a natural person age 65 years or older or a vulnerable adult[11] who have accounts with financial institutions and may be victims of suspected financial exploitation.[12] A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.[13]

A financial institution that reports a suspected financial exploitation of a specified adult may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- The financial institution must promptly initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation

[7] Section 415.1034(1)(a)1-9, F.S.
[8] Florida Department of Children and Families, Services, Abuse, Adult Protective Services, *About*, https://www.myflfamilies.com/services/abuse/aps/about (last visited Feb. 12, 2026).
[9] Email from Chancer Teel, Legislative Affairs Director, Florida Department of Children and Families to Diane Sneed, Legislative Analyst, Florida Senate, February 12, 2026 (on file with Senate Appropriations Committee on Agriculture, Environment and General Government).
[10] *Id*.
[11] Sections 415.10341(1)(c) and 517.34(1)(b), F.S.
[12] Sections 415.10341 and 517.34, F.S.
[13] Section 415.102(29), F.S.

of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.

- Within a specified time:
  - The financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
  - Creates and maintains for at least five years from the date of the delayed disbursement or transaction a written or electronic record of the delayed disbursement or transaction that includes specified information.[14]

A dealer or investment adviser may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- A financial institution reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted in connection with the disbursement or transaction.
- Not later than three business days after the date on which the delay was first placed, the financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
- Not later than three business days after the date on which the delay was first placed, a state-chartered financial institution notifies the Office of Financial Regulation of the delay.
- The financial institution must initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.[15]

A delay in a disbursement or transaction expires in 15 business days and may be extended for an additional 30 business days. A court of competent jurisdiction may shorten or extend the length of any delay.[16]

Florida law grants immunity from any administrative or civil liability that might otherwise arise from a delay in a disbursement or transaction to any financial institution who in good faith and exercising reasonable care complies with the provisions of s. 415.10341, F.S. or s. 517.34, F.S.

Criminal Penalties

Section 825.103, F.S., punishes exploitation of an elderly person or disabled adult.

For purposes of ch. 825, F.S., an "elderly person" is a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired.[17]

[14] Section 415.10341, F.S.
[1515] Section 517.34(3), F.S.
[16] Sections 415.10341(4) and 517.34(4), F.S.
[17] Section 825.101(4), F.S.

For purposes of ch. 825, F.S., a "disabled adult" is a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living.[18]

Under s. 825.103, F.S., exploitation of an elderly person or disabled adult includes:

- Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
  - Stands in a position of trust and confidence with the elderly person or disabled adult; or
  - Has a business relationship with the elderly person or disabled adult.
- Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.
- Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer.
- Knowingly obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or a disabled adult's funds, assets, property, or estate through intentional modification, alteration, or fraudulent creation of a plan of distribution or disbursement expressed in a will, trust agreement, or other testamentary devise of the elderly person or disabled adult without:
  - A court order, from a court having jurisdiction over the elderly person or disabled adult, which authorizes the modification or alteration;
  - A written instrument executed by the elderly person or disabled adult, sworn to and witnessed by two persons who would be competent as witnesses to a will, which authorizes the modification or alteration; or
  - Action of an agent under a valid power of attorney executed by the elderly person or disabled adult which authorizes the modification or alteration.[19]

Punishment for exploitation of a vulnerable adult is based on the value of the funds, assets, or property involved:

[18] Section 825.101(3), F.S.
[19] *See* s. 825.103(1), F.S.

- Level 8[20] first degree felony[21] (value is $50,000 or more);
- Level 7 second degree felony[22] (value is 10,000 or more, but less than $50,000); and
- Level 6 third degree felony[23] (value is less than $10,000).[24]

The Office of Financial Regulation

The Office of Financial Regulation (OFR) is responsible for regulating all activities of banks, credit unions, other financial institutions, finance companies, and the securities industry (together, the "financial services").[25] The number of licensees or state-chartered institutions regulated by the OFR is summarized below:[26]

Division	Number of Persons Regulated
Division of Consumer Finance	122,530
Division of Financial Institutions	196
Division of Securities	403,627
Total Regulated Persons	526,353

Bureau of Financial Investigations

The Bureau of Financial Investigations (Bureau) is the criminal justice arm of the OFR. The Bureau maintains investigative teams throughout Florida, who have expertise in financial records and analysis, forensic accounting, interviewing and legal case preparation. The Bureau participates in joint investigations with local, state, and federal law enforcement agencies. Typically, the Bureau's cases involve securities and lending fraud, crimes that impact consumers and the financial industry. The Bureau remains involved in administrative, civil or criminal cases from inception of the investigation to final disposition of the case.[27] All information related to the OFR's investigations and examinations is considered confidential and exempt under s. 119.07(1), F.S., until the case is no longer active. At that time, any identifying information,

[20] The Criminal Punishment Code (Code) (ss. 921.002-921.0027, F.S.) is Florida's primary sentencing policy. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). Section 921.0022(2), F.S. Points are assigned and accrue based upon the offense severity level ranking assigned to the primary offense, additional offenses, and prior offenses. Section 921.0024, F.S. Sentence points escalate as the severity level escalates. These points are relevant to determining whether the offender scores a prison sentence as the minimum sentence, and if so scored, the length of that sentence. The offense severity ranking is either assigned by specifically ranking the offense in the Code offense severity level ranking chart (s. 921.0022(3), F.S) or ranking the offense by "default" based on its felony degree (s. 921.0023, F.S.).
[21] A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding $10,000. Sections 775.082 and 775.083, F.S.
[22] A second degree felony is punishable by not more than 15 years in state prison and a fine not exceeding $10,000. Sections 775.082 and 775.083, F.S.
[23] A third degree felony is generally punishable by not more than five years in state prison and a fine not exceeding $5,000. Sections 775.082 and 775.083, F.S. *But see* ss. 775.082(10) and 921.00241, F.S. (prison diversion).
[24] Sections 825.103(3)(a)-(c) and 921.0022(3)(f)-(h), F.S. Chapter 825, F.S., is not intended to impose criminal liability on a person who makes a good faith effort to assist an elderly person or disabled adult in the management of the funds, assets, or property of the elderly person or disabled adult, which effort fails through no fault of the person. Section 825.105, F.S.
[25] Section 20.121(3)(a)2., F.S.
[26] The Office of Financial Regulation (OFR), *Fast Facts 12th Edition* (Jan. 2025), https://www.flofr.gov/docs/default-source/documents/fast-facts.pdf (last visited Jan. 20, 2026) (hereinafter cited as "2025 OFR Fast Facts").
[27] Office of Financial Regulation, Bureau of Financial Investigations, https://flofr.gov/divisions-offices/bureau-of-financial-investigations (last visited Feb. 12, 2026).

including names, addresses, telephone, Social Security numbers or any other identifying information, is exempt.[28]

Cybersecurity

There are federal standards for protecting customer information and Florida consumer protection laws for data security; however, there are no cybersecurity regulations under the financial services provisions. The Department of Legal Affairs (DLA) is responsible for enforcing such a violation and may disclose information to OFR relating to a covered entity's[29] violation of data security requirements of confidential personal information under consumer protection laws but the OFR has no regulatory authority to enforce any violation of the data security provisions in the consumer protection laws.[30]

Federal Standards for Safeguarding Customer Information

Financial institutions[31] subject to the Federal Trade Commission's (FTC) jurisdiction are regulated under the Federal Standards for Safeguarding Customer Information (Safeguard Rules).[32] The Safeguard Rules do not apply to financial institutions that maintain customer information[33] for fewer than 5,000 customers.[34,35] Financial institutions subject to the Safeguard Rules are required to develop, implement, and maintain a comprehensive written information

[28] *Id*.
[29] Section 501.171(1)(b), F.S., defines "covered entity" as a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information. The term also includes governmental entities with respect to certain notice requirements.
[30] Section 501.171(9)(a), F.S.
[31] 16 C.F.R. 314.2 defines "financial institution" as any institution the business of which is engaging in activity that is financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution.
[32] 16 C.F.R. 314.1(b).
[33] 16 C.F.R. 314.2(d) defines "customer information" as any record containing nonpublic personal information about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of a financial institution or a financial institution's affiliates. 16 C.F.R. 314.2(l) defines (1) "nonpublic personal information" as (i) Personally identifiable financial information; and (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. (2) Nonpublic personal information does not include: (i) Publicly available information; or (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available. 16 C.F.R. 314.2(b)(1) defines "consumer" as an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative.
[34] 16 C.F.R. 314.2(c) defines "customer" as a consumer who has a customer relationship with a financial institution. 16 C.F.R. 314.2(e)(1) defines "customer relationship" as a continuing relationship between a consumer and a financial institution under which the financial institution provides one or more financial products or services to the consumer that are to be used primarily for personal, family, or household purposes. 16 C.F.R. 314.2(g)(1) defines "financial product or service" as any product or service that a financial holding company could offer by engaging in a financial activity under section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).
[35] 16 C.F.R. 314.6.

security program[36] that must be tailored to the size and complexity of the institution's system and activities, and must meet other specified criteria.[37]

The information security program must also include several elements, for instance:
- Designating a qualified individual to oversee and implement the program;
- Basing the system on a risk assessment that identifies certain factors;
- Testing and monitoring the system;
- Implementing specified safeguards to control the risks;
- Implementing certain policies and procedures;
- Overseeing service providers;
- Evaluating and adjusting the program following the testing and monitoring results;
- Establishing a written incident response plan;
- Complying with reporting requirements; and
- Notifying the FTC of a qualifying event in certain circumstances.[38]

A financial institution must notify the FTC of a notification event[39] that involves information of at least 5,000 consumers.[40] Such notification must be made as soon as possible, but no later than 30 days after discovery of the event, on the FTC's website and must include specified information.[41]

Florida Security of Confidential Personal Information

Section 501.171, F.S., provides covered entities, governmental entities, and third-party agents are required to take reasonable measures to protect and secure electronic data containing personal

[36] 16 C.F.R. 314.2(i) defines "information security program" as the administrative, technical, or physical safeguards a financial institution uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
[37] 16 C.F.R. 314.3(a).
[38] 16 C.F.R. 314.4.
[39] 16 C.F.R. 314.2(m) defines "notification event" as acquisition of unencrypted customer information without the authorization of the individual to which the information pertains. Customer information is considered encrypted for this purpose if the encryption key was accessed by an unauthorized person. Unauthorized acquisition will be presumed to include unauthorized access to unencrypted customer information unless the financial institution has reliable evidence showing that there has not been, or could not reasonably have been, unauthorized acquisition of such information.
[40] 16 C.F.R. 314.4(j)(1).
[41] *Id.* Providing the notice must include: (i) The name and contact information of the reporting financial information; (ii) A description of the types of information that were involved in the notification event; (iii) If the information is possible to determine, the date or date range of the notification event; (iv) The number of consumers affected or potentially affected by the notification event; (v) A general description of the notification event; and (vi) Whether any law enforcement official has provided the financial institution with a written determination that notifying the public of the breach would impede a criminal investigation or cause damage to national security, and a means for the FTC to contact the law enforcement official.

information.[42,43] When the security of a data system is breached, a covered entity must provide notice to the DLA, affected individuals, and credit reporting agencies in certain circumstances.[44] A covered entity that fails to provide the required notices may face civil penalties.[45]

Notice to the Department of Legal Affairs

Covered entities must provide written notice of any breach of security that affects 500 or more Floridians to the DLA within 30 days after the determination of the breach or a reason to believe a breach occurred.[46] The notice may be delayed an additional 15 days for good cause, if certain conditions are met.[47] The notice must include specified information.[48] A covered entity must also provide certain information upon request of the DLA,[49] and may provide any other information regarding the breach to the DLA at any time to supplement the required information.[50]

Notice to Individuals

A covered entity must provide notice to each individual in Florida whose personal information was, or is reasonably believed to have been, accessed as a result of a breach. Notice must be provided as quickly as possible, taking into account the time needed to determine the scope of the breach of security, to identify affected individuals, and to restore reasonable integrity of the

[42] Section 501.171(1)(g), F.S., defines: 1. "personal information" as a. An individual's first name or first initial and last name in combination with one of the following: (I) A social security number; (II) A driver license or identification card number, passport number, military identification number, or other number issued by a governmental entity used to verify identity; (III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password needed to permit access to the financial account; (IV) An individual's medical history, mental or physical condition, or medical treatment or diagnosis; (V) An individual's health insurance policy number or subscriber identification number and any unique identifier used by a health insurer; (VI) An individual's biometric data; or (VII) Any information regarding an individual's geolocation. b. A user name or e-mail address, in combination with a password or security question and answer is also considered "personal information." 2. Information that is publicly available from a federal, state, or local governmental entity or information that is encrypted, secured, or modified by a method or technology that removes personally identifiable information is not considered "personal information." Section 501.702(4), F.S., defines "biometric data" as data generated by automatic measurements of an individual's biological characteristics. The term includes fingerprints, voiceprints, eye retinas or irises, or other unique biological patterns or characteristics used to identify a specific individual. The term does not include physical or digital photographs; video or audio recordings or data generated from video or audio recordings; or information collected, used, or stored for health care treatment, payment, or operations under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. ss. 1320d et seq.

[43] Section 501.171(2), F.S.

[44] Section 501.171(3) - (5), F.S.

[45] Section 501.171(9), F.S.

[46] Section 501.171(3)(a), F.S.

[47] *Id.*

[48] Section 501.171(3)(b), F.S. (providing the information that must be included is: 1. A synopsis of the events surrounding the breach at the time the notice is provided; 2. The number of individuals in this state who were or potentially have been affected by the breach; 3. Any services related to the breach being offered or scheduled to be offered by the covered entity to individuals, without charge, and instructions as to how to use such services; 4. A copy of the notice sent to individuals affected or potentially affected by the breach or an explanation of other actions being taken, such as a delay in notification at the request of law enforcement, a determination that the breach was unlikely to cause harm, or notice provided in compliance with federal law; and 5. The name, address, telephone number, and e-mail address of the employee of the covered entity from whom additional information may be obtained about the breach).

[49] Section 501.171(3)(c), F.S. (providing the information that must be provided is: 1. A police report, incident report, or computer forensics report; 2. A copy of the policies in place regarding breaches; and 3. Any steps taken by the covered entity to rectify the breach).

[50] Section 501.171(3)(d), F.S.

data system that was breached. However, notice must be provided within 30 days of determination of the breach or reason to believe a breach occurred unless specified exceptions apply.[51] The notice must be sent to the individual's mailing address or e-mail address and must include specified information.[52]

This notice may be substituted in lieu of direct notice to the individual if the cost of providing notice will exceed $250,000, the number of affected individuals exceeds 500,000, or the covered entity does not have an e-mail address or mailing address for the affected individuals.[53] The substitute notice must include a conspicuous notice on the Internet website of the covered entity, if the entity maintains a website, and notice in print and broadcast media, including major media in urban and rural areas where the affected individuals reside.[54]

Notice to Credit Reporting Agencies

If a breach requires more than 1,000 individuals to be notified at a single time, the covered entity must also notify all consumer reporting agencies that compile and maintain files on a nationwide basis of the timing, distribution, and content of the notices.[55]

Securities Transactions

Federal Regulation

The Securities and Exchange Commission (SEC) oversees federal securities laws[56] broadly aimed at protecting investors; maintaining fair, orderly, and efficient markets; and facilitating capital formation.[57]

The SEC has broad regulatory authority over significant parts of the securities industry, including investment advisers.[58] Investment advisers are required to register with the SEC unless an exception to registration applies.[59] Federal law provides that a family office is not considered an investment adviser,[60] and defines "family office" as a company that: [61]

[51] Section 501.171(4)(a), F.S.
[52] Section 501.171(4)(d) and (e), F.S. (providing the notice must include: 1. The date, estimated date, or estimated date range of the breach of security; 2. A description of the personal information that was accessed or reasonably believed to have been accessed as a part of the breach of security; and 3. Information that the individual can use to contact the covered entity about the breach of security and the individual's personal information maintained by the covered entity).
[53] Section 501.171(4)(f), F.S.
[54] *Id.*
[55] Section 501.171(5), F.S.
[56] Section 15, Securities and Exchange Act of 1934.
[57] Securities and Exchange Commission, *Mission*, https://www.sec.gov/about/mission (last visited Jan. 29, 2026).
[58] 15 U.S.C. 80b-1.
[59] 15 U.S.C. 80b-3.
[60] 17 C.F.R. 275.202(a)(11)(G)-1(a).
[61] 17 C.F.R. 275.202(a)(11)(G)-1(b).

- Has no clients other than family clients,[62] with one exception;[63]
- Is wholly owned by family clients and is exclusively controlled (directly or indirectly) by one or more family members and/or family entities; and
- Does not hold itself out to the public as an investment adviser.

Securities Act of 1933

Following the stock market crash of 1929, the Securities Act of 1933[64] (Act of 1933) was enacted to regulate the offers and sales of securities. The Act of 1933 requires every offer and sale of securities to be registered with the Securities and Exchange Commission (SEC), unless an exemption from registration is available. The Act of 1933 requires issuers to disclose financial and other significant information regarding securities offered for public sale and prohibits deceit, misrepresentations, and other kinds of fraud in the sale of securities. The Act of 1933 requires issuers to disclose information deemed relevant to investors as part of the mandatory SEC registration of the securities that those companies offer for sale to the public.[65]

Registered securities offerings, often called public offerings, are available to all types of investors and have more rigorous disclosure requirements. Initial public offerings (IPOs) provide an initial pathway for companies to raise unlimited capital from the general public through a registered offering. After its IPO, the company will be a public company with ongoing public reporting requirements.[66]

By contrast, securities offerings that are exempt from SEC registration are referred to as private offerings and are mainly available to more sophisticated investors. The SEC exempts certain

[62] 17 C.F.R. 275.202(a)(11)(G)-1(d)(4) defines "family client" as (i) Any family member; (ii) Any former family member; (iii) Any key employee; (iv) Certain former key employee; (v) Any non-profit organization, charitable foundation, charitable trust, or other charitable organization, in each case for which all the funding such foundation, trust or organization holds came exclusively from one or more other family clients; (vi) Any estate of a family member, former family member, key employee, or, subject to specified conditions, former key employee; (vii) Any irrevocable trust in which one or more other family clients are the only current beneficiaries; (viii) Any irrevocable trust funded exclusively by one or more other family clients in which other family clients and non-profit organization, charitable foundations, charitable trusts, or other charitable organizations are the only current beneficiaries; (ix) Any revocable trust of which one or more other family clients are the sole grantor; (x) Any trust of which: Each trustee or other person authorized to make decisions with respect to the trust is a key employee; and each settlor or other person who has contributed assets to the trust is a key employee or the key employee's current and/or former spouse or spousal equivalent who, at the time of contribution, holds a join,, community property, or other similar shared ownership interest with the key employee; or (xi) Any company wholly owned (directly or indirectly) exclusively by, and operated for the sole benefit of, one or more other family clients; provided that if any such entity is a pooled investment vehicle, it is excepted from the definition of "investment company" under the Investment Company Act of 1940.

[63] 17 C.F.R. 275.202(a)(11)(G)-1(b) (providing that if a person that is not a family client becomes a client of a family office as a result of the death of a family member or key employee or other involuntary transfer from a family member or key employee, that person shall be deemed to be a family client for purposes of this section for one year following the completion of the transfer of legal title to the assets resulting from the involuntary event).

[64] Public Law 73-22, as amended through P.L. 117-268, enacted December 23, 2022.

[65] *Id.*

[66] U.S. Securities and Exchange Commission (SEC), *What does it mean to be a public company?* https://www.sec.gov/education/capitalraising/building-blocks/what-does-it-mean-be-a-public-company (last visited Jan. 28, 2024).

small offerings from registration requirements to foster capital formation by lowering the cost of offering securities to the public.[67]

Florida Regulation of Securities

The federal securities acts expressly allow for concurrent state regulation under blue sky laws,[68] which are designed to protect investors against fraudulent sales practices and activities. Most state laws typically require companies making offerings of securities to register their offerings before they can be sold in a particular state, unless a specific state exemption is available. The laws also license brokerage firms, their brokers, and investment adviser representatives.[69]

The scope of the OFR's jurisdiction includes the regulation and registration of the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals associated with these firms in accordance with the ch. 517, F.S.[70] The Division of Securities (division) within the OFR is responsible for administering the Securities and Investor Protection Act (SaIP Act). The SaIP Act prohibits dealers, associated persons, and issuers from offering or selling securities in this state unless registered with the OFR or specifically exempted.[71] Additionally, all securities in Florida must be registered with the OFR unless they meet one of the exemptions in ss. 517.051 or 517.061, F.S., or are federally covered (i.e., under the exclusive jurisdiction of the SEC).

Florida Motor Vehicle Sales Finance Laws

The Florida Motor Vehicle Retail Sales Finance Act[72] regulates sellers,[73] commonly referred to as auto dealers, who enter into retail installment contracts[74] with buyers[75] for the purchase or lease of a motor vehicle.[76] Except for certain businesses, such as banks or trust companies, sellers are required to obtain a license to operate in Florida.[77] A seller must submit an

[67] 17 C.F.R. s. 230.251.
[68] The term "blue sky" derives from the characterization of baseless and broad speculative investment schemes, which such laws targeted. Cornell Law School, Blue Sky Laws https://www.law.cornell.edu/wex/blue_sky_law#:~:text=In%20the%20early%201900s%2C%20decades,schemes%20which%20such%20laws%20targeted (last visited Jan. 28, 2024) (last visited Jan. 29, 2026).
[69] SEC, *Blue Sky Laws*, http://www.sec.gov/answers/bluesky.htm (last visited Jan. 29, 2026).
[70] Pursuant to s. 20.121(3), F.S. The jurisdiction of the OFR also includes state-chartered financial institutions and finance companies.
[71] Section 517.12, F.S.
[72] Sections 520.01-520.10, 520.12, 520.125, and 520.13, F.S.
[73] Section 520.02(11), F.S., defines "motor vehicle retail installment seller" or "seller" as a person engaged in the business of selling motor vehicles to retail buyers in retail installment transactions.
[74] "Retail installment contract" or "contract" is defined as an agreement, entered into in this state, pursuant to which the title to, or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a seller from a retail buyer as security, in whole or in part, for the buyer's obligation. The term includes a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract. Section 520.02(17), F.S.
[75] "Retail buyer" or "buyer" is defined as a person who buys a motor vehicle from a seller not principally for the purpose of resale, and who executes a retail installment contract in connection therewith or a person who succeeds to the rights and obligations of such person.
[76] *See* Ch. 520, F.S.
[77] Section 520.03(1), F.S.

application, specified information, and a nonrefundable fee to the Office of Financial Regulation (OFR) to obtain the required license.[78]

Any person who willfully and intentionally violates any provision of s. 520.995, F.S., or engages in the business of a retail installment seller without a license is guilty of a misdemeanor of the first degree. Section 520.995, F.S., provides grounds for disciplinary action by the OFR when, for instance, there is failure to comply with any provision of ch. 520, F.S. Further, the OFR has authority to issue and serve upon any person a cease and desist order whenever such person is violating, has violated, or is about to violate any provision of ch. 520, F.S.,[79] or may impose an administrative fine not to exceed $1,000 for each violation that has occurred.[80]

Retail installment contracts must comply with several requirements and prohibitions, including, but not limited to, that the agreement must:

- Be in writing;[81]
- Contain a "Notice to the Buyer" which includes specified information;[82] and
- Contain other specified information, including the amount financed, finance charges, total amount of payments, total sale price, and payment details.[83]

Sellers must provide buyers with a separate written itemization of the amount financed.[84] Florida law contains several other provisions to protect the buyer, such as regulation on insurance rates, refunds for unearned insurance premiums, limits on the amount of delinquency charges a holder[85] may charge, and restrictions on when a contract may be signed with blank spaces.[86]

[78] *Id.*
[79] Section 520.994(3), F.S.
[80] Section 520.994(4), F.S.
[81] Section 520.07(1)(a), F.S.
[82] Section 520.07(1)(b), F.S.
[83] Section 520.07(2), F.S.
[84] Section 520.07(3), F.S.
[85] Section 520.02(8), F.S., provides that a "holder" of a retail installment contract means the retail seller of a motor vehicle retail installment contract or an assignee of such contract.
[86] Section 520.07, F.S.

In conjunction with entering into any new retail installment contract or contract for a loan, a seller, a sales finance company,[87] or a retail lessor,[88] and any assignee of such an entity, may offer an optional guaranteed asset protection product[89] ("GAP product") for a fee or otherwise.[90]

A seller or any other authorized entity may not require the buyer to purchase a GAP product as a condition for making the loan. In order to offer a GAP product, a seller or any other authorized entity must comply with the following:[91]

- The cost of any GAP product must not exceed the amount of the loan indebtedness.
- Any contract or agreement pertaining to a GAP product must be governed by s. 520.07, F.S., relating to requirements and prohibitions as to retail installment contracts.
- A GAP product must remain the obligation of any person that purchases or otherwise acquires the loan contract covering such product.
- An entity providing GAP products must provide readily understandable disclosures that explain in detail eligibility requirements, conditions, refunds, and exclusions. The disclosures must explain that the purchase of the GAP product is optional, and must meet certain criteria regarding the language contained in it.
- An entity must provide a copy of the executed contract for the GAP product to the buyer.
- An entity may not offer a contract for a GAP product that contains terms giving the entity the right to unilaterally modify the contract unless:
  - The modification is favorable to the buyer and is made without any additional charge; or
  - The buyer is notified of any proposed change and is provided a reasonable opportunity to cancel the contract without penalty before the change goes in effect.
- If a contract for a GAP product is terminated, the entity must refund to the buyer all unearned portions of the purchase price of the contract unless the contract provides otherwise. A customer who receives the benefit of the GAP product is not entitled to a refund. The buyer must notify the entity of the event terminating the contract and request a refund within 90 days after the terminating event. An entity may offer a buyer a nonrefundable contract for a GAP product only if the entity also offers the buyer a bona fide option to purchase a comparable contract that provides for a refund. Florida law prohibits an entity from deducting more than $75 in administrative fees from a refund.

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[87] Section 520.02(19), F.S., defines "sales finance company" as a person engaged in the business of purchasing retail installment contracts from one or more sellers. The term includes, but is not limited to, a bank or trust company, if so engaged. The term does not include the pledge of an aggregate number of such contracts to secure a bona fide loan thereon.
[88] Section 521.003(8), F.S., defines "retail lessor" as a person who regularly engages in the business of selling or leasing motor vehicles and who offers or arranges a lease agreement for a motor vehicle. The term includes an agent or affiliate who acts on behalf of the retail lessor and excludes any assignee of the lease agreement.
[89] Section 520.02(7), F.S., defines "guaranteed asset protection product" as a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees, with or without a separate charge, to cancel or waive a customer's liability for payment of some or all of the amount by which the debt exceeds the value of the collateral that has incurred total physical damage or is the subject of an unrecovered theft. A guaranteed asset protection product may also provide, with or without a separate charge, a benefit that waives a portion of, or provides a customer with a credit toward, the purchase of a replacement motor vehicle. Such a product is not insurance for purposes of the Florida Insurance Code. This subsection also applies to all guaranteed asset protection products issued before October 1, 2008.
[90] Section 520.07(11), F.S.
[91] *Id.*

- GAP products may be cancelable or non-cancelable after a free-look period.[92]
- If a GAP product is terminated because of:
  - A default under the retail installment contract or contract for a loan,
  - The repossession of the motor vehicle associated with such contract or loan, or
  - Any other termination of such contract or loan, a refund of the GAP product amount may be used to satisfy any balance owed on the retail installment contract or contract for a loan unless the buyer can show that the retail installment contract has been paid in full.

Money Services Businesses

The Office of Financial Regulation (OFR) regulates money services businesses (MSB) under ch. 560, F.S. A "money service business" is defined as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter. [93] The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.[94]

The OFR has authority to implement several disciplinary actions against a MSB for specified actions, such as failing to comply with the provisions of ch. 560, F.S., certain fraud or misrepresentation conduct, and refusing to allow the examination or inspection of books or files.[95] Section 560.114, F.S., provides for the following disciplinary actions:
- Issuing a cease and desist order;
- Issuing a removal order; or
- Denying, suspending, or revoking a license.[96]

Financial Institutions

A financial institution must have a federal or state charter to accept deposits. Banks are chartered and regulated as national banks by the Office of the Comptroller of the Currency (OCC) within the U.S. Department of the Treasury or as state banks by a state regulator.[97] The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, and related entities.[98] Of the 196 financial entities regulated by the OFR, 57 of them

[92] Section 520.135(5), F.S., defines "free-look period" as the period of time, commencing on the effective date of the contract, during which the buyer may cancel the contract for a full refund of the purchase price. This period may not be shorter than 30 days.
[93] Section 560.103(23), F.S.
[94] Section 560.114(1), F.S.
[95] *Id.*
[96] *Id.*
[97] Congressional Research Service, In Focus, *Introduction to Financial Services: Banking*, p. 1, (Updated April 1 , 2025), https://www.congress.gov/crs-product/IF10035?q=%7B%22search%22%3A%22introduction+to+financial+services%3A++banking%22%7D&s=2&r=1 (last visited Jan. 29, 2026).
[98] Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: Ch. 655, financial institutions generally; Ch. 657, credit unions; Ch. 658, banks and trust companies; Ch. 660, trust business; Ch. 662, family trust companies; Ch. 663, international banking; Ch. 665, relating to associations; and Ch. 667, savings banks.

are state-chartered banks.[99] There are also approximately 30 federally-chartered banks operating in Florida.[100]

Laws Relating to Directors and Executive Officers

Federally-chartered banks, publicly or privately held, must comply with rigorous regulatory requirements to become chartered.[101] No person is allowed to offer any national bank issued security unless certain registration requirements are filed with the OCC,[102] unless an exemption applies, such as nonpublic offerings.[103] State laws also specify requirements that a proposed new bank or trust company must comply with to be chartered, including minimum qualifications of directors and certain proposed executive officers.[104]

Initial Application

The OFR is required to make certain findings before approving an application to organize a bank or trust company.[105] One such finding is that the proposed directors and officers have sufficient financial institution experience, ability, standing, and reputation to indicate a reasonable promise of successful operation.[106] Specifically, the OFR must find that at least two of the proposed directors who are not also proposed officers, and the proposed president or proposed chief executive officer, have had at least one year of direct experience as an executive officer, regulator, or director of a financial institution within five years before the date of the application.[107] The OFR has authority to waive this experience requirement for the proposed president or chief executive officer after considering the following criteria:[108]

- The adequacy of the overall experience and expertise of the proposed president or chief executive officer;
- The likelihood of successful operation of the proposed state bank or trust company;
- The adequacy of the proposed capitalization;
- The proposed capital structure;
- The experience of the other proposed officers and directors; and
- Any other relevant data or information.

[99] 2025 OFR Fast Facts.
[100] The OCC, *National Banks Active As of 11/30/2025*, November 30, 2025, national-by-state.pdf last visited Jan. 29, 2026).
[101] *See* 12 CFR 16; Office of the Comptroller of the Currency, *Comptroller's Licensing Manual Charters*, p. 4, December 2021, https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/charters.pdf (last visited Jan. 29, 2026).
[102] 12 CFR 16.3
[103] 12 CFR 16.7
[104] Section 658.21, F.S.
[105] Section 658.21, F.S.
[106] Section 658.21(4)(a), F.S.
[107] Section 658.21(4)(b) and (c), F.S.
[108] Section 658.21(4)(c), F.S.

Director Qualifications

The board of directors of a bank or trust company must consist of at least five directors. Each director must be elected, except in cases when a director is appointed to fill a vacancy.[109] A majority of the directors must be United States citizens during their whole term of service, and must have resided in Florida for at least one year preceding their election, and must remain residents during their time in office.[110] In the case of a bank or trust company with total assets of less than $150 million, at least one, and in the case of a bank or trust company with total assets of $150 million or more, two of the directors who are not also officers of the bank or trust company must have had at least one year of direct experience as an executive officer, regulator, or director of a financial institution within the last five years.[111]

Disapproval of Directors and Executive Officers

Although federal law does not require a minimum amount of experience for proposed directors or executive officers, the appropriate Federal banking agency must issue a notice of disapproval if the competence, experience, character, or integrity of an individual indicates that it would not be in the best interests of the depositors of the depository institution or the public to permit the individual to be a director or be employed as a senior executive officer of the institution.[112] If the appropriate Federal banking agency issues a notice of disapproval before the end of a specified notice period, the entity may not add the individual to the board of directors.[113]

Similar to Federal law, Florida law also authorizes the OFR to disapprove the proposed appointment of any individual to the board of directors or employment of an individual as an executive officer if certain criteria are met, including, but not limited to, when the institution is non-compliant with minimum capital requirements or is otherwise operating in an unsafe and unsound condition.[114]

Credit Unions

A credit union must have a federal or state charter to operate in Florida. Credit unions are chartered and regulated as a national credit union by the National Credit Union Association (NCUA).[115] Such membership is limited to a group or groups with a common bond of occupation or association within a defined community. Deposits into a federal credit union allow members

[109] Section 658.33(1), F.S.
[110] Section 658.33(2), F.S.
[111] *Id.*
[112] 12 U.S.C. § 1831i(e).
[113] 12 U.S.C. § 1831i(b).
[114] Section 655.005(y), F.S., defines "unsafe and unsound practice" as: 1. any practice or conduct found by the office to be contrary to generally accepted standards applicable to a financial institution, or a violation of any prior agreement in writing or order of a state or federal regulatory agency, which practice, conduct, or violation creates the likelihood of loss, insolvency, or dissipation of assets or otherwise prejudices the interest of the financial institution or its depositors or members.
[115] National Credit Union Administration, *Overview of the Charter Application Process*, April 14, 2022, *https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-charter-application-process* (last visited Jan. 29, 2026).

to become owners of the credit union, run to become a credit union official, and vote on certain matters.[116]

The Florida Financial Institutions Codes apply to all state-chartered credit unions.[117] There are approximately 138 credit unions in Florida[118] with 67 of them being state-chartered.[119] Florida law provides that any person may be admitted to a credit union upon payment of any required fee, payment of shares, and compliance with the credit union bylaws.[120] State-chartered credit unions operate as financial institutions except for exercising certain incidental powers authorized by law.[121]

Member Qualifications

An application must be filed with the OFR to organize a credit union.[122] Any five or more residents of Florida who represent a limited field of membership may apply for permission to organize a credit union.[123] The application must be submitted on a prescribed form with specified information and a nonrefundable filing fee.[124]

Membership Meetings

Members are required to notice and hold the annual meeting and any special meetings of the members at the time, place, and in the manner provided in the bylaws. [125] Each member has one vote.[126] The members must elect the board of directors and other committees prescribed in the bylaws and transact any other business that the bylaws allow.[127]

Investments

Florida law regulates how credit unions may invest funds. There are no limits with respect to investing in some assets, for instance United States Treasury bonds. Examples of other classes of assets that are subject to investment limits include up to: [128]

- Twenty-five percent of the credit union's capital in shares or deposit accounts in any one corporate credit union or other insured financial depository institution.
- One percent of the credit union's capital in corporate obligations of any one corporation which is an affiliate or subsidiary of the credit union in certain circumstances.
- Five percent of the credit union's capital in real estate and improvements, furniture, fixtures, and equipment utilized by the credit union for the transaction of business. Credit unions may

[116] National Credit Union Administration, *Overview of Federal Credit Unions*, April 14, 2022, https://ncua.gov/regulation-supervision/manuals-guides/federal-credit-union-charter-application-guide/overview-federal-credit-unions (last visited Jan. 29, 2026).
[117] Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes ch. 657, credit unions.
[118] National Credit Union Service Organization, *Florida Credit Unions*, Florida Credit Unions (last visited Jan. 29, 2026).
[119] 2025 OFR Fast Facts at p. 4.
[120] Section 657.023(1), F.S.
[121] Section 657.031(3), F.S.
[122] Section 657.005(1), F.S.
[123] Section 657.005(2), F.S.
[124] Section 657.005(3), F.S.
[125] Section 657.024(1), F.S.
[126] Section 657.024(2), F.S.
[127] Section 657.024(4), F.S.
[128] Section 657.042, F.S.

receive prior written approval from the OFR to exceed the five percent limit if the following criteria is met:
- The proposed investment is necessary.
- The amount is commensurate with the size and needs of the credit union.
- The investment will be beneficial to the members.
- A reasonable plan is developed to reduce the investment to statutory limits.

In 2015, the NCUA removed the federal regulation that restricted federal credit unions from investing more than five percent aggregate in fixed-asset investments.[129]

Examination Costs

Financial Institutions

The OFR is required to conduct examinations of each financial institution at least once every 18 months. The OFR has discretion on whether to conduct more frequent examinations based upon the financial institution's risk profile, prior examination results, or significant changes in the institution or its operations.[130] The OFR may rely upon an examination conducted by an appropriate federal regulatory agency or may conduct a joint examination with the federal agency.[131] The OFR may conduct an examination or investigation of an affiliate[132] if the OFR has reason to believe that the conduct or business operations of such affiliate may have a negative impact on the state financial institution.[133]

The OFR may recover costs[134] of examination and supervision of a state financial institution, subsidiary, or service corporation that is engaged in an unsafe or unsound practice. The OFR may also recover costs of an authorized examination or investigation of an affiliate. Any costs a financial institution pays by mail must be postmarked within 30 days after the date of receipt of the notice stating that such costs are due. [135]

Family Trust Companies

The OFR may conduct an examination or investigation of a licensed family trust company to determine whether such company has violated or is about to violate any provision of ch. 662, F.S., any applicable provision of the Financial Institutions Code, or any rule adopted by the commission.[136] The OFR may also conduct an examination or investigation of a family trust company or foreign licensed family trust company to determine whether any applicable

[129] The NCUA, *Fixed-Asset Rule Provides Relief to More than 3,800 Federal Credit Unions* (July 23, 2015), Fixed-Asset Rule Provides Relief to More than 3,800 Federal Credit Unions | NCUA (last visited Feb. 15, 2026).
[130] Section 655.045(1), F.S.
[131] Section 655.045(1)(a), F.S.
[132] Section 655.005(1)(a), F.S., defines "affiliate" as a holding company of a financial institution established pursuant to state or federal law, a subsidiary or service corporation of such holding company, or a subsidiary or service corporation of a financial institution.
[133] Section 655.045(1)(b), F.S.
[134] Section 655.045(1)(d), F.S., defines "costs" as the salary and travel expenses directly attributable to the field staff examining the state financial institution, subsidiary, or service corporation, and the travel expenses of any supervisory staff required as a result of examination findings.
[135] Section 655.045(1)(c), F.S.
[136] Section 662.141, F.S.

provisions of the Financial Institutions Code has been violated or whether such company has engaged in any of the following conduct:[137]

- Engaged in commercial banking;
- Engaged in unlicensed fiduciary services with the public;
- Served as personal representative or a copersonal representative of a probate estate;
- Served as an attorney in fact or agent;[138] or
- Advertised its services to the public.[139]

A family trust company, licensed family trust company, or foreign licensed family trust company must pay a fee for the costs[140] of the examinations conducted by the OFR. Any costs mailed by a trust company must be postmarked within 30 days after the receipt of a notice stating that the costs are due.[141]

The Florida Consumer Collection Practices Act (FCCPA)

The FCCPA[142] prohibits certain practices by any person when attempting to collect on a debt.[143] This law is the counterpart to the federal Fair Debt Collection Practices Act (FDCPA) with the purpose of eliminating "abusive and harassing tactics in the collection of debts."[144] When collecting consumer debts,[145] collectors are not allowed to engage in certain conduct, such as use or threaten violence,[146] use profane or vulgar language,[147] or attempt to enforce an illegitimate debt.[148]

[137] *Id.*
[138] Section 662.131, F.S.
[139] Section 662.134, F.S.
[140] Section 662.141(4), F.S., defines "costs" as the salary and travel expenses of field staff which are directly attributable to the examination of the trust company and the travel expenses of any supervisory and support staff required as a result of the examination findings.
[141] *Id.*
[142] Sections 559.55-559.785, F.S.
[143] "Debt collector" means any person who uses any instrumentality of commerce within this state, whether initiated from within or outside this state, in any business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. The term "debt collector" includes any creditor who, in the process of collecting her or his own debts, uses any name other than her or his own which would indicate that a third person is collecting or attempting to collect such debts. Section 559.55(7), F.S.
[144] The Consumer Prot. Law Comm. of the Florida Bar, *The Consumer Law Bench Book*, p. 46, https://www.floridabar.org/about/cmtes/cmte-cm410/cplc-bench-manual/ (last visited Feb. 14, 2026).
[145] "Debt" or "consumer debt" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgement. Section 559.55(6), F.S.
[146] Section 559.72(2), F.S.
[147] Section 559.72(8), F.S.
[148] Section 559.72(9), F.S.

A debtor[149] may bring a civil action against a consumer collection agency[150] or any person attempting to collect on a debt in a manner prohibited by law within two years of the date the alleged violation occurred.[151] The debtor may file such action "in the county in which the alleged violator resides or has his or her principal place of business or in the county where the alleged violation occurred."[152] If a collector does not comply with the provisions of s. 559.72, F.S., they are liable for actual and statutory damages up to $1,000, court costs and attorney's fees that are incurred by the plaintiff,[153] and punitive damages or other equitable relief the court finds necessary or proper.[154] Additionally, if there is an inconsistency between the FCCPA and the FDCPA, the provision which is more protective of the debtor will prevail.[155]

The Fair Debt Collection Practices Act

The FDCPA (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices.[156] Under 12 CFR s. 1006.14, a debt collector is prohibited from engaging in harassing, oppressive, or abusive conduct in connection with collecting a debt. Examples of such conduct include repeated or continuous telephone calls or telephone conversations, violence or other criminal means, obscene or profane language, or coercive advertisements.

III. Effect of Proposed Changes:

The bill modifies provisions of laws governing financial services regulated by Office of Financial Regulation (OFR). In addition, the bill requires the Florida Department of Children and Families to cooperate with and seek cooperation from OFR regarding protective investigations of financial exploitation reports.

Children and Families Financial Exploitation of Vulnerable Adults

Section 1 amends s. 415.106, F.S., relating to cooperation by the Department of Children and Families (DCF) and criminal justice and other agencies, to require the DCF to cooperate with and seek cooperation from the OFR as it relates to protective investigations of suspected financial exploitation of specified adults. The DCF is required to provide copies of all suspected financial exploitation reports received by the DCF's central abuse hotline (hotline) from any financial institution, securities dealer or investment advisor to the OFR within 15 days after receiving the report. The DCF is authorized to provide copies of any records generated related to the report upon the request of the OFR.

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[149] "Debtor" or "consumer" means any natural person obligated or allegedly obligated to pay any debt. Section 559.55(8), F.S.

[150] "Consumer collection agency" means any debt collector or business entity engaged in the business of soliciting consumer debts for collection or of collecting consumer debts, which debt collector or business is not expressly exempted as set forth in s. 559.553(3). Section 559.55(3), F.S.

[151] Section 559.77(4), F.S.

[152] Section 559.77(1), F.S.

[153] Section 559.77(2), F.S.

[154] *Id.*

[155] Section 559.552, F.S.

[156] The Federal Reserve, *Consumer Compliance Handbook*, https://www.federalreserve.gov/boarddocs/supmanual/cch/fairdebt.pdf, (last visited Feb. 15, 2206).

The bill authorizes the OFR to use the reports or records obtained from the DCF in any investigation or examination conducted under chs. 517 and 655, F.S. Except as provided in certain chapters, the bill provides all confidentiality provisions that apply to the DCF continues to apply to records made available to the OFR and its officials, employees and agents. The OFR may use the reports and records during an investigation or examination conducted pursuant to chs. 17 or 655, F.S.

The bill authorizes the DCF and the OFR to enter into a Memorandum of Agreement (MOA) which specifies how the OFR may assist the DCF in effective and efficient investigations of vulnerable adult financial exploitation reported through DCF's hotline. Furthermore, the MOA must specify how assistance from the OFR to the DCF will be implemented.

Section 2 amends s. 415.017, F.S., relating to confidentiality of reports and records, to include any appropriate officials, employees, or agents of the OFR who are responsible for conducting investigations, examinations, or other actions conducted pursuant to s. 20.121(3)(a)2. (general responsibilities and powers), or chapters 517 (money services businesses) or 655, F.S. (financial institutions), to the list of persons, officials and agencies who may have access to confidential reports and records concerning abuse, neglect, or exploitation of vulnerable adults.

Section 7 amends s. 517.201, F.S., relating to investigations and examinations, to authorize the office to conduct investigations and examinations within or outside of the state to aid the DCF as provided in the MOA with any protective investigations the DCF is required to complete regarding financial exploitations of vulnerable adults. The bill authorizes the OFR to consider or use the reports or related records the OFR receives from the DCF as part of any investigation or examination conducted pursuant to the Florida Securities and Investor Protection Act (the "Securities Act").

Section 8 amends s. 517.34, F.S., and requires a dealer licensed under ch. 517, F.S., to notify the OFR of any delay in disbursement or transaction of funds or securities from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner within three days. The bill modifies the list of information that must be included when a licensed dealer notifies the OFR of any delay. The dealer must comply with the following:

- Provides notification in writing or by electronic notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the exception of any party the dealer or investment adviser reasonably believes has engaged in, or will attempt to engage in the suspected financial exploitation of the specified adult.
- Provides notification to the OFR of the delay electronically on a form prescribed by rule. The form must be consistent with the purpose of this section and must contain, but is not limited to, the following information:
  - The date on which the delay was first placed.
  - The name, age, address, or location, if different, of the specified adult.
  - The business location of the dealer or investment adviser.
  - The name, address, and telephone number and title of the employee who reported suspected financial exploitation of the specified adult.
  - The facts and circumstances that caused the employee to report suspected financial exploitation.

- The names, addresses, and telephone number of each person suspected of engaging in financial exploitation.
- The name, address, and telephone number of the caregiver of the specified adult, if different from the person or persons suspected of engaging in financial exploitation.
- A description of actions taken by the dealer or investment adviser, if any, such as notification to a criminal justice agency.
- Any other information available to the reporting person which may establish the cause of financial exploitation that occurred or is occurring.

The bill clarifies that compliance with the requirements related to financial exploitation of specified adults in the Securities Act does not substitute a dealer's or investment adviser's duty to report to the hotline.

Sections 16 and 17 modify s. 655.032 and s. 655.045, F.S., of the Financial Institutions Code to authorize the OFR to use the financial exploitation reports and related records obtained from the DCF during an investigation or examination or other actions conducted pursuant to the relevant sections in chs. 517 or 655, F.S.

Cybersecurity

The bill creates two new sections relating to information security programs. **Sections 3 and 11 of the bill** subjects: (a) mortgage brokers and lenders, and (b) money services businesses, to such cybersecurity regulation that are patterned after the Federal Safeguard Rules. **Section 8** subjects financial institutions to security requirements that are similar to the security requirements under consumer protection laws.

Mortgage Brokers and Lenders, and Money Services Businesses

Sections 3 and 11 amend s. 494.00123 and s. 560.1311, F.S., to regulate information security programs and cybersecurity event investigations of mortgage brokers and lenders, and money services businesses (MSB).

Information Security Program Requirements

Each licensee must develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information. Each licensee must ensure that the information security program meets all of the following criteria:

- Be commensurate with the following measures:
  - Size and complexity of the licensee.
  - Nature and scope of the licensee's activities.
  - Sensitivity of nonpublic personal information that is used by the licensee or that is in the licensee's possession, custody, or control.
- Be designed to do all of the following:
  - Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.
  - Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's information system.

  - Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.
- Define and periodically reevaluate the retention schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or required by law.
- Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.
- Be monitored, evaluated, and adjusted to meet the following requirements:
  - Determine whether the licensee's program is consistent with relevant changes in technology.
  - Confirm the licensee's program accounts for the sensitivity of nonpublic personal information.
  - Identify changes that may be necessary to the licensee's information system.
  - Mitigate any internal or external threats to nonpublic personal information.
  - Amend the licensee's program for any material changes to the licensee's business arrangements, such as mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

The licensee must establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that includes:
- The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;
- The licensee's information system; or
- The continuing functionality of any aspect of the licensee's operations.

The written incident response plan must address all of the following:
- The licensee's internal process for responding to a cybersecurity event.
- The licensee's incident response plan goals.
- The assignment of clear roles, responsibilities, and levels of decision making authority for the licensee's personnel that participate in the incident response plan.
- External communications, internal communications, and information sharing related to a cybersecurity event.
- The identification of remediation requirements for weaknesses identified in information systems and associated controls.
- The documentation and reporting regarding cybersecurity events and related incident response activities.
- The evaluation and revision of the incident response plan following a cybersecurity event.
- The process by which any required notice must be given.

This section does not apply to a licensee that has fewer than twenty employees or independent contractors on its workforce or five hundred customers during a calendar year.

A licensee that no longer qualifies for such an exemption has 180 calendar days to comply with the requirements after the date of the disqualification. Each licensee shall maintain a copy of the information security program for a minimum of five years and must make it available to the office upon request or as part of an examination.

Notice of Security Breach

Each licensee must provide notice as prescribed by commission rule to the OFR of any security breach affecting 500 or more individuals.

Construction

The bill provides that covered entities are not relieved from complying with s. 501.171, F.S., and any licensee that is a covered entity under that chapter remains subject to the requirements of that section.

Rules

The bill requires the commission to adopt rules to administer the sections, including rules that allow a licensee that is in compliance with the Safeguard Rules to be deemed in compliance with information security program requirements.

Definitions

The bill defines all of the following terms:

- "Customer" means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.
- "Customer information" means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.
- "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system, or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.
- "Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.
- "Financial product or service" means any product or service offered by a licensee.
- "Information security program" means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
- "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.
- With respect to section 3 regarding mortgage brokers and lenders, "licensee" means a person licensed under chapter 494.
- "Nonpublic personal information" means:

  - Personally identifiable financial information;[157] and
  - Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.
  - The term does not include:
  - Publicly available information,[158] except as included on a list, description, or other grouping of customers described above;
  - Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or
  - Any list of individuals' names and addresses which contain only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.
- "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.
- "Personally identifiable financial information" means any information that:
  - A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;
  - A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the

[157] "Personally identifiable financial information" means any information that: (A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service; (B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or (C) A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee. The term "personally identifiable financial information" does not include: (A) A list of names and addresses of customers of an entity that is not a financial institution; or (B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

[158] "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from: (A) Federal, state, or local government records, such as government real estate records or security interest filings; (B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or (C) Disclosures to the general public which are required to be made by federal, state, or local law. The term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has taken steps to determine: (A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and (B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

consumer, such as information collected through an information-collecting device from a web server; or
    - A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee.

  The term "personally identifiable financial information" does not include:
    - A list of names and addresses of customers of an entity that is not a financial institution; or
    - Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names or addresses.
- "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:
    - Federal, state, or local government records, such as government real estate records or security interest filings;
    - Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or
    - Disclosures to the general public which are required to be made by federal, state, or local law.
- "Reasonable basis to believe is lawfully made available to the general public" relates to any information that the person has taken steps to determine:
    - That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and
    - Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.
- "Third-party service provider" means a person, other than the licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

Financial Institutions

Section 15 creates s. 655.0171, F.S., and requires each financial institution to take reasonable measures to protect and secure data that are in electronic form and that contain personal information.

Required Notices

Each financial institution must provide notice that meet specified requirements of any security breach affecting 500 or more individuals in Florida to all of the following entities or individuals:
- The OFR as expeditiously as practicable, but no later than 30 days after a determination that a breach has occurred or a reason to believe that a breach has occurred which must include

all requirements under s. 501.171(3)(b), F.S. [159] A financial institution must include all of the following items, upon request:[160]
  - A police report, incident report, or computer forensics report.
  - A copy of the policies in place regarding breaches.
  - Steps that have been taken to rectify the breach.

  A financial institution may provide the OFR with supplemental information regarding a breach at any time.
- The Department of Legal Affairs (DLA) in accordance with notice requirements of any security breach under consumer protection laws.[161]
- Each individual in this state whose personal information was, or the financial institution reasonably believes to have been, accessed as a result of the breach in accordance with the notice requirements of any security breach under consumer protection laws.[162] Such notice must be provided no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred. This deadline may be extended for an additional 15 days if good cause for delay is provided in writing to the OFR within 30 days after determination of the breach or the reason to believe that a breach has occurred.
- If a financial institution discovers circumstances requiring notice to more than 1,000 individuals at a single time, the financial institution shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on a nationwide basis[163] of the timing, distribution, and content of the notices.

Definitions

- "Breach of security" or "breach" means unauthorized access of data in electronic form[164] containing personal information. Good faith access of personal information by an employee or agent of a financial institution does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.
- "Department" means the Department of Legal Affairs.
- "Personal information" means:

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[159] Section 501.171(3)(b), F.S. (requiring the following information to be provided in the written notice to the DLA: 1. A synopsis of the events surrounding the breach; 2. The number of individuals in the state who were or potentially have been affected by the breach; 3. Any services related to the breach being offered or scheduled to be offered, without charge, by the covered entity to individuals, and instructions how to use such services; 4. A copy of the notice required to be provided to individuals or an explanation of the other actions taken regarding such notice; 5. The name, address, telephone number, and e-mail address of the employee or agent of the covered entity from whom additional information may be obtained about the breach).

[160] A financial institution may provide the OFR with supplemental information at any time.

[161] *See* s. 501.171(3), F.S.

[162] *See* s. 501.171(4), F.S.

[163] 15 U.S.C. s. 1681a(p) defines "consumer reporting agency that complies and maintains files on consumers on a nationwide basis" as a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide: (1) public record information. (2) Credit account information from persons who furnish that information regularly and in the ordinary course of business.

[164] The term "data in electronic form" means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

- An individual's first name, or first initial, and last name, in combination with any of the following data for that individual:
  - A social security number;
  - A driver license or identification card number, passport number, military identification number, or other similar number issued on a government document;
- A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual's financial account;
  - The individual's biometric data;[165] or
  - Any information regarding the individual's geolocation; or
- A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.
- The term does not include:
  - Information about an individual which has been made publicly available by a federal, state, or local governmental entity.
  - Information that is encrypted, secured, or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

Disciplinary Actions and Penalties

Section 4 of the bill subjects mortgage brokers and mortgage lenders who are covered under the cybersecurity regulation to any administrative fines or penalties provided in s. 494.00255, F.S., for failure to comply with notification requirements to the DLA and individuals whose personal information was, or the covered entity reasonably believes to have been, accessed as a result of the breach.[166] **Section 10** of the bill subjects money services businesses who are covered under the cybersecurity regulation to any disciplinary actions or penalties provided in s. 560.114, F.S., for failing to make such notifications.

Securities Transactions

Section 5 amends s. 517.021, F.S., to amend the definition of "investment adviser" to exclude the following persons from regulation as investment advisers:

- During the preceding 12 months, a person that:
  - Without a place of business in the state, has had fewer than six clients who are residents of the state.
  - With a place of business in the state, has had fewer than six clients who are residents of the state and no clients who are not residents of the state.

Current law provides a person that, during the preceding 12 months, has fewer than six clients who are residents of Florida are not investment advisers without distinguishing whether the place of business is in the state. Therefore, the amendment in the bill narrows the exemption in current law to provide that a person who has a place of business in Florida is not an investment adviser

[165] *Supra* note 16.
[166] *See* s. 501.171(3) and (4), F.S.

only if such business has no clients who are residents out-of-state during the preceding 12 months.

- A family office as defined by specified provisions in Securities and Exchange Commission Rule under the Investment Advisers Act of 1940, as amended.[167] The bill clarifies when determining whether a person meets the definition of "family offices," the following terms have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d), 17 C.F.R. s. 275.202(a)(11)(G)-1(d):
  - Affiliated family office;[168]
  - Control;[169]
  - Executive officer;[170]
  - Family client;[171]
  - Family entity;[172]
  - Family member;[173]
  - Former family member;[174]
  - Key employee;[175] and
  - Spousal equivalent.[176]

Section 6 amends s. 517.061, F.S., to provide the same definitions for these terms to clarify when an offer or sale of securities to a "family office" is exempt from registration requirements.

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[167] *Supra* 35; 17 C.F.R. s. 275.202(a)(11)(G)-1(b).

[168] 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(1) defines "affiliated family office" as a family office wholly owned by family clients of another family office and that is controlled (directly or indirectly) by one or more family members of such other family office and/or family entities affiliated with such other family office and has no clients other than family clients of such other family office.

[169] 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(2) defines "control" as the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of being an officer of such company.

[170] 17 C.F.R. s. 275.202(a)(11)(G)-1(3) defines "executive officer" as the president, any vice president in charge of a principal business unit, division or function (such as administration or finance), any other officer who performs a policy-making function, or any other person who performs similar policy-making functions, for the family office.

[171] *Supra* 36.

[172][172] 17 C.F.R. s. 275.202(a)(11)(G)-1(5) defines "family entity" as any of the trusts, estates, companies or other entities described in the definition of "family client" in 17 C.F.R. s. 275.202(a)(11)(G)-1(d)(4)(v)-(ix) or (xi), but excluding key employees and their trusts from the definition of family client solely for purposes of this definition.

[173] 17 C.F.R. s. 275.202(a)(11)(G)-1(6) defines "family member" as all lineal descendants (including by adoption, stepchildren, foster children, and individuals that were a minor when another family member became a legal guardian of that individual) of a common ancestor (who may be living or deceased), and such lineal descendants' spouses or spousal equivalents; provided that the common ancestor is no more than 10 generations removed from the youngest generation of family members.

[174] 17 C.F.R. s. 275.202(a)(11)(G)-1(7) defines "former family member" as a spouse, spousal equivalent, or stepchild that was a family member but is no longer a family member due to a divorce or other similar event.

[175][175] 17 C.F.R. s. 275.202(a)(11)(G)-1(8) defines "key employee" as any natural person (including any key employee's spouse or spouse equivalent who holds a joint, community property, or other similar shared ownership interest with that key employee) who is an executive officer, director, trustee, general partner, or person serving in a similar capacity of the family office or its affiliated family office or any employee of the family office or its affiliated family office (other than an employee performing solely clerical, secretarial, or administrative functions with regard to the family office) who, in connection with his or her regular functions or duties, participates in the investment activities of the family office or affiliated family office, provided that such employee has been performing such functions and duties for or on behalf of the family office or affiliated family office, or substantially similar functions or duties for or on behalf of another company, for at least 12 months.

[176] 17 C.F.R. s. 275.202(a)(11)(G)-1(9) defines "spousal equivalent" as cohabitant occupying a relationship generally equivalent to that of a spouse.

Cross-references to the Securities and Exchange Commission Rule that defines "family office" are updated.

Section 5 amends s. 517.021, F.S., to define "place of business" as an office at which the investment adviser regularly provides investment advisory services to, solicits, meets with, or otherwise communicates with clients; and any other location that is held out to the general public as a location at which the investment adviser provides investment advisory services to, solicits, meets with, or otherwise communicates with clients.

Surrendered or Repossessed Motor Vehicles

Section 9 creates s. 520.135, F.S., relating to surrendered or repossessed vehicles, to provide that a parties' rights and obligations with respect to a surrendered or repossessed motor vehicle are exclusively governed by the Uniform Commercial Code, Secured Transactions, part VI of ch. 679, F.S.

Money Services Businesses Disciplinary Actions and Penalties

Grounds for Disciplinary Actions and Penalties

Section 10 amends s. 560.114, F.S., relating to disciplinary actions, to clarify that an affiliated party of a money services business that is subject to disciplinary actions and penalties of ch. 560, F.S., must be affiliated at the time of commission of the actions. Grounds for disciplinary actions and penalties are expanded to include being convicted, or entering a plea to a crime, regardless of adjudication, to the following provisions:

- A violation of the 31 U.S.C., Bank Secrecy Act, relating to:
  - Section 5318 requiring appropriate procedures and reporting requirements to guard against money laundering, the financing of terrorism, or other forms of illicit finance; compliance with lawful summons; and reporting suspicious transactions.
  - Section 5322 providing for criminal penalties relating to the following provisions or rules prescribed under such sections:
    - 31 USC Subtitle IV, Chapter 53, Subchapter II (except ss. 5315, 5324, and 5336), relating to records and reports on money instruments transactions or an order issued under such subchapter.
    - Section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91-508, relating to retention of records and compliance with such retention requirements by depository institutions.
    - 31 U.S.C. s. 5318(a)(2) relating to a domestic financial institutions obligation to maintain appropriate procedures to ensure compliance with anti-money laundering regulations.
    - 31 U.S.C. s. 5318(i) relating to certain financial institution's requirements to maintain due diligence policies and procedures.
    - 31 U.S.C. s. 5318(j) relating to prohibitions on United States Correspondent Accounts with Foreign Shell Banks.
    - 31 U.S.C. s. 5318A relating to special measures required by the Secretary of Treasury.

- A violation of 31 C.F.R. ch. X, part 1022, relating to rules for anti-money laundering programs for money services businesses, including requirements to establish policies and procedures for such program, and comply with reporting and filing provisions.

Orders Suspending a License

The bill requires, rather than authorizes, the OFR, to issue an emergency suspension order suspending the license of a money service business if the OFR finds the licensee poses a danger deemed by the Legislature to be an immediate and serious danger to the public health, safety, and welfare.

The bill authorizes the OFR to issue an emergency suspension order without prior notice and opportunity to be heard. The emergency suspension order must:

- State the grounds on which the order is based;
- Advise the licensee against whom the order is directed that the order takes effect immediately, and to the extent applicable, requires the licensee to immediately cease and desist from the conduct or violation that is the subject of the order or to take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation or as otherwise appropriate;
- Be delivered by personal delivery or sent by certified mail, return receipt requested, to the licensee against whom the order is directed at the licensee's last known address; and
- Include a notice that the licensee subject to the emergency suspension order may seek judicial review pursuant to s. 120.68, F.S.

The bill establishes the emergency order is effective as soon as the licensee against whom the order is directed has actual or constructive knowledge of the issuance of the order. The bill also directs the OFR, after the issuance of an emergency order, to timely institute proceedings under ss. 120.569 and 120.57, F.S. The bill clarifies, a licensee subject to an emergency suspension order may seek judicial review pursuant to s. 120.68, F.S.

Consumer Debt Collection

Section 12 amends s. 560.309, F.S., relating to conduct of business, to clarify that a licensee who is a check casher attempting to collect funds on a returned check from a payor financial institution must comply with the Florida Consumer Collection Practices Act under part VI, ch. 559, F.S., including s. 559.77, F.S. The licensee is required to comply with the Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f, if the licensee uses a third-party debt collector or any other name other than its own to collect such debts. Thus, the bill does not specify that a first-party debt collector that collects debts in its own name is subject to the Fair Debt Collection Practices Act.

Section 14 amends s. 560.406, F.S., relating to worthless checks, to clarify that a deferred presentment provider attempting to collect funds on a returned check from a payor financial institution must comply with the Florida Consumer Collection Practices Act under part VI, ch. 559, F.S., including s. 559.77, F.S. A deferred presentment provider is required to comply with the Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f, if the provider uses a third-party debt collector or any other name other than its own to collect such debts. Thus, the bill does not specify that a deferred presentment provider that is a first-party

debt collector that collects debts in its own name is subject to the Fair Debt Collection Practices Act.

Deferred Payment Providers

Section 13 amends s. 560.405, F.S., relating to deposit, to clarify a redemption transaction using a debit card must be treated in the same manner as a redemption transacted using cash.

Financial Institutions Director and Officer Qualifications

Sections 21 and 22 amends ss. 658.21 and 658.33, F.S., respectively, to modify when the OFR must approve an application for the creation of a banking or trust corporation to require at least two of the proposed directors who are not also proposed officers, and the proposed president or chief executive officer, to have at least one year of direct experience as an executive officer, regulator, or director within the last 10 years, rather than within the last five years. The bill requires, rather than authorizes, the OFR to waive this experience requirement for the proposed president or chief executive officer after considering the specified criteria in current law.[177]

Similarly, directors' minimum qualifications are amended to require (a) in the case of a bank or trust company with a total assets of less than $150 million, at least one director, and (b) in the case of a bank or trust company with total assets of $150 million or more, two of the directors, who are not also officers of the bank or trust company at least one year of direct experience as an executive officer, regulator, or director of a financial institution within the 10 years, rather than the last five years.

Credit Unions

Member Qualifications and Meetings

Section 18 amends s. 657.005, F.S., relating to application for authority to organize a credit union, to reduce the number of individuals who apply to organize a credit union that must reside in the state from all individuals to a majority of individuals.

Section 19 amends s. 657.024, F.S., relating to membership meetings, to remove investment restrictions in real estate and equipment for the credit union. The section also allows credit union members to meet electronically for annual and special meetings and without an in-person quorum and provides virtual attendance may satisfy quorum requirements, subject to the credit union's bylaws.

Investments

Section 20 amends s 657.042, F.S., relating to investment powers and limitations, to repeal a provision that provides a credit union may invest only up to five percent of the credit union's capital in real estate and improvements, furniture, fixtures, and equipment utilized by the credit union for the transaction of business. A related provision is also repealed allowing credit unions to exceed the five percent limit with prior written approval by the OFR if all the specified criteria are met. This amendment is intended to make state credit unions more competitive with federal

[177] *Supra* note 76.

credit unions that no longer must comply with similar requirements. Further, the OFR reports that the "NCUA's examination and supervision program will address credit unions' safe and sound management of fixed assets."[178]

Examination costs

Sections 17 and 23 of the bill extend the time for a financial institution and family trust company to pay staff examination costs from 30 to 45 days.

Section 24 of the bill amends s. 517.12(21), F.S., to update a cross-reference.

Section 25 provides the bill is effective 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.

[178] The OFR, *2025 Agency Legislative Bill Analysis for SB 1612* (March 10, 2025) (on file with Senate Committee on Banking and Insurance).

C. Government Sector Impact:

The bill does not impact state revenues or expenditures.[179] The Office of Financial Regulation (OFR) reports that the requirements the agency must comply with under the provisions of the bill will be absorbed within the agency's existing resources.[180] The Department of Children and Families is required to cooperate with and provide certain reports to OFR. The costs of which can be absorbed within the department's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 415.106, 415.107, 494.00255, 517.021, 517.061, 517.201, 517.34, 520.135, 560.114, 560.1311, 560.309, 560.405, 560.406, 655.0171, 655.032, 655.045, 657.005, 657.024, 657.042, 658.21, 658.33, 662.141, and 517.12.

This bill creates the following sections of the Florida Statutes: 494.00123, 560.1311, and 655.0171.

IX. Additional Information:

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

CS/CS/CS by Rules on February 24, 2026:
The committee substitute:

- Expands the purposes for which the Office of Financial Regulation (OFR) may use reports or records related to financial exploitation of specified adults to include other actions conducted.
- Clarifies that any memorandum of agreement between the Department of Children and Families and the OFR must, rather than may, specify certain information and applies to financial exploitation reports instead of abuse reports.
- Allows the Commission to adopt rules that provide a licensee in compliance with the Safeguard Rules to be deemed in compliance, rather than deemed in "substantial" compliance, with similar state cybersecurity regulatory requirements.

[179] The OFR, *2026 Agency Legislative Bill Analysis for SB 540* (Dec. 29, 2025), p. 5, (on file with the Senate Committee on Banking and Insurance).
[180] Email from Ash Mason, Legislative and Cabinet Affairs Director, Office of Financial Regulation to Jacqueline Moody, Senior Attorney, Florida Senate Committee on Banking and Insurance, *Re: SB 540 – OFR*, (Feb. 13, 2026) (on file with the Senate Committee on Banking and Insurance).

- Removes the definition of "licensee" from s. 560.1311, F.S., under the new section for information security programs because the term is defined in s. 56.103, F.S., and it applies to the entire chapter.
- Clarifies that a redemption transacted using a debit card must be treated the same as a redemption transaction using cash, rather than a redemption transaction using cash being the same as using a debit card.
- Makes other technical amendments.

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on February 12, 2026:
This committee substitute:

- Adds any appropriate officials, employees, or agents of the Office of Financial Regulation (OFR) to the list of officials and agencies that may receive copies of all records of abuse, neglect, or exploitation of a vulnerable adult in the possession of the Department of Children and Families (DCF).
- Requires the DCF to cooperate with and seek cooperation from OFR concerning protective investigations of suspected financial exploitation of specified adults.
- Requires the DCF to provide copies of suspected financial exploitation reports and authorizes the DCF to provide copies of any records generated as a result of such reports within a specified time.
- Authorizes the OFR to use the reports and records during an investigation or examination.
- Except as provided in certain chapters, all confidentiality provisions that apply to the DCF continue to apply to the records provided to the OFR.
- Authorizes the DCF and the OFR to enter into a memorandum of agreement that specifies certain information.
- Modifies the Financial Institutions Code and the Florida Securities and Investor Protection Act (the "Securities Act") to authorize the OFR to consider and use any suspected financial exploitation report or related records as part of the OFR's investigation and examinations of financial institutions, security dealers, and investment advisers.
- Modifies the list of information that must be included in notice that a dealer or investment adviser files with the OFR.
- Clarifies that a dealer's or investment adviser's compliance with the protection of specified adults provision in the Securities Act does not substitute the dealer's or investment adviser's duty to report to the central abuse hotline.
- Removes the requirement for a cybersecurity event investigation.
- Removes the requirement for a licensee to provide a quarterly update of a cybersecurity event investigation upon the OFR's request.
- Requires an information security program to mitigate, rather than eliminate, any internal or external threats to nonpublic personal information.
- Requires a licensee to amend the information security program for any material change, rather any change, in the licensee's business arrangements.
- Requires, rather than authorizes, the Financial Services Commission to adopt rules which includes allowing a licensee that is in "compliance," instead of "full compliance," with federal safeguarding rules to be deemed in "substantial

compliance" with the state cybersecurity regulation relating to chs. 494 (loan originators and mortgage brokers) and 560, F.S. (money services businesses).
- Specifies information that an emergency order must contain and certain delivery and notice requirements.
- Clarifies the timeframe within which the OFR must institute proceedings after issuing an emergency order.
- Removes the provision that an emergency order that the OFR must issue in specified circumstances must be "without making further findings of immediate danger, necessity, and procedural fairness."
- Requires third-party and first party debt collectors to comply with state consumer collection practices only and amends current law to clarify that federal requirements prohibiting harassment or abuse, false or misleading representations, and unfair practices apply if the licensee is a third-party debt collector or any name other than its own to collect such debts.
- With respect to deferred presentment providers, clarifies that redemptions in cash or through a debit card transaction must be treated the same. Prohibits payment by credit card.
- Modifies and defines specified terms.

CS by Banking and Insurance on January 13, 2026:
- Provides that parties' rights and obligations relating to a surrendered or repossessed motor vehicle are governed exclusively by the Uniform Commercial Code;
- Clarifies that credit union annual and special meetings held virtually do not require a quorum in-person;
- Allows credit unions to consider virtual attendees to satisfy quorum requirements for annual and special meetings held virtually;
- Clarifies when a person meets a definition of "family office" for purposes of an exemption as an investment adviser and an exemption from registration requirements for an offer or sale of securities; and
- Removes **Section 4** of the bill that modifies the Financial Technology Sandbox provisions.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2026	.	
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The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 149 - 1211

and insert:

(a) In accordance with s. 415.107, the department shall provide copies of all suspected financial exploitation reports received by the central abuse hotline pursuant to s. 415.1034 from any financial institution as defined in s. 655.005(1), securities dealer as defined in s. 517.021(12), or investment adviser as defined in s. 517.021(20) to the Office of Financial Regulation within 15 days after receiving the report. The

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department may provide copies of any records generated as a result of such reports at the request of the Office of Financial Regulation within 15 days after such request.

1. The Office of Financial Regulation may use the reports or records obtained as required or authorized in this subsection for any investigation, examination, or other action conducted pursuant to s. 20.121(3)(a)2., chapter 517, or chapter 655.

2. Except as provided in this chapter and chapters 517 and 655, all confidentiality provisions that apply to the department continue to apply to the records made available to the Office of Financial Regulation and its officials, employees, and agents under s. 415.107.

(b) The department and the Office of Financial Regulation may enter into a memorandum of agreement that specifies how the Office of Financial Regulation, in the agency's role as the regulator of financial services, may assist the department with effectively and efficiently conducting a protective investigation of any vulnerable adult financial exploitation report received by the central abuse hotline and, if the agencies enter into a memorandum of agreement, it must specify how such assistance will be implemented.

Section 2. Paragraph (m) is added to subsection (3) of section 415.107, Florida Statutes, to read:

415.107 Confidentiality of reports and records.—

(3) Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(m) Any appropriate officials, employees, or agents of the

Office of Financial Regulation who are responsible for conducting investigations, examinations, or other actions pursuant to s. 20.121(3)(a)2., chapter 517, or chapter 655.

Section 3. Section 494.00123, Florida Statutes, is created to read:

494.00123 Information security programs.—

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

(a) "Customer" means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.

(b) "Customer information" means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.

(c) "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(d) "Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

(e) "Financial product or service" means any product or

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service offered by a licensee under this chapter.

(f) "Information security program" means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

(g) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.

(h)1. "Nonpublic personal information" means:

a. Personally identifiable financial information; and

b. Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.

2. The term does not include:

a. Publicly available information, except as included on a list, description, or other grouping of customers described in sub-subparagraph 1.b.;

b. Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived

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without using any personally identifiable financial information that is not publicly available; or

c. Any list of individuals' names and addresses which contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.

3. As used in this paragraph, the term:

a.(I) "Personally identifiable financial information" means any information that:

(A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;

(B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or

(C) A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee.

(II) The term "personally identifiable financial information" does not include:

(A) A list of names and addresses of customers of an entity that is not a financial institution; or

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(B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

b.(I) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(A) Federal, state, or local government records, such as government real estate records or security interest filings;

(B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or

(C) Disclosures to the general public which are required to be made by federal, state, or local law.

(II) As used in this sub-subparagraph, the term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has taken steps to determine:

(A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and

(B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such

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as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

(i) "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

(2) INFORMATION SECURITY PROGRAM.—

(a) Each licensee shall develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information.

(b) Each licensee shall ensure that the information security program meets all of the following criteria:

1. Be commensurate with the following measures:

a. Size and complexity of the licensee.

b. Nature and scope of the licensee's activities, including the licensee's use of third-party service providers.

c. Sensitivity of nonpublic personal information that is used by the licensee or that is in the licensee's possession, custody, or control.

2. Be designed to do all of the following:

a. Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.

b. Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's

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information system.

c. Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.

3. Define and periodically reevaluate the retention schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or is no longer required by applicable law.

4. Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.

5. Be monitored, evaluated, and adjusted, as necessary, to meet all of the following requirements:

a. Determine whether the licensee's information security program is consistent with relevant changes in technology.

b. Confirm the licensee's information security program accounts for the sensitivity of nonpublic personal information.

c. Identify changes that may be necessary to the licensee's information system.

d. Mitigate any internal or external threats to nonpublic personal information.

e. Amend the licensee's information security program for any material changes to the licensee's business arrangements, including, but not limited to, mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

(c)1. As part of a licensee's information security program, the licensee shall establish a written incident response plan designed to promptly respond to, and recover from, a

cybersecurity event that compromises:

a. The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;

b. The licensee's information system; or

c. The continuing functionality of any aspect of the licensee's operations.

2. The written incident response plan must address all of the following:

a. The licensee's internal process for responding to a cybersecurity event.

b. The goals of the licensee's incident response plan.

c. The assignment of clear roles, responsibilities, and levels of decisionmaking authority for the licensee's personnel that participate in the incident response plan.

d. External communications, internal communications, and information sharing related to a cybersecurity event.

e. The identification of remediation requirements for weaknesses identified in information systems and associated controls.

f. The documentation and reporting regarding cybersecurity events and related incident response activities.

g. The evaluation and revision of the incident response plan, as appropriate, following a cybersecurity event.

h. The process by which notice must be given as required under subsection (3) and s. 501.171(3) and (4).

(d)1. This section does not apply to a licensee that has fewer than:

a. Twenty individuals on its workforce, including employees and independent contractors; or

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b. Five hundred customers during a calendar year.

2. A licensee that no longer qualifies for exemption under subparagraph 1. has 180 calendar days to comply with this section after the date of the disqualification.

(e) Each licensee shall maintain a copy of the information security program for a minimum of 5 years and shall make it available to the office upon request or as part of an examination.

(3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee shall provide notice to the office of any breach of security, as defined in s. 501.171, affecting 500 or more individuals in this state at a time and in the manner prescribed by commission rule.

(4) CONSTRUCTION.—This section may not be construed to relieve a covered entity from complying with s. 501.171. To the extent a licensee is a covered entity, as defined in s. 501.171(1), the licensee remains subject to s. 501.171.

(5) RULES.—The commission shall adopt rules to administer this section, including rules that allow a licensee that is in compliance with the Federal Trade Commission's Standards for Safeguarding Customer Information, 16 C.F.R. part 314, to be deemed in compliance with subsection (2).

Section 4. Paragraph (z) is added to subsection (1) of section 494.00255, Florida Statutes, to read:

494.00255 Administrative penalties and fines; license violations.—

(1) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (2) may be taken against a person licensed or required to be licensed under part II or part III of this chapter:

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(z) Failure to comply with the notification requirements in s. 501.171(3) and (4).

Section 5. Present subsections (28) through (36) of section 517.021, Florida Statutes, are redesignated as subsections (29) through (37), respectively, a new subsection (28) is added to that section, and subsection (20) of that section is amended, to read:

517.021 Definitions.—When used in this chapter, unless the context otherwise indicates, the following terms have the following respective meanings:

(20)(a) "Investment adviser" means a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities.

(b) The term does not include any of the following:

1. A dealer or an associated person of a dealer whose performance of services in paragraph (a) is solely incidental to the conduct of the dealer's or associated person's business as a dealer and who does not receive special compensation for those services.

2. A licensed practicing attorney or certified public accountant whose performance of such services is solely incidental to the practice of the attorney's or accountant's profession.

3. A bank authorized to do business in this state.

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4. A bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state.

5. A trust company having trust powers, as defined in s. 658.12, which it is authorized to exercise in this state, which trust company renders or performs investment advisory services in a fiduciary capacity incidental to the exercise of its trust powers.

6. A person that renders investment advice exclusively to insurance or investment companies.

7. A person:

a. Without a place of business in this state if the person has had ~~that~~, during the preceding 12 months, ~~has~~ fewer than six clients who are residents of this state.

b. With a place of business in this state if the person has had, during the preceding 12 months, fewer than six clients who are residents of this state and no clients who are not residents of this state.

As used in this subparagraph, the term "client" has the same meaning as provided in Securities and Exchange Commission Rule 222-2 ~~275.222-2~~, 17 C.F.R. s. 275.222-2, as amended.

8. A federal covered adviser.

9. The United States, a state, or any political subdivision of a state, or any agency, authority, or instrumentality of any such entity; a business entity that is wholly owned directly or indirectly by such a governmental entity; or any officer, agent, or employee of any such governmental or business entity who is acting within the scope of his or her official duties.

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10. A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1(b) under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b), as amended. In determining whether a person meets the definition of a family office under this subparagraph, the terms "affiliated family office," "control," "executive officer," "family client," "family entity," "family member," "former family member," "key employee," and "spousal equivalent" have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(d), as amended.

(28) "Place of business" of an investment adviser means an office at which the investment adviser regularly provides investment advisory services to, solicits, meets with, or otherwise communicates with clients; and any other location that is held out to the general public as a location at which the investment adviser provides investment advisory services to, solicits, meets with, or otherwise communicates with clients.

Section 6. Paragraph (i) of subsection (9) of section 517.061, Florida Statutes, is amended to read:

517.061 Exempt transactions.—Except as otherwise provided in subsection (11), the exemptions provided herein from the registration requirements of s. 517.07 are self-executing and do not require any filing with the office before being claimed. Any person who claims entitlement to an exemption under this section bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following transactions; however, such transactions are subject to s. 517.301:

(9) The offer or sale of securities to:

(i) A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

1. The family office has assets under management in excess of $5 million;

2. The family office is not formed for the specific purpose of acquiring the securities offered; and

3. The prospective investment of the family office is directed by a person who has knowledge and experience in financial and business matters that the family office is capable of evaluating the merits and risks of the prospective investment.

In determining whether a person meets the definition of a family office under this paragraph, the terms "affiliated family office," "control," "executive officer," "family client," "family entity," "family member," "former family member," "key employee," and "spousal equivalent" have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(d), as amended.

Section 7. Paragraph (a) of subsection (1) of section 517.201, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

517.201 Investigations; examinations; subpoenas; hearings; witnesses.—

(1) The office:

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(a) May make investigations and examinations within or outside of this state as it deems necessary:

1. To determine whether a person has violated or is about to violate any provision of this chapter or a rule or order hereunder; ~~or~~

2. To aid in the enforcement of this chapter; or

3. In accordance with a memorandum of agreement pursuant to s. 415.106(4)(b), to aid the Department of Children and Families with any protective investigations the Department of Children and Families is required to conduct under s. 415.104.

(c) May consider or use as part of any investigation or examination pursuant to this section the information contained in any suspected financial exploitation report or any records generated as a result of such report which is obtained pursuant to s. 415.106(4).

Section 8. Paragraphs (b) and (c) of subsection (3) and subsection (6) of section 517.34, Florida Statutes, are amended to read:

517.34 Protection of specified adults.—

(3) A dealer or investment adviser may delay a disbursement or transaction of funds or securities from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner if all of the following apply:

(b) Not later than 3 business days after the date on which the delay was first placed, the dealer or investment adviser complies with all of the following conditions:

1. Notifies in writing all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the

exception of any party the dealer or investment adviser reasonably believes has engaged in, is engaging in, has attempted to engage in, or will attempt to engage in the suspected financial exploitation of the specified adult. The notice, which may be provided electronically, must provide the reason for the delay.

2. Notifies the office of the delay electronically on a form prescribed by commission rule. The form must be consistent with the purposes of this section and must contain, but need not be limited to, the following information:

a. The date on which the delay was first placed.

b. The name, age, and address, or location, if different, of the specified adult.

c. The business location of the dealer or investment adviser.

d. The name, address, and telephone number and title of the employee who reported suspected financial exploitation of the specified adult.

e. The facts and circumstances that caused the employee to report suspected financial exploitation.

f. The names, addresses, and telephone numbers of the specified adult’s family members.

g. The name, address, and telephone number of each person suspected of engaging in financial exploitation.

h. The name, address, and telephone number of the caregiver of the specified adult, if different from the person or persons suspected of engaging in financial exploitation.

i. A description of actions taken by the dealer or investment adviser, if any, such as notification to a criminal

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justice agency.

j. Any other information available to the reporting person which may establish the cause of financial exploitation that occurred or is occurring.

~~(c) Not later than 3 business days after the date on which the delay was first placed, the dealer or investment adviser~~ Notifies the office of the delay electronically on a form ~~prescribed by commission rule. The form must be consistent with the purposes of this section and may include only the following information:~~

~~1. The date on which the notice is submitted to the office.~~

~~2. The date on which the delay was first placed.~~

~~3. The following information about the specified adult:~~

~~a. Gender.~~

~~b. Age.~~

~~c. Zip code of residence address.~~

~~4. The following information about the dealer or investment adviser who placed the delay:~~

~~a. Name.~~

~~b. Title.~~

~~c. Firm name.~~

~~d. Business address.~~

~~5. A section with the following questions for which the only allowable responses are "Yes" or "No":~~

~~a. Is financial exploitation of a specified adult suspected in connection with a disbursement or transaction?~~

~~b. Are funds currently at risk of being lost?~~

~~The form must contain substantially the following statement in~~

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~~conspicuous type: "The office may take disciplinary action against any person making a knowing and willful misrepresentation on this form."~~

(6) A dealer, an investment adviser, or an associated person who in good faith and exercising reasonable care complies with this section is immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or transaction in accordance with this section. This subsection does not supersede or diminish any immunity granted under chapter 415, nor does it substitute for the duty to report to the central abuse hotline as required under s. 415.1034.

Section 9. Section 520.135, Florida Statutes, is created to read:

520.135 Surrendered or repossessed vehicles.—The rights and obligations of parties with respect to a surrendered or repossessed motor vehicle are exclusively governed by part VI of chapter 679.

Section 10. Subsections (1) and (2) of section 560.114, Florida Statutes, are amended to read:

560.114 Disciplinary actions; penalties.—

(1) The following actions by a money services business, an authorized vendor, or a ~~affiliated~~ party that was affiliated at the time of commission of the actions constitute grounds for the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or taking any other action within the authority of the office pursuant to this chapter:

(a) Failure to comply with any provision of this chapter or

related rule or order, or any written agreement entered into with the office.

(b) Fraud, misrepresentation, deceit, or gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to this chapter, regardless of reliance thereon by, or damage to, such customer.

(d) False, deceptive, or misleading advertising.

(e) Failure to maintain, preserve, keep available for examination, and produce all books, accounts, files, or other documents required by this chapter or related rules or orders, by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410, or by an agreement entered into with the office.

(f) Refusing to allow the examination or inspection of books, accounts, files, or other documents by the office pursuant to this chapter, or to comply with a subpoena issued by the office.

(g) Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment becomes final.

(h) Engaging in an act prohibited under s. 560.111 or s. 560.1115.

(i) Insolvency.

(j) Failure by a money services business to remove an affiliated party after the office has issued and served upon the money services business a final order setting forth a finding

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that the affiliated party has violated a provision of this chapter.

(k) Making a material misstatement, misrepresentation, or omission in an application for licensure, any amendment to such application, or application for the appointment of an authorized vendor.

(l) Committing any act that results in a license or its equivalent, to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction.

(m) Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed activity as a money services business or deferred presentment provider in any jurisdiction.

(n) Committing any act resulting in a license or its equivalent to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any other law or rule of another state or of the United States relating to a money services business, deferred presentment provider, or usury that may cause the denial, suspension, or revocation of a money services business or deferred presentment provider license or its equivalent in such jurisdiction.

(o) Having been convicted of, or entered a plea of guilty or nolo contendere to, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States which involves fraud, moral turpitude, or

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dishonest dealing, regardless of adjudication.

(p) Having been convicted of, or entered a plea of guilty or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5318, s. 5322, or s. 5324, regardless of adjudication.

(q) Having been convicted of, or entered a plea of guilty or nolo contendere to, misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.

(r) Having been convicted of, or entered a plea of guilty or nolo contendere to, a violation of 31 C.F.R. chapter X, part 1022, regardless of adjudication.

(s) ~~(r)~~ Failure to inform the office in writing within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States, or any crime involving fraud, moral turpitude, or dishonest dealing.

(t) ~~(s)~~ Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this chapter or any order or rule of the office or commission.

(u) ~~(t)~~ Failure to pay any fee, charge, or cost imposed or assessed under this chapter.

(v) ~~(u)~~ Failing to pay a fine assessed by the office within 30 days after the due date as stated in a final order.

(w) ~~(v)~~ Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.

(x) ~~(w)~~ Engaging or advertising engagement in the business of a money services business or deferred presentment provider without a license, unless exempted from licensure.

(y) ~~(x)~~ Payment to the office for a license or other fee, charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.

(z) ~~(y)~~ Violations of 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410, and United States Treasury Interpretive Release 2004-1.

(aa) ~~(z)~~ Any practice or conduct that creates the likelihood of a material loss, insolvency, or dissipation of assets of a money services business or otherwise materially prejudices the interests of its customers.

(bb) ~~(aa)~~ Failure of a check casher to maintain a federally insured depository account as required by s. 560.309.

(cc) ~~(bb)~~ Failure of a check casher to deposit into its own federally insured depository account any payment instrument cashed as required by s. 560.309.

(dd) ~~(cc)~~ Violating any provision of the Military Lending Act, 10 U.S.C. s. 987, or the regulations adopted under that act in 32 C.F.R. part 232, in connection with a deferred presentment transaction conducted under part IV of this chapter.

(ee) Failure to comply with the notification requirements in s. 501.171(3) and (4).

(2) ~~Pursuant to s. 120.60(6),~~ The office shall issue an emergency suspension order suspending ~~may summarily suspend~~ the license of a money services business if the office finds that a licensee poses a danger deemed by the Legislature to be ~~an~~ immediate and~~,~~ serious ~~danger~~ to the public health, safety, and welfare. ~~A proceeding in which the office seeks the issuance of~~

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~~a final order for the summary suspension of a licensee shall be conducted by the commissioner of the office, or his or her designee, who shall issue such order.~~

(a) An emergency suspension order under this subsection may be issued without prior notice and an opportunity to be heard. An emergency suspension order must:

1. State the grounds on which the order is based;

2. Advise the licensee against whom the order is directed that the order takes effect immediately and, to the extent applicable, requires the licensee to immediately cease and desist from the conduct or violation that is the subject of the order or to take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation or as otherwise appropriate;

3. Be delivered by personal delivery or sent by certified mail, return receipt requested, to the licensee against whom the order is directed at the licensee's last known address; and

4. Include a notice that the licensee subject to the emergency suspension order may seek judicial review pursuant to s. 120.68.

(b) An emergency suspension order is effective as soon as the licensee against whom the order is directed has actual or constructive knowledge of the issuance of the order.

(c) The office shall institute timely proceedings under ss. 120.569 and 120.57 after issuance of an emergency suspension order.

(d) A licensee subject to an emergency suspension order may seek judicial review pursuant to s. 120.68.

(e) The following acts are deemed by the Legislature to

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constitute an immediate and serious danger to the public health, safety, and welfare, and the office shall ~~may~~ immediately issue an emergency suspension order to suspend the license of a money services business if:

1.~~(a)~~ The money services business fails to provide to the office, upon written request, any of the records required by s. 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule adopted under those sections. The suspension may be rescinded if the licensee submits the requested records to the office.

2.~~(b)~~ The money services business fails to maintain a federally insured depository account as required by s. 560.208(4) or s. 560.309.

3.~~(c)~~ A natural person required to be listed on the license application for a money services business pursuant to s. 560.141(1)(a)3. is criminally charged with, or arrested for, a crime described in paragraph (1)(o), paragraph (1)(p), or paragraph(1)(q).

Section 11. Section 560.1311, Florida Statutes, is created to read:

560.1311 Information security programs.—

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

(a) "Customer" means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.

(b) "Customer information" means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.

(c) "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(d) "Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

(e) "Financial product or service" means any product or service offered by a licensee under this chapter.

(f) "Information security program" means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

(g) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.

(h)1. "Nonpublic personal information" means:

a. Personally identifiable financial information; and

b. Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.

2. The term does not include:

a. Publicly available information, except as included on a list, description, or other grouping of customers described in sub-subparagraph 1.b.;

b. Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or

c. Any list of individuals' names and addresses which contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.

3. As used in this paragraph, the term:

a.(I) "Personally identifiable financial information" means any information that:

(A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;

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(B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or

(C) A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee.

(II) The term "personally identifiable financial information" does not include:

(A) A list of names and addresses of customers of an entity that is not a financial institution; or

(B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

b.(I) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(A) Federal, state, or local government records, such as government real estate records or security interest filings;

(B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so

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long as access is available to the general public; or

(C) Disclosures to the general public which are required to be made by federal, state, or local law.

(II) As used in this sub-subparagraph, the term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has taken steps to determine:

(A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and

(B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

(i) "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

(2) INFORMATION SECURITY PROGRAM.—

(a) Each licensee shall develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information.

(b) Each licensee shall ensure that the information

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security program meets all of the following criteria:

1. Be commensurate with the following measures:

a. Size and complexity of the licensee.

b. Nature and scope of the licensee's activities, including the licensee's use of third-party service providers.

c. Sensitivity of nonpublic personal information that is used by the licensee or that is in the licensee's possession, custody, or control.

2. Be designed to do all of the following:

a. Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.

b. Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's information system.

c. Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.

3. Define and periodically reevaluate the retention schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or is no longer required by applicable law.

4. Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.

5. Be monitored, evaluated, and adjusted, as necessary, to meet all of the following requirements:

a. Determine whether the licensee's information security

program is consistent with relevant changes in technology.

b. Confirm the licensee's information security program accounts for the sensitivity of nonpublic personal information.

c. Identify changes that may be necessary to the licensee's information system.

d. Mitigate any internal or external threats to nonpublic personal information.

e. Amend the licensee's information security program for any material changes to the licensee's business arrangements, including, but not limited to, mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

(c)1. As part of a licensee's information security program, the licensee shall establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that compromises:

a. The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;

b. The licensee's information system; or

c. The continuing functionality of any aspect of the licensee's operations.

2. The written incident response plan must address all of the following:

a. The licensee's internal process for responding to a cybersecurity event.

b. The goals of the licensee's incident response plan.

c. The assignment of clear roles, responsibilities, and levels of decisionmaking authority for the licensee's personnel that participate in the incident response plan.

d. External communications, internal communications, and

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information sharing related to a cybersecurity event.

e. The identification of remediation requirements for weaknesses identified in information systems and associated controls.

f. The documentation and reporting regarding cybersecurity events and related incident response activities.

g. The evaluation and revision of the incident response plan, as appropriate, following a cybersecurity event.

h. The process by which notice must be given as required under subsection (3) and s. 501.171(3) and (4).

(d)1. This section does not apply to a licensee that has fewer than:

a. Twenty individuals on its workforce, including employees and independent contractors; or

b. Five hundred customers during a calendar year.

2. A licensee that no longer qualifies for exemption under subparagraph 1. has 180 calendar days to comply with this section after the date of the disqualification.

(e) Each licensee shall maintain a copy of the information security program for a minimum of 5 years and shall make it available to the office upon request or as part of an examination.

(3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee shall provide notice to the office of any breach of security, as defined in s. 501.171(1), affecting 500 or more individuals in this state at a time and in the manner prescribed by commission rule.

(4) CONSTRUCTION.—This section may not be construed to relieve a covered entity from complying with s. 501.171. To the

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extent a licensee is a covered entity, as defined in s. 501.171(1), the licensee remains subject to s. 501.171.

(5) RULES.—The commission shall adopt rules to administer this section, including rules that allow a licensee that is in compliance with the Federal Trade Commission's Standards for Safeguarding Customer Information, 16 C.F.R. part 314, to be deemed in compliance with subsection (2).

Section 12. Subsection (10) of section 560.309, Florida Statutes, is amended to read:

560.309 Conduct of business.—

(10) If a check is returned to a licensee from a payor financial institution due to lack of funds, a closed account, or a stop-payment order, the licensee may seek collection pursuant to s. 68.065. In seeking collection, the licensee must comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices in the Florida Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77. The licensee must also comply with the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f if the licensee uses a third-party debt collector or any name other than its own to collect such debts. A violation of this subsection is a deceptive and unfair trade practice and constitutes a violation of the Deceptive and Unfair Trade Practices Act under part II of chapter 501. ~~In addition, a licensee must comply with the applicable provisions of the Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77.~~

Section 13. Subsection (3) of section 560.405, Florida Statutes, is amended to read:

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560.405 Deposit; redemption.—

(3) Notwithstanding subsection (1), in lieu of presentment, a deferred presentment provider may allow the check to be redeemed at any time upon payment of the outstanding transaction balance and earned fees. A redemption transacted using a debit card shall be treated the same as a redemption transacted using cash. However, payment may not be made in the form of a personal check or through a credit card transaction. Upon redemption, the deferred presentment provider must return the drawer's check and provide a signed, dated receipt showing that the drawer's check has been redeemed.

Section 14. Subsection (2) of section 560.406, Florida Statutes, is amended to read:

560.406 Worthless checks.—

(2) If a check is returned to a deferred presentment provider from a payor financial institution due to insufficient funds, a closed account, or a stop-payment order, the deferred presentment provider may pursue all legally available civil remedies to collect the check, including, but not limited to, the imposition of all charges imposed on the deferred presentment provider by the financial institution. In its collection practices, a deferred presentment provider must comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Florida Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77. A deferred presentment provider must also comply with the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f if the deferred presentment provider uses a third-party debt

collector or any name other than its own to collect such debts. A violation of this act is a deceptive and unfair trade practice and constitutes a violation of the Deceptive and Unfair Trade Practices Act under part II of chapter 501. ~~In addition, a deferred presentment provider must comply with the applicable provisions of the Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77.~~

Section 15. Section 655.0171, Florida Statutes, is created to read:

655.0171 Requirements for customer data security and for notices of security breaches.—

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

(a) "Breach of security" or "breach" means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of a financial institution does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use. As used in this paragraph, the term "data in electronic form" means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(b) "Department" means the Department of Legal Affairs.

(c)1. "Personal information" means:

a. An individual's first name, or first initial, and last name, in combination with any of the following data elements for that individual:

(I) A social security number;

(II) A driver license or identification card number,

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passport number, military identification number, or other similar number issued on a government document used to verify identity;

(III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual's financial account;

(IV) The individual's biometric data as defined in s. 501.702; or

(V) Any information regarding the individual's geolocation; or

b. A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

2. The term does not include information about an individual which has been made publicly available by a federal, state, or local governmental entity. The term also does not include information that is encrypted, secured, or modified by any other method or technology that removes elements that personally identify an individual or that otherwise renders the information unusable.

(2) REQUIREMENTS FOR DATA SECURITY.—Each financial institution shall take reasonable measures to protect and secure data that are in electronic form and that contain personal information.

(3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—

(a)1. Each financial institution shall provide notice to the office of any breach of security affecting 500 or more individuals in this state. Such notice must be provided to the

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office as expeditiously as practicable, but no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred.

2. The written notice to the office must include the items required under s. 501.171(3)(b).

3. A financial institution must provide the following information to the office upon its request:

a. A police report, incident report, or computer forensics report.

b. A copy of the policies in place regarding breaches.

c. Steps that have been taken to rectify the breach.

4. A financial institution may provide the office with supplemental information regarding a breach at any time.

(b) Each financial institution shall provide notice to the department of any breach of security affecting 500 or more individuals in this state. Such notice must be provided to the department in accordance with s. 501.171.

(4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each financial institution shall give notice to each individual in this state whose personal information was, or the financial institution reasonably believes to have been, accessed as a result of the breach in accordance with s. 501.171(4). The notice must be provided no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred. A financial institution may receive 15 additional days to provide notice to individuals of a security breach as required in this subsection if good cause for delay is provided in writing to the office within 30 days after determination of the breach or determination of the reason to

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believe that a breach has occurred.

(5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial institution discovers circumstances requiring notice pursuant to this section of more than 1,000 individuals at a single time, the financial institution shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p), of the timing, distribution, and content of the notices.

Section 16. Present subsections (3), (4), and (5) of section 655.032, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

655.032 Investigations, subpoenas, hearings, and witnesses.—

(3) The office may consider or use as part of any investigation or other action pursuant to this section the information contained in any suspected financial exploitation report or any records generated as a result of such report which is obtained pursuant to s. 415.106(4).

Section 17. Present paragraphs (c) through (f) of subsection (1) of section 655.045, Florida Statutes, are redesignated as paragraphs (d) through (g), respectively, a new paragraph (c) is added to that subsection, and present paragraph (d) of that subsection is amended, to read:

655.045 Examinations, reports, and internal audits; penalty.—

(1) The office shall conduct an examination of the condition of each state financial institution at least every 18

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months. The office may conduct more frequent examinations based upon the risk profile of the financial institution, prior examination results, or significant changes in the institution or its operations. The office may use continuous, phase, or other flexible scheduling examination methods for very large or complex state financial institutions and financial institutions owned or controlled by a multi-financial institution holding company. The office shall consider examination guidelines from federal regulatory agencies in order to facilitate, coordinate, and standardize examination processes.

(c) The office may consider or use as part of any examination or other action conducted pursuant to this section the information

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

And the title is amended as follows:

Delete lines 97 - 115

and insert:

amending s. 560.405, F.S.; requiring that redemptions transacted using a debit card be treated the same as redemptions transacted using cash; prohibiting redemption through a credit card transaction; amending s. 560.406, F.S.; providing that licensees must comply with the Fair Debt Collections Practices Act only if the licensees meet certain criteria; creating s. 655.0171, F.S.; defining terms; requiring financial institutions to take measures to protect and secure certain data that contain personal information; providing requirements for notices of security

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breaches to the office, the Department of Legal Affairs, certain individuals, and certain credit reporting agencies; amending s. 655.032, F.S.; authorizing the office to consider or use certain information as part of certain investigations or other actions; amending s. 655.045, F.S.; authorizing the office to consider or use certain information as part of certain investigations or other actions; revising the timeline for the mailing

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator Martin

601-02832-26 2026540c2

A bill to be entitled

An act relating to the Office of Financial Regulation; amending s. 415.106, F.S.; requiring the Department of Children and Families to cooperate with and seek cooperation from the Office of Financial Regulation concerning certain protective investigations of suspected financial exploitation of specified adults; requiring the department to provide copies of certain suspected financial exploitation reports to the office within a certain timeframe; authorizing the department to provide copies of certain records at the request of the office within a specified timeframe; authorizing the office to use such reports or records as required or authorized in certain provisions; specifying that certain confidentiality provisions that apply to the department apply to the records of the office and its employees and agents; authorizing the department and the office to enter into a specified memorandum of agreement; amending s. 415.107, F.S.; revising the persons, officials, and agencies granted access to certain records relating to vulnerable adults; creating s. 494.00123, F.S.; defining terms; requiring loan originators, mortgage brokers, and mortgage lenders to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; providing requirements for such programs; requiring loan originators, mortgage brokers, and mortgage lenders to establish

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

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written incident response plans for specified purposes; providing requirements for such plans; providing applicability; providing compliance requirements under specified circumstances; requiring loan originators, mortgage brokers, and mortgage lenders to maintain copies of information security programs for a specified timeframe and to make them available to the office under certain circumstances; specifying requirements for notices of security breaches; providing construction; requiring the Financial Services Commission to adopt rules; amending s. 494.00255, F.S.; providing additional acts that constitute a ground for specified disciplinary actions against loan originators and mortgage brokers; amending s. 517.021, F.S.; revising the definition of the term "investment adviser"; defining terms; amending s. 517.061, F.S.; defining terms; amending s. 517.201, F.S.; authorizing the office to make investigations and examinations to aid the Department of Children and Families with certain protective investigations; authorizing the office to consider or use certain information as part of certain investigations and examinations; amending s. 517.34, F.S.; revising the information required to be contained in the form by which a dealer or investment advisor notifies the office of certain delayed disbursements or transactions of funds or securities; providing construction; creating s. 520.135, F.S.; specifying that the rights and obligations of parties

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

with respect to a surrendered or repossessed motor vehicle are exclusively governed by certain provisions; amending s. 560.114, F.S.; specifying the entities that are subject to certain disciplinary actions and penalties; revising the list of actions by money services businesses which constitute grounds for certain disciplinary actions and penalties; specifying requirements for emergency suspension orders that suspend money services business licenses; providing that an emergency suspension order is effective when the licensee against whom the order is directed has actual or constructive knowledge of the order; requiring the office to institute timely proceedings after issuance of an emergency suspension order; authorizing a licensee subject to an emergency suspension order to seek judicial review; requiring, rather than authorizing, the office to suspend licenses of money services businesses under certain circumstances; creating s. 560.1311, F.S.; defining terms; requiring money services businesses to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information; specifying requirements for such programs; requiring money services businesses to establish written incident response plans for specified purposes; specifying requirements for such plans; providing applicability; specifying compliance requirements under specified circumstances; requiring

money services businesses to maintain copies of information security programs for a specified timeframe and to make them available to the office under certain circumstances; specifying requirements for notices of security breaches; providing construction; requiring the commission to adopt rules; amending s. 560.309, F.S.; providing that licensees must comply with the Fair Debt Collections Practices Act only if the licensees meet certain criteria; amending s. 560.405, F.S.; specifying that redemption in cash must be treated in the same manner as redemption through debt card transactions; prohibiting redemption through a credit card transaction; amending s. 560.406, F.S.; providing that licensees must comply with the Fair Debt Collections Practices Act only if the licensees meet certain criteria; creating s. 655.0171, F.S.; defining terms; requiring financial institutions to take measures to protect and secure certain data that contain personal information; providing requirements for notices of security breaches to the office, the Department of Legal Affairs, certain individuals, and certain credit reporting agencies; amending s. 655.032, F.S.; authorizing the office to consider or use certain information as part of certain investigations; amending s. 655.045, F.S.; authorizing the office to consider or use certain information as part of certain investigations; revising the timeline for the mailing of payment for salary and travel expenses of certain

field staff; amending s. 657.005, F.S.; revising requirements for permission to organize credit unions; amending s. 657.024, F.S.; authorizing meetings of credit union members to be held virtually without an in-person quorum and authorizing virtual attendance to satisfy quorum requirements under certain circumstances; amending s. 657.042, F.S.; removing provisions that impose limitations on investments in real estate and equipment for credit unions; amending s. 658.21, F.S.; revising requirements and factors for approving applications for organizing banks and trust companies; amending s. 658.33, F.S.; revising requirements for directors of certain banks and trust companies; amending s. 662.141, F.S.; revising the timeline for the mailing of payment for the salary and travel expenses of certain field staff; amending s. 517.12, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (4) is added to section 415.106, Florida Statutes, to read:

415.106 Cooperation by the department and criminal justice and other agencies.—

(4) To the fullest extent possible, the department shall cooperate with and seek cooperation from the Office of Financial Regulation concerning protective investigations of suspected financial exploitation of specified adults, as defined in s.

415.10341, which are reported to the central abuse hotline and which the department is responsible for conducting pursuant to s. 415.104.

(a) In accordance with s. 415.107, the department must provide copies of all suspected financial exploitation reports received by the central abuse hotline pursuant to s. 415.1034 from any financial institution as defined in s. 655.005(1), securities dealer as defined in s. 517.021(12), or investment adviser as defined in s. 517.021(20) to the Office of Financial Regulation within 15 days after receiving the report. The department may provide copies of any records generated as a result of such reports at the request of the Office of Financial Regulation within 15 days after such request.

1. The Office of Financial Regulation may use the reports or records obtained as required or authorized in this subsection during an investigation or examination conducted pursuant to chapter 517 or chapter 655.

2. Except as provided in this chapter and chapters 517 and 655, all confidentiality provisions that apply to the department continue to apply to the records made available to the Office of Financial Regulation and its officials, employees, and agents under s. 415.107.

(b) The department and the Office of Financial Regulation may enter into a memorandum of agreement that specifies how the Office of Financial Regulation, in the agency's role as the regulator of financial institutions, may assist the department with effectively and efficiently conducting a protective investigation of any vulnerable adult abuse report received by the central abuse hotline, and that specifies how such

assistance will be implemented.

Section 2. Paragraph (m) is added to subsection (3) of section 415.107, Florida Statutes, to read:

415.107 Confidentiality of reports and records.—

(3) Access to all records, excluding the name of the reporter which shall be released only as provided in subsection (6), shall be granted only to the following persons, officials, and agencies:

(m) Any appropriate officials, employees, or agents of the Office of Financial Regulation who are responsible for conducting investigations pursuant to chapters 517 and 655.

Section 3. Section 494.00123, Florida Statutes, is created to read:

494.00123 Information security programs.—

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

(a) "Customer" means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.

(b) "Customer information" means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.

(c) "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without

authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(d) "Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

(e) "Financial product or service" means any product or service offered by a licensee under this chapter.

(f) "Information security program" means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

(g) "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.

(h)1. "Nonpublic personal information" means:

a. Personally identifiable financial information; and

b. Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not

publicly available.

2. The term does not include:

a. Publicly available information, except as included on a list, description, or other grouping of customers described in sub-subparagraph 1.b.;

b. Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or

c. Any list of individuals' names and addresses which contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.

3. As used in this paragraph, the term:

a.(I) "Personally identifiable financial information" means any information that:

(A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;

(B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or

(C) A licensee otherwise obtains about a customer in

connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee.

(II) The term "personally identifiable financial information" does not include:

(A) A list of names and addresses of customers of an entity that is not a financial institution; or

(B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

b.(I) "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(A) Federal, state, or local government records, such as government real estate records or security interest filings;

(B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or

(C) Disclosures to the general public which are required to be made by federal, state, or local law.

(II) As used in this sub-subparagraph, the term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has

taken steps to determine:

(A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and

(B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

(i) "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain, process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

(2) INFORMATION SECURITY PROGRAM.—

(a) Each licensee shall develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information.

(b) Each licensee shall ensure that the information security program meets all of the following criteria:

1. Be commensurate with the following measures:

a. Size and complexity of the licensee.

b. Nature and scope of the licensee's activities, including the licensee's use of third-party service providers.

c. Sensitivity of nonpublic personal information that is

used by the licensee or that is in the licensee's possession, custody, or control.

2. Be designed to do all of the following:

a. Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.

b. Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's information system.

c. Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.

3. Define and periodically reevaluate the retention schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or is no longer required by applicable law.

4. Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.

5. Be monitored, evaluated, and adjusted, as necessary, to meet all of the following requirements:

a. Determine whether the licensee's information security program is consistent with relevant changes in technology.

b. Confirm the licensee's information security program accounts for the sensitivity of nonpublic personal information.

c. Identify changes that may be necessary to the licensee's information system.

d. Mitigate any internal or external threats to nonpublic

personal information.

e. Amend the licensee's information security program for any material changes to the licensee's business arrangements, including, but not limited to, mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

(c)1. As part of a licensee's information security program, the licensee shall establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that compromises:

a. The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;

b. The licensee's information system; or

c. The continuing functionality of any aspect of the licensee's operations.

2. The written incident response plan must address all of the following:

a. The licensee's internal process for responding to a cybersecurity event.

b. The goals of the licensee's incident response plan.

c. The assignment of clear roles, responsibilities, and levels of decisionmaking authority for the licensee's personnel that participate in the incident response plan.

d. External communications, internal communications, and information sharing related to a cybersecurity event.

e. The identification of remediation requirements for weaknesses identified in information systems and associated controls.

f. The documentation and reporting regarding cybersecurity events and related incident response activities.

g. The evaluation and revision of the incident response plan, as appropriate, following a cybersecurity event.

h. The process by which notice must be given as required under subsection (3) and s. 501.171(3) and (4).

(d)1. This section does not apply to a licensee that has fewer than:

a. Twenty individuals on its workforce, including employees and independent contractors; or

b. Five hundred customers during a calendar year.

2. A licensee that no longer qualifies for exemption under subparagraph 1. has 180 calendar days to comply with this section after the date of the disqualification.

(e) Each licensee shall maintain a copy of the information security program for a minimum of 5 years and shall make it available to the office upon request or as part of an examination.

(3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee shall provide notice to the office of any breach of security, as defined in s. 501.171, affecting 500 or more individuals in this state at a time and in the manner prescribed by commission rule.

(4) CONSTRUCTION.—This section may not be construed to relieve a covered entity from complying with s. 501.171. To the extent a licensee is a covered entity, as defined in s. 501.171(1), the licensee remains subject to s. 501.171.

(5) RULES.—The commission shall adopt rules to administer this section, including rules that allow a licensee that is in compliance with the Federal Trade Commission's Standards for Safeguarding Customer Information, 16 C.F.R. part 314, to be deemed in substantial compliance with subsection (2).

Section 4. Paragraph (z) is added to subsection (1) of section 494.00255, Florida Statutes, to read:

494.00255 Administrative penalties and fines; license violations.—

(1) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (2) may be taken against a person licensed or required to be licensed under part II or part III of this chapter:

(z) Failure to comply with the notification requirements in s. 501.171(3) and (4).

Section 5. Present subsections (28) through (36) of section 517.021, Florida Statutes, are redesignated as subsections (29) through (37), respectively, a new subsection (28) is added to that section, and subsection (20) of that section is amended, to read:

517.021 Definitions.—When used in this chapter, unless the context otherwise indicates, the following terms have the following respective meanings:

(20)(a) "Investment adviser" means a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities.

(b) The term does not include any of the following:

1. A dealer or an associated person of a dealer whose performance of services in paragraph (a) is solely incidental to

the conduct of the dealer's or associated person's business as a dealer and who does not receive special compensation for those services.

2. A licensed practicing attorney or certified public accountant whose performance of such services is solely incidental to the practice of the attorney's or accountant's profession.

3. A bank authorized to do business in this state.

4. A bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state.

5. A trust company having trust powers, as defined in s. 658.12, which it is authorized to exercise in this state, which trust company renders or performs investment advisory services in a fiduciary capacity incidental to the exercise of its trust powers.

6. A person that renders investment advice exclusively to insurance or investment companies.

7. A person:

a. Without a place of business in this state if the person has had ~~that~~, during the preceding 12 months, ~~has~~ fewer than six clients who are residents of this state.

b. With a place of business in this state if the person has had, during the preceding 12 months, fewer than six clients who are residents of this state and no clients who are not residents of this state.

As used in this subparagraph, the term "client" has the same meaning as provided in Securities and Exchange Commission Rule

222-2 ~~275.222-2~~, 17 C.F.R. s. 275.222-2, as amended.

8. A federal covered adviser.

9. The United States, a state, or any political subdivision of a state, or any agency, authority, or instrumentality of any such entity; a business entity that is wholly owned directly or indirectly by such a governmental entity; or any officer, agent, or employee of any such governmental or business entity who is acting within the scope of his or her official duties.

10. A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1(b) under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b), as amended. In determining whether a person meets the definition of a family office under this subparagraph, the terms "affiliated family office," "control," "executive officer," "family client," "family entity," "family member," "former family member," "key employee," and "spousal equivalent" have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(d), as amended.

(28) "Place of business" of an investment adviser means an office at which the investment adviser regularly provides investment advisory services to, solicits, meets with, or otherwise communicates with clients; and any other location that is held out to the general public as a location at which the investment adviser provides investment advisory services to, solicits, meets with, or otherwise communicates with clients.

Section 6. Paragraph (i) of subsection (9) of section 517.061, Florida Statutes, is amended to read:

517.061 Exempt transactions.—Except as otherwise provided

in subsection (11), the exemptions provided herein from the registration requirements of s. 517.07 are self-executing and do not require any filing with the office before being claimed. Any person who claims entitlement to an exemption under this section bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following transactions; however, such transactions are subject to s. 517.301:

(9) The offer or sale of securities to:

(i) A family office as defined in Securities and Exchange Commission Rule 202(a)(11)(G)-1(b) ~~202(a)(11)(G)-1~~ under the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(b) ~~s. 275.202(a)(11)(G)-1~~, as amended, provided that:

1. The family office has assets under management in excess of $5 million;

2. The family office is not formed for the specific purpose of acquiring the securities offered; and

3. The prospective investment of the family office is directed by a person who has knowledge and experience in financial and business matters that the family office is capable of evaluating the merits and risks of the prospective investment.

In determining whether a person meets the definition of a family office under this paragraph, the terms "affiliated family office," "control," "executive officer," "family client," "family entity," "family member," "former family member," "key employee," and "spousal equivalent" have the same meaning as in Securities and Exchange Commission Rule 202(a)(11)(G)-1(d) under

the Investment Advisers Act of 1940, 17 C.F.R. s. 275.202(a)(11)(G)-1(d), as amended.

Section 7. Paragraph (a) of subsection (1) of section 517.201, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

517.201 Investigations; examinations; subpoenas; hearings; witnesses.—

(1) The office:

(a) May make investigations and examinations within or outside of this state as it deems necessary:

1. To determine whether a person has violated or is about to violate any provision of this chapter or a rule or order hereunder; ~~or~~

2. To aid in the enforcement of this chapter; or

3. In accordance with a memorandum of understanding pursuant to s. 415.106(4)(b), to aid the Department of Children and Families with any protective investigations the Department of Children and Families is required to conduct under s. 415.104.

(c) May consider or use as part of any investigation or examination pursuant to this section the information contained in any suspected financial exploitation report or any records generated as a result of such report which is obtained pursuant to s. 415.106(4).

Section 8. Paragraphs (b) and (c) of subsection (3) and subsection (6) of section 517.34, Florida Statutes, are amended to read:

517.34 Protection of specified adults.—

(3) A dealer or investment adviser may delay a disbursement

or transaction of funds or securities from an account of a specified adult or an account for which a specified adult is a beneficiary or beneficial owner if all of the following apply:

(b) Not later than 3 business days after the date on which the delay was first placed, the dealer or investment adviser complies with all of the following conditions:

1. Notifies in writing all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the exception of any party the dealer or investment adviser reasonably believes has engaged in, is engaging in, has attempted to engage in, or will attempt to engage in the suspected financial exploitation of the specified adult. The notice, which may be provided electronically, must provide the reason for the delay.

2. Notifies the office of the delay electronically on a form prescribed by commission rule. The form must be consistent with the purposes of this section and must contain, but need not be limited to, the following information:

a. The date on which the delay was first placed.

b. The name, age, and address, or location, if different, of the specified adult.

c. The business location of the dealer or investment adviser.

d. The name, address, and telephone number and title of the employee who reported suspected financial exploitation of the specified adult.

e. The facts and circumstances that caused the employee to report suspected financial exploitation.

f. The names, addresses, and telephone numbers of the specified adult's family members.

g. The name, address, and telephone number of each person suspected of engaging in financial exploitation.

h. The name, address, and telephone number of the caregiver of the specified adult, if different from the person or persons suspected of engaging in financial exploitation.

i. A description of actions taken by the dealer or investment adviser, if any, such as notification to a criminal justice agency.

j. Any other information available to the reporting person which may establish the cause of financial exploitation that occurred or is occurring.

~~(c) Not later than 3 business days after the date on which the delay was first placed, the dealer or investment adviser Notifies the office of the delay electronically on a form prescribed by commission rule. The form must be consistent with the purposes of this section and may include only the following information:~~

~~1. The date on which the notice is submitted to the office.~~

~~2. The date on which the delay was first placed.~~

~~3. The following information about the specified adult:~~

~~a. Gender.~~

~~b. Age.~~

~~c. Zip code of residence address.~~

~~4. The following information about the dealer or investment adviser who placed the delay:~~

~~a. Name.~~

~~b. Title.~~

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~~c. Firm name.~~

~~d. Business address.~~

~~5. A section with the following questions for which the only allowable responses are "Yes" or "No":~~

~~a. Is financial exploitation of a specified adult suspected in connection with a disbursement or transaction?~~

~~b. Are funds currently at risk of being lost?~~

~~The form must contain substantially the following statement in conspicuous type: "The office may take disciplinary action against any person making a knowing and willful misrepresentation on this form."~~

(6) A dealer, an investment adviser, or an associated person who in good faith and exercising reasonable care complies with this section is immune from any administrative or civil liability that might otherwise arise from such delay in a disbursement or transaction in accordance with this section. This subsection does not supersede or diminish any immunity granted under chapter 415, nor does it substitute for the duty to report to the central abuse hotline as required under s. 415.1034.

Section 9. Section 520.135, Florida Statutes, is created to read:

520.135 Surrendered or repossessed vehicles.—The rights and obligations of parties with respect to a surrendered or repossessed motor vehicle are exclusively governed by part VI of chapter 679.

Section 10. Subsections (1) and (2) of section 560.114, Florida Statutes, are amended to read:

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560.114 Disciplinary actions; penalties.—

(1) The following actions by a money services business, an authorized vendor, or a ~~affiliated~~ party that was affiliated at the time of commission of the actions constitute grounds for the issuance of a cease and desist order; the issuance of a removal order; the denial, suspension, or revocation of a license; or taking any other action within the authority of the office pursuant to this chapter:

(a) Failure to comply with any provision of this chapter or related rule or order, or any written agreement entered into with the office.

(b) Fraud, misrepresentation, deceit, or gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to this chapter, regardless of reliance thereon by, or damage to, such customer.

(d) False, deceptive, or misleading advertising.

(e) Failure to maintain, preserve, keep available for examination, and produce all books, accounts, files, or other documents required by this chapter or related rules or orders, by 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410, or by an agreement entered into with the office.

(f) Refusing to allow the examination or inspection of books, accounts, files, or other documents by the office pursuant to this chapter, or to comply with a subpoena issued by the office.

(g) Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment becomes final.

(h) Engaging in an act prohibited under s. 560.111 or s. 560.1115.

(i) Insolvency.

(j) Failure by a money services business to remove an affiliated party after the office has issued and served upon the money services business a final order setting forth a finding that the affiliated party has violated a provision of this chapter.

(k) Making a material misstatement, misrepresentation, or omission in an application for licensure, any amendment to such application, or application for the appointment of an authorized vendor.

(l) Committing any act that results in a license or its equivalent, to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction.

(m) Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed activity as a money services business or deferred presentment provider in any jurisdiction.

(n) Committing any act resulting in a license or its equivalent to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any other law or rule of another state or of the

United States relating to a money services business, deferred presentment provider, or usury that may cause the denial, suspension, or revocation of a money services business or deferred presentment provider license or its equivalent in such jurisdiction.

(o) Having been convicted of, or entered a plea of guilty or nolo contendere to, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States which involves fraud, moral turpitude, or dishonest dealing, regardless of adjudication.

(p) Having been convicted of, or entered a plea of guilty or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5318, s. 5322, or s. 5324, regardless of adjudication.

(q) Having been convicted of, or entered a plea of guilty or nolo contendere to, misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.

(r) Having been convicted of, or entered a plea of guilty or nolo contendere to, a violation of 31 C.F.R. chapter X, part 1022, regardless of adjudication.

(s) ~~(r)~~ Failure to inform the office in writing within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the United States, or any crime involving fraud, moral turpitude, or dishonest dealing.

(t) ~~(s)~~ Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this chapter or any order or rule of the office or commission.

(u) ~~(t)~~ Failure to pay any fee, charge, or cost imposed or assessed under this chapter.

(v) ~~(u)~~ Failing to pay a fine assessed by the office within 30 days after the due date as stated in a final order.

(w) ~~(v)~~ Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.

(x) ~~(w)~~ Engaging or advertising engagement in the business of a money services business or deferred presentment provider without a license, unless exempted from licensure.

(y) ~~(x)~~ Payment to the office for a license or other fee, charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.

(z) ~~(y)~~ Violations of 31 C.F.R. ss. 1010.306, 1010.311, 1010.312, 1010.340, 1010.410, 1010.415, 1022.210, 1022.320, 1022.380, and 1022.410, and United States Treasury Interpretive Release 2004-1.

(aa) ~~(z)~~ Any practice or conduct that creates the likelihood of a material loss, insolvency, or dissipation of assets of a money services business or otherwise materially prejudices the interests of its customers.

(bb) ~~(aa)~~ Failure of a check casher to maintain a federally insured depository account as required by s. 560.309.

(cc) ~~(bb)~~ Failure of a check casher to deposit into its own federally insured depository account any payment instrument cashed as required by s. 560.309.

(dd) ~~(cc)~~ Violating any provision of the Military Lending Act, 10 U.S.C. s. 987, or the regulations adopted under that act in 32 C.F.R. part 232, in connection with a deferred presentment

transaction conducted under part IV of this chapter.

(ee) Failure to comply with the notification requirements in s. 501.171(3) and (4).

(2) ~~Pursuant to s. 120.60(6),~~ The office shall issue an emergency suspension order suspending ~~may summarily suspend~~ the license of a money services business if the office finds that a licensee poses a danger deemed by the Legislature to be ~~an~~ immediate and~~,~~ serious ~~danger~~ to the public health, safety, and welfare. ~~A proceeding in which the office seeks the issuance of a final order for the summary suspension of a licensee shall be conducted by the commissioner of the office, or his or her designee, who shall issue such order.~~

(a) An emergency suspension order under this subsection may be issued without prior notice and an opportunity to be heard. An emergency suspension order must:

1. State the grounds on which the order is based;

2. Advise the licensee against whom the order is directed that the order takes effect immediately and, to the extent applicable, requires the licensee to immediately cease and desist from the conduct or violation that is the subject of the order or to take the affirmative action stated in the order as necessary to correct a condition resulting from the conduct or violation or as otherwise appropriate;

3. Be delivered by personal delivery or sent by certified mail, return receipt requested, to the licensee against whom the order is directed at the licensee's last known address; and

4. Include a notice that the licensee subject to the emergency suspension order may seek judicial review pursuant to s. 120.68.

(b) An emergency suspension order is effective as soon as the licensee against whom the order is directed has actual or constructive knowledge of the issuance of the order.

(c) The office shall institute timely proceedings under ss. 120.569 and 120.57 after issuance of an emergency suspension order.

(d) A licensee subject to an emergency suspension order may seek judicial review pursuant to s. 120.68.

(e) The following acts are deemed by the Legislature to constitute an immediate and serious danger to the public health, safety, and welfare, and the office shall ~~may~~ immediately issue an emergency suspension order to suspend the license of a money services business if:

1.~~(a)~~ The money services business fails to provide to the office, upon written request, any of the records required by s. 560.123, s. 560.1235, s. 560.211, or s. 560.310 or any rule adopted under those sections. The suspension may be rescinded if the licensee submits the requested records to the office.

2.~~(b)~~ The money services business fails to maintain a federally insured depository account as required by s. 560.208(4) or s. 560.309.

3.~~(c)~~ A natural person required to be listed on the license application for a money services business pursuant to s. 560.141(1)(a)3. is criminally charged with, or arrested for, a crime described in paragraph (1)(o), paragraph (1)(p), or paragraph(1)(q).

Section 11. Section 560.1311, Florida Statutes, is created to read:

560.1311 Information security programs.—

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

(a) "Customer" means a person who seeks to obtain or who obtains or has obtained a financial product or service from a licensee.

(b) "Customer information" means any record containing nonpublic personal information about a customer of a financial transaction, whether on paper, electronic, or in other forms, which is handled or maintained by or on behalf of the licensee or its affiliates.

(c) "Cybersecurity event" means an event resulting in unauthorized access to, or disruption or misuse of, an information system or customer information stored on such information system. The term does not include the unauthorized acquisition of encrypted customer information if the encryption process or key is not also acquired, released, or used without authorization. The term does not include an event with regard to which the licensee has determined that the customer information accessed by an unauthorized person has not been used or released and has been returned or destroyed.

(d) "Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key.

(e) "Financial product or service" means any product or service offered by a licensee under this chapter.

(f) "Information security program" means the administrative, technical, or physical safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.

(g) "Information system" means a discrete set of electronic

information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system such as an industrial process control system, telephone switching and private branch exchange system, or environmental control system, which contain customer information or which are connected to a system that contains customer information.

(h) "Licensee" means a person licensed under this chapter.

(i)1. "Nonpublic personal information" means:

a. Personally identifiable financial information; and

b. Any list, description, or other grouping of customers which is derived using any personally identifiable financial information that is not publicly available, such as account numbers, including any list of individuals' names and street addresses which is derived, in whole or in part, using personally identifiable financial information that is not publicly available.

2. The term does not include:

a. Publicly available information, except as included on a list, description, or other grouping of customers described in sub-subparagraph 1.b.;

b. Any list, description, or other grouping of consumers, or any publicly available information pertaining to such list, description, or other grouping of consumers, which is derived without using any personally identifiable financial information that is not publicly available; or

c. Any list of individuals' names and addresses which contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial

information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a customer of a licensee.

3. As used in this paragraph, the term:

a.(I) "Personally identifiable financial information" means any information that:

(A) A customer provides to a licensee to obtain a financial product or service, such as information that a customer provides to a licensee on an application to obtain a loan or other financial product or service;

(B) A licensee receives about a consumer which is obtained during or as a result of any transaction involving a financial product or service between the licensee and the customer, such as information collected through an information-collecting device from a web server; or

(C) A licensee otherwise obtains about a customer in connection with providing a financial product or service to the customer, such as the fact that an individual is or has been one of the licensee's customers or has obtained a financial product or service from the licensee.

(II) The term "personally identifiable financial information" does not include:

(A) A list of names and addresses of customers of an entity that is not a financial institution; or

(B) Information that does not identify a customer, such as blind data or aggregate information that does not contain personal identifiers such as account numbers, names, or addresses.

b.(I) "Publicly available information" means any

information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

(A) Federal, state, or local government records, such as government real estate records or security interest filings;

(B) Widely distributed media, such as information from a telephone records repository or directory, a television or radio program, a newspaper, a social media platform, or a website that is available to the general public on an unrestricted basis. A website is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or

(C) Disclosures to the general public which are required to be made by federal, state, or local law.

(II) As used in this sub-subparagraph, the term "reasonable basis to believe is lawfully made available to the general public" relating to any information means that the person has taken steps to determine:

(A) That the information is of the type that is available to the general public, such as information included on the public record in the jurisdiction where the mortgage would be recorded; and

(B) Whether an individual can direct that the information not be made available to the general public and, if so, the customer to whom the information relates has not done so, such as when a telephone number is listed in a telephone directory and the customer has informed the licensee that the telephone number is not unlisted.

(j) "Third-party service provider" means a person, other than a licensee, which contracts with a licensee to maintain,

process, or store nonpublic personal information, or is otherwise permitted access to nonpublic personal information through its provision of services to a licensee.

(2) INFORMATION SECURITY PROGRAM.—

(a) Each licensee shall develop, implement, and maintain a comprehensive written information security program that contains administrative, technical, and physical safeguards for the protection of the licensee's information system and nonpublic personal information.

(b) Each licensee shall ensure that the information security program meets all of the following criteria:

1. Be commensurate with the following measures:

a. Size and complexity of the licensee.

b. Nature and scope of the licensee's activities, including the licensee's use of third-party service providers.

c. Sensitivity of nonpublic personal information that is used by the licensee or that is in the licensee's possession, custody, or control.

2. Be designed to do all of the following:

a. Protect the security and confidentiality of nonpublic personal information and the security of the licensee's information system.

b. Protect against threats or hazards to the security or integrity of nonpublic personal information and the licensee's information system.

c. Protect against unauthorized access to or the use of nonpublic personal information and minimize the likelihood of harm to any customer.

3. Define and periodically reevaluate the retention

schedule and the mechanism for the destruction of nonpublic personal information if retention is no longer necessary for the licensee's business operations or is no longer required by applicable law.

4. Regularly test and monitor systems and procedures for the detection of actual and attempted attacks on, or intrusions into, the licensee's information system.

5. Be monitored, evaluated, and adjusted, as necessary, to meet all of the following requirements:

a. Determine whether the licensee's information security program is consistent with relevant changes in technology.

b. Confirm the licensee's information security program accounts for the sensitivity of nonpublic personal information.

c. Identify changes that may be necessary to the licensee's information system.

d. Mitigate any internal or external threats to nonpublic personal information.

e. Amend the licensee's information security program for any material changes to the licensee's business arrangements, including, but not limited to, mergers and acquisitions, alliances and joint ventures, and outsourcing arrangements.

(c)1. As part of a licensee's information security program, the licensee shall establish a written incident response plan designed to promptly respond to, and recover from, a cybersecurity event that compromises:

a. The confidentiality, integrity, or availability of nonpublic personal information in the licensee's possession;

b. The licensee's information system; or

c. The continuing functionality of any aspect of the

licensee's operations.

2. The written incident response plan must address all of the following:

a. The licensee's internal process for responding to a cybersecurity event.

b. The goals of the licensee's incident response plan.

c. The assignment of clear roles, responsibilities, and levels of decisionmaking authority for the licensee's personnel that participate in the incident response plan.

d. External communications, internal communications, and information sharing related to a cybersecurity event.

e. The identification of remediation requirements for weaknesses identified in information systems and associated controls.

f. The documentation and reporting regarding cybersecurity events and related incident response activities.

g. The evaluation and revision of the incident response plan, as appropriate, following a cybersecurity event.

h. The process by which notice must be given as required under subsection (3) and s. 501.171(3) and (4).

(d)1. This section does not apply to a licensee that has fewer than:

a. Twenty individuals on its workforce, including employees and independent contractors; or

b. Five hundred customers during a calendar year.

2. A licensee that no longer qualifies for exemption under subparagraph 1. has 180 calendar days to comply with this section after the date of the disqualification.

(e) Each licensee shall maintain a copy of the information

security program for a minimum of 5 years and shall make it available to the office upon request or as part of an examination.

(3) NOTICE TO OFFICE OF SECURITY BREACH.—Each licensee shall provide notice to the office of any breach of security, as defined in s. 501.171(1), affecting 500 or more individuals in this state at a time and in the manner prescribed by commission rule.

(4) CONSTRUCTION.—This section may not be construed to relieve a covered entity from complying with s. 501.171. To the extent a licensee is a covered entity, as defined in s. 501.171(1), the licensee remains subject to s. 501.171.

(5) RULES.—The commission shall adopt rules to administer this section, including rules that allow a licensee that is in compliance with the Federal Trade Commission's Standards for Safeguarding Customer Information, 16 C.F.R. part 314, to be deemed in compliance with subsection (2).

Section 12. Subsection (10) of section 560.309, Florida Statutes, is amended to read:

560.309 Conduct of business.—

(10) If a check is returned to a licensee from a payor financial institution due to lack of funds, a closed account, or a stop-payment order, the licensee may seek collection pursuant to s. 68.065. In seeking collection, the licensee must comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices in the Florida Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77. The licensee must also comply with the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and

1692f if the licensee uses a third-party debt collector or any name other than its own to collect such debts. A violation of this subsection is a deceptive and unfair trade practice and constitutes a violation of the Deceptive and Unfair Trade Practices Act under part II of chapter 501. ~~In addition, a licensee must comply with the applicable provisions of the Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77.~~

Section 13. Subsection (3) of section 560.405, Florida Statutes, is amended to read:

560.405 Deposit; redemption.—

(3) Notwithstanding subsection (1), in lieu of presentment, a deferred presentment provider may allow the check to be redeemed at any time upon payment of the outstanding transaction balance and earned fees. Redemption in cash must be treated in the same manner as redemption through a debit card transaction. However, payment may not be made in the form of a personal check or through a credit card transaction. Upon redemption, the deferred presentment provider must return the drawer's check and provide a signed, dated receipt showing that the drawer's check has been redeemed.

Section 14. Subsection (2) of section 560.406, Florida Statutes, is amended to read:

560.406 Worthless checks.—

(2) If a check is returned to a deferred presentment provider from a payor financial institution due to insufficient funds, a closed account, or a stop-payment order, the deferred presentment provider may pursue all legally available civil remedies to collect the check, including, but not limited to,

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the imposition of all charges imposed on the deferred presentment provider by the financial institution. In its collection practices, a deferred presentment provider must comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Florida Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77. A deferred presentment provider must also comply with the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, and 1692f if the deferred presentment provider uses a third-party debt collector or any name other than its own to collect such debts. A violation of this act is a deceptive and unfair trade practice and constitutes a violation of the Deceptive and Unfair Trade Practices Act under part II of chapter 501. ~~In addition, a deferred presentment provider must comply with the applicable provisions of the Consumer Collection Practices Act under part VI of chapter 559, including s. 559.77.~~

Section 15. Section 655.0171, Florida Statutes, is created to read:

655.0171 Requirements for customer data security and for notices of security breaches.—

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

(a) "Breach of security" or "breach" means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of a financial institution does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use. As used in this paragraph, the term "data in

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electronic form" means any data stored electronically or digitally on any computer system or other database and includes recordable tapes and other mass storage devices.

(b) "Department" means the Department of Legal Affairs.

(c)1. "Personal information" means:

a. An individual's first name, or first initial, and last name, in combination with any of the following data elements for that individual:

(I) A social security number;

(II) A driver license or identification card number, passport number, military identification number, or other similar number issued on a government document used to verify identity;

(III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password that is necessary to permit access to the individual's financial account;

(IV) The individual's biometric data as defined in s. 501.702; or

(V) Any information regarding the individual's geolocation; or

b. A username or e-mail address, in combination with a password or security question and answer that would permit access to an online account.

2. The term does not include information about an individual which has been made publicly available by a federal, state, or local governmental entity. The term also does not include information that is encrypted, secured, or modified by any other method or technology that removes elements that

personally identify an individual or that otherwise renders the information unusable.

(2) REQUIREMENTS FOR DATA SECURITY.—Each financial institution shall take reasonable measures to protect and secure data that are in electronic form and that contain personal information.

(3) NOTICE TO OFFICE AND DEPARTMENT OF SECURITY BREACH.—

(a)1. Each financial institution shall provide notice to the office of any breach of security affecting 500 or more individuals in this state. Such notice must be provided to the office as expeditiously as practicable, but no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred.

2. The written notice to the office must include the items required under s. 501.171(3)(b).

3. A financial institution must provide the following information to the office upon its request:

a. A police report, incident report, or computer forensics report.

b. A copy of the policies in place regarding breaches.

c. Steps that have been taken to rectify the breach.

4. A financial institution may provide the office with supplemental information regarding a breach at any time.

(b) Each financial institution shall provide notice to the department of any breach of security affecting 500 or more individuals in this state. Such notice must be provided to the department in accordance with s. 501.171.

(4) NOTICE TO INDIVIDUALS OF SECURITY BREACH.—Each financial institution shall give notice to each individual in

this state whose personal information was, or the financial institution reasonably believes to have been, accessed as a result of the breach in accordance with s. 501.171(4). The notice must be provided no later than 30 days after the determination of the breach or the determination of a reason to believe that a breach has occurred. A financial institution may receive 15 additional days to provide notice to individuals of a security breach as required in this subsection if good cause for delay is provided in writing to the office within 30 days after determination of the breach or determination of the reason to believe that a breach has occurred.

(5) NOTICE TO CREDIT REPORTING AGENCIES.—If a financial institution discovers circumstances requiring notice pursuant to this section of more than 1,000 individuals at a single time, the financial institution shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined in the Fair Credit Reporting Act, 15 U.S.C. s. 1681a(p), of the timing, distribution, and content of the notices.

Section 16. Present subsections (3), (4), and (5) of section 655.032, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

655.032 Investigations, subpoenas, hearings, and witnesses.—

(3) The office may consider or use as part of any investigation pursuant to this section the information contained in any suspected financial exploitation report or any records generated as a result of such report which is obtained pursuant

to s. 415.106(4).

Section 17. Present paragraphs (c) through (f) of subsection (1) of section 655.045, Florida Statutes, are redesignated as paragraphs (d) through (g), respectively, a new paragraph (c) is added to that subsection, and present paragraph (d) of that subsection is amended, to read:

655.045 Examinations, reports, and internal audits; penalty.—

(1) The office shall conduct an examination of the condition of each state financial institution at least every 18 months. The office may conduct more frequent examinations based upon the risk profile of the financial institution, prior examination results, or significant changes in the institution or its operations. The office may use continuous, phase, or other flexible scheduling examination methods for very large or complex state financial institutions and financial institutions owned or controlled by a multi-financial institution holding company. The office shall consider examination guidelines from federal regulatory agencies in order to facilitate, coordinate, and standardize examination processes.

(c) The office may consider or use as part of any examination conducted pursuant to this section the information contained in any suspected financial exploitation report or any records generated as a result of such report which is obtained pursuant to s. 415.106(4).

(e)~~(d)~~ As used in this section, the term "costs" means the salary and travel expenses directly attributable to the field staff examining the state financial institution, subsidiary, or service corporation, and the travel expenses of any supervisory

staff required as a result of examination findings. The mailing of any costs incurred under this subsection must be postmarked within 45 ~~30~~ days after the date of receipt of a notice stating that such costs are due. The office may levy a late payment of up to $100 per day or part thereof that a payment is overdue, unless excused for good cause. However, for intentional late payment of costs, the office may levy an administrative fine of up to $1,000 per day for each day the payment is overdue.

Section 18. Subsection (2) of section 657.005, Florida Statutes, is amended to read:

657.005 Application for authority to organize a credit union; investigation.—

(2) Any five or more individuals, a majority of whom are residents of this state and all of whom ~~who~~ represent a limited field of membership, may apply to the office for permission to organize a credit union. The fact that individuals within the proposed limited field of membership have credit union services available to them through another limited field of membership shall not preclude the granting of a certificate of authorization to engage in the business of a credit union.

Section 19. Subsection (1) of section 657.024, Florida Statutes, is amended to read:

657.024 Membership meetings.—

(1) The members shall receive timely notice of the annual meeting and any special meetings of the members, which shall be held at the time, place, and in the manner provided in the bylaws. The annual meeting and any special meetings of the members may be held virtually without an in-person quorum, and virtual attendance may satisfy quorum requirements, subject to

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

the bylaws.

Section 20. Paragraph (b) of subsection (3) and present subsection (5) of section 657.042, Florida Statutes, are amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(3) INVESTMENT SUBJECT TO LIMITATION OF TWO PERCENT OF CAPITAL OF THE CREDIT UNION.—

(b) Commercial paper and bonds of any corporation within the United States which have a fixed maturity, as provided in subsection (6) ~~(7)~~, except that the total investment in all such paper and bonds may not exceed 10 percent of the capital of the credit union.

~~(5) INVESTMENTS IN REAL ESTATE AND EQUIPMENT FOR THE CREDIT UNION.—~~

~~(a) Up to 5 percent of the capital of the credit union may be invested in real estate and improvements thereon, furniture, fixtures, and equipment utilized or to be utilized by the credit union for the transaction of business.~~

~~(b) The limitations provided by this subsection may be exceeded with the prior written approval of the office. The office shall grant such approval if it is satisfied that:~~

~~1. The proposed investment is necessary.~~

~~2. The amount thereof is commensurate with the size and needs of the credit union.~~

~~3. The investment will be beneficial to the members.~~

~~4. A reasonable plan is developed to reduce the investment to statutory limits.~~

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

Section 21. Paragraphs (b) and (c) of subsection (4) of section 658.21, Florida Statutes, are amended to read:

658.21 Approval of application; findings required.—The office shall approve the application if it finds that:

(4)

(b) At least two of the proposed directors who are not also proposed officers must have had within the 10 years before the date of the application at least 1 year of direct experience as an executive officer, regulator, or director of a financial institution as specified in the application ~~within the 5 years before the date of the application~~. ~~However, if the applicant demonstrates that at least one of the proposed directors has very substantial experience as an executive officer, director, or regulator of a financial institution more than 5 years before the date of the application, the office may modify the requirement and allow the applicant to have only one director who has direct financial institution experience within the last 5 years.~~

(c) The proposed president or chief executive officer must have had at least 1 year of direct experience as an executive officer, director, or regulator of a financial institution within the last 10 ~~5~~ years. In making a decision, the office must also consider ~~may waive this requirement after considering~~:

1. The adequacy of the overall experience and expertise of the proposed president or chief executive officer;

2. The likelihood of successful operation of the proposed state bank or trust company pursuant to subsection (1);

3. The adequacy of the proposed capitalization under subsection (2);

4. The proposed capital structure under subsection (3);

5. The experience of the other proposed officers and directors; and

6. Any other relevant data or information.

Section 22. Subsection (2) of section 658.33, Florida Statutes, is amended to read:

658.33 Directors, number, qualifications; officers.—

(2) Not less than a majority of the directors must, during their whole term of service, be citizens of the United States, and at least a majority of the directors must have resided in this state for at least 1 year preceding their election and must be residents therein during their continuance in office. In the case of a bank or trust company with total assets of less than $150 million, at least one, and in the case of a bank or trust company with total assets of $150 million or more, two of the directors who are not also officers of the bank or trust company must have had at least 1 year of direct experience as an executive officer, regulator, or director of a financial institution within the last 10 ~~5~~ years.

Section 23. Subsection (4) of section 662.141, Florida Statutes, is amended to read:

662.141 Examination, investigations, and fees.—The office may conduct an examination or investigation of a licensed family trust company at any time it deems necessary to determine whether the licensed family trust company or licensed family trust company-affiliated party thereof has violated or is about to violate any provision of this chapter, any applicable provision of the financial institutions codes, or any rule adopted by the commission pursuant to this chapter or the codes.

The office may conduct an examination or investigation of a family trust company or foreign licensed family trust company at any time it deems necessary to determine whether the family trust company or foreign licensed family trust company has engaged in any act prohibited under s. 662.131 or s. 662.134 and, if a family trust company or a foreign licensed family trust company has engaged in such act, to determine whether any applicable provision of the financial institutions codes has been violated.

(4) For each examination of the books and records of a family trust company, licensed family trust company, or foreign licensed family trust company as authorized under this chapter, the trust company shall pay a fee for the costs of the examination by the office. As used in this section, the term "costs" means the salary and travel expenses of field staff which are directly attributable to the examination of the trust company and the travel expenses of any supervisory and support staff required as a result of examination findings. The mailing of payment for costs incurred must be postmarked within 45 ~~30~~ days after the receipt of a notice stating that the costs are due. The office may levy a late payment of up to $100 per day or part thereof that a payment is overdue unless waived for good cause. However, if the late payment of costs is intentional, the office may levy an administrative fine of up to $1,000 per day for each day the payment is overdue.

Section 24. Subsection (21) of section 517.12, Florida Statutes, is amended to read:

517.12 Registration of dealers, associated persons, intermediaries, and investment advisers.—

(21) The registration requirements of this section do not apply to any general lines insurance agent or life insurance agent licensed under chapter 626, with regard to the sale of a security as defined in s. 517.021(34)(g) ~~s. 517.021(33)(g)~~, if the individual is directly authorized by the issuer to offer or sell the security on behalf of the issuer and the issuer is a federally chartered savings bank subject to regulation by the Federal Deposit Insurance Corporation. Actions under this subsection constitute activity under the insurance agent's license for purposes of ss. 626.611 and 626.621.

Section 25. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

February 17, 2016

Chair Kathleen Passidomo
Senate Committee on Rules
200 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 540 Office of Financial Regulation

Dear Chair Passidomo,

Please allow this letter to serve as my respectful request to place SB 540 Office of Financial Regulation onto the next agenda.

SB 540 requires the Department of Children and Families to cooperate with and seek cooperation from the Office of Financial Regulation concerning certain protective investigations of suspected financial exploitation of specified adults. It requires loan originators, mortgage brokers, and mortgage lenders to develop, implement, and maintain comprehensive written information security programs for the protection of information systems and nonpublic personal information. This bill provides additional acts that constitute grounds for specified disciplinary actions against loan originators and mortgage brokers.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

S. Rules
Committee

540
Bill Number or Topic

Amendment Barcode (if applicable)

Name Scott Jenkins

Phone 850-661-0829

Address 215 S. Monroe St. Ste 130
Street

Email scott@dacfl.com

TLH FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
American Financial Services Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

S40
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ash Mason

Phone

Address
Street

Email

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL. Office of Financial

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/24/26
Meeting Date

Sm Rules
Committee

540
Bill Number or Topic

Amendment Barcode (if applicable)

Name Christopher Hodge

Phone 850-375-2532

Address 1709 Hermitage Blvd.
Street

Email Christopher.Hodge@fcu-legal.coop

Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FL Credit Union Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 560
INTRODUCER:	Rules Committee; Appropriations Committee on Health and Human Services Committee; Children, Families, and Elder Affairs Committee; and Senator Garcia
SUBJECT:	Child Welfare
DATE:	February 24, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rao	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Fav/CS**
3.	Rao	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 560 streamlines the procedures to provide or continue a psychotropic medication prescription for a child in the legal custody of the Department of Children and Families (DCF). The bill clarifies the instances in which a *new* medical report must be filed and considers prescribing physicians and psychiatric nurses that belong to the same group practice as a single prescriber, removing potentially unnecessary and duplicative medical reports.

The bill requires physicians who prescribe psychotropic medication to a child in the Medicaid program to provide the pharmacy filling the prescription with a *copy* of the parent or legal guardian's consent, rather than a *signed attestation* of consent.

The bill excludes dependent children or children in continuing care who have not yet reached 21 years of age from background screening requirements to reduce duplicative screenings.

The bill requires the DCF and each Community-based Care (CBC) lead agency to coordinate with organizations that are focused on empowering children with lived experience in the child welfare system. The bill establishes requirements for such coordination, including a required biannual report.

The bill requires the Office of Insurance Regulation (OIR) in collaboration with the DCF and CBC lead agencies and their subcontracted providers to review data relating to the affordability

and availability of liability insurance. The bill requires insurance companies and CBC lead agencies to respond to information requests from the OIR and the DCF to aid in the data review, and allows the OIR and the DCF to levy fines or penalties on the insurance companies or CBC lead agencies that do not comply with such requests, respectively. The bill repeals this newly created subsection of law on July 1, 2027, unless it is reenacted.

The bill has no fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Florida's Child Welfare System – Generally

Chapter 39, F.S., creates Florida's dependency system to help protect children from abuse, abandonment, or neglect.[1] Florida's child welfare system identifies children and families in need of services through reports to the central abuse hotline and child protective investigations.[2] The Department of Children and Families (DCF) and community-based care (CBC) lead agencies[3] work with those families to address the problems endangering children, if possible. If the problems cannot be addressed, the child welfare system finds safe out-of-home placements for these children.[4]

The Department of Children and Families

The DCF aims to increase the safety of the child within his or her home, using in-home services, such as parenting coaching and counseling to maintain and strengthen the child's natural supports in the home environment.[5] These services are coordinated by DCF-contracted community-based care (CBC) lead agencies. Ultimately, the DCF remains responsible for the operation of the central abuse hotline and investigations of abuse, abandonment, and neglect.[6] Additionally, the department is responsible for all program oversight and the overall performance of the child welfare system.[7]

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[1] Chapter 39, F.S.
[2] *See generally* s. 39.101, F.S. (establishing the central abuse hotline and timeframes for initiating investigations).
[3] *See* s. 409.986(1)(a), F.S. (finding that it is the intent of the Legislature that the Department of Children and Families "provide child protection and child welfare services to children through contracting with CBC lead agencies"). A "community-based care lead agency" or "lead agency" means a single entity with which the DCF has a contract for the provision of care for children in the child protection and child welfare system, in a community that is no smaller than a county and no larger than two contiguous judicial circuits. Section 409.986(3)(d), F.S. The secretary of DCF may authorize more than one eligible lead agency within a single county if doing so will result in more effective delivery of services to children. *Id.*
[4] Chapter 39, F.S.
[5] *See generally* The Department of Children and Families, *Florida's Child Welfare Practice Model,* available at: https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model (last visited 2/4/26).
[6] Section 39.101, F.S.
[7] *Id.*

The department's practice model for child and family well-being is a safety-focused, trauma-informed, and family-centered approach. It is implemented to ensure:

- *Permanency*: Florida's children should enjoy long-term, secure relationships within strong families and communities.
- *Child Well-Being*: Florida's children should be physically and emotionally healthy and socially competent.
- *Safety*: Florida's children should live free from maltreatment.
- *Family Well-Being*: Florida's families should nurture, protect, and meet the needs of their children, and should be well integrated into their communities.[8]

Community-Based Care Lead Agencies

The department contracts with CBC lead agencies for dependency case management, care coordination, foster care, adoptions, services for youth aging out of foster care, and other related services for children and families.[9] The DCF, through CBCs, administer a system of care[10] to children and families that must focus on:

- Prevention of separation of children from their families;
- Interventions to allow children to remain safely in their own homes;
- Reunification of families who have had their children removed from their care;
- Safety for children who are separated from their families;
- Promoting the well-being of children through emphasis on educational stability and timely health care;
- Permanency for children for whom reunification with their families is not possible or not in the child's best interest; and
- Transition to independence and self-sufficiency.[11]

CBC lead agencies are contractually required to provide foster care and related services including, but not limited to, counseling, domestic violence services, substance abuse services, family preservation, emergency shelter, and adoption.[12] Statutorily, lead agencies are required to provide no more than 35 percent of all child welfare services in its geographic service area, thus CBC lead agencies contract with providers throughout the state for child welfare services.[13] There are 16 CBCs statewide, which together serve the state's 20 judicial circuits.[14]

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[8] *See generally* Department of Children and Families (DCF), *Florida's Child Welfare Practice Model,* available at: https://www.myflfamilies.com/sites/default/files/2022-12/FLCSPracticeModel_0.pdf (last visited 1/14/25).
[9] Section 409.986(3)(e), F.S.; *see generally* Part V, ch. 409, F.S. (regulating community-based child welfare).
[10] Section 409.145(1), F.S.
[11] *Id.; Also see generally* s. 409.988, F.S.
[12] Section 409.145(1), F.S.
[13] CBC lead agencies may receive an exemption from the 35 percent direct services threshold if it can demonstrate there is a need for the lead agency to directly provide these services due to a lack of qualified providers the lead agency can subcontract with to perform such services. Section 409.988, F.S.
[14] Florida Department of Children and Families, *Lead Agency Information,* available at: https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/lead-agency-information (last visited 2/24/26).

Dependency System Process

In some instances, services may not be enough to maintain a safe environment for a child to live in. When child welfare necessitates that the DCF remove a child from the home to ensure his or her safety, a series of dependency court proceedings must occur to place the child in an out-of-home placement, adjudicate the child dependent, and if necessary, terminate parental rights and make the child eligible for adoption. This process is typically triggered by a report to the central abuse hotline and a child protective investigation that determines the child should not remain in his or her home, notwithstanding services that the DCF provides. Generally, the dependency process includes, but is not limited to:

- A report to the central abuse hotline.
- A child protective investigation to determine the safety of the child.
- A court finding that the child is dependent.[15]
- Case planning to address the problems that resulted in the child's dependency.
- Reunification with the child's parent or another option, such as adoption, to establish permanency.[16]

A child is found to be dependent if he or she is found by the court to be:

- Abandoned, abused, or neglected by a parent or legal custodian;
- Surrendered to the DCF or a licensed child-placing agency for the purpose of adoption;
- Voluntarily placed with a licensed child-caring agency, a licensed child-placing agency, an adult relative, or the DCF, after a case plan has expired, or the parent or parents or legal custodians have failed to substantially comply with the requirements of the plan;
- Voluntarily placed with a licensed child-placing agency for subsequent adoption, and a parent or parents have signed a consent pursuant to the Florida Rules of Juvenile Procedure;
- Have no parent or legal custodian capable of providing supervision and care;
- Are at substantial risk of imminent abuse, abandonment, or neglect by the parent or parents or legal custodians; or
- Have been sexually exploited and have no parent, legal custodian, or responsible adult relative currently known and capable of providing the necessary and appropriate supervision and care.[17]

A petition for dependency may be filed by an attorney for the DCF or a person who has knowledge of the alleged facts, or is informed of them and believes they are true.[18]

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[15] A "child who is found to be dependent" refers to a child who is found by the court: to have been abandoned, abused, or neglected by the child's parents or legal custodians; to have been surrendered to the DCF or licensed child-placing agency for the purpose of adoption; to have parents or legal custodians that failed to substantially comply with the requirements of a case plan for the purpose of reunification; to have been voluntarily placed with a licensed child-placing agency for the purposes of subsequent adoption; to have no parent or legal custodians capable of providing supervision and care; to be at substantial risk of imminent abuse, abandonment, or neglect; or to have been sexually exploited and to have no parent, legal custodian, or responsible adult relative available to provide the necessary and appropriate supervision. Section 39.01(15), F.S.

[16] Office of the State Courts Administrator, The Office of Family Courts, *A Caregiver's Guide to Dependency Court,* available at: https://flcourts-media.flcourts.gov/content/download/218185/file/Web-Caregivers-Guide-Final-09.pdf (last visited 1/14/25); *see also* ch. 39, F.S.

[17] Section 39.01(15), F.S.

[18] Section 39.501, F.S.

In-Home Services and Out-of-Home Care

The DCF is required to make all efforts to keep children with their families and provide interventions that allow children to remain safely in their own homes.[19] CPIs and CBC case managers refer families for in-home services to allow children to remain in their own homes.

When a CPI determines that in-home services are not enough to ensure a child's safety, the CPI removes the child from the home and places him or her in a safe and appropriate temporary out-of-home placement.[20] These placements are aimed to be the least restrictive, most family-like placements available, and are intended to provide short-term housing and support to a child until the child can safely return home, or the child achieves an alternate form of permanency, such as adoption, if reunification is not attainable.[21] The DCF is required to consider a child's placement in out-of-home care in the following priority order:

- Non-offending parent.
- Relative caregiver.
- Adoptive parent of the child's sibling.
- Fictive kin who has a close existing relationship to the child.
- Nonrelative caregiver that does not have an existing relationship to the child.
- Licensed foster care.
- Group or congregate care.[22]

As of December 31, 2025, there were 14,688 children in out-of-home placements.[23]

Psychotropic Medications for Children in the Child Welfare System

Psychotropic medication refers to any medication prescribed with the intent to stabilize or improve mood, mental status, behavioral symptomatology, or mental illness that has the effect of altering brain chemistry.[24] The following medications are considered psychotropic medications:

- Antipsychotics;
- Antidepressants;
- Sedative Hypnotics;
- Lithium;
- Stimulants;
- Non-stimulant Attention Deficit Hyperactivity Disorder medication;
- Anti-dementia medications and cognition enhancers; and
- Anticonvulsants.[25]

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[19] Sections 39.402(7), 39.521(1)(f), and 39.701(d), F.S.
[20] Section 39.4021, F.S.
[21] Florida Department of Children and Families, *Florida's Child Welfare Practice Model,* available at: https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model (last visited 1/30/26).
[22] Section 39.4021, F.S.
[23] Florida Department of Children and Families, *Office of Child and Family Well-Being Dashboard,* available at: https://www.myflfamilies.com/ocfw-dashboard (last visited 2/11/26).
[24] Rule 65C-35.001(22), F.A.C.
[25] *Id.*

In the early 2000s, reports began to circulate that children in the child welfare system were being prescribed psychotropic medications at a disproportionate rate when compared to children not in the child welfare system.[26] Thus, states examined the procedures for prescribing children psychotropic medication while in out-of-home care.

In 2005, the Florida Legislature created statutory procedures that allowed the DCF to provide children with psychotropic medications.[27] The Legislature created different sets of procedures for initiating psychotropic medication for children who were not taking psychotropic medication at the time of removal, and children who had a current prescription for psychotropic medication at the time of removal.[28]

As of December 22, 2025, there were 2,036 children in out-of-home care who had one or more current prescriptions for psychotropic medication.[29]

Initiating the Prescription of Psychotropic Medications to a Child in Out-of-Home Care

When a child protective investigator (CPI) takes a child into the custody of the DCF, the CPI is required to ascertain if the child is taking psychotropic medications.[30] If the child is not currently on psychotropic medication but an assessment of the child determines the need for such medication, a prescribing physician or psychiatric nurse[31] may prescribe the child psychotropic medications, providing certain conditions are met.[32] The physician or psychiatric nurse is required to consider alternative treatment interventions and assess the child's prior health conditions to determine if the prescription of psychotropic medication is an appropriate treatment.[33] Additionally, the prescribing physician or psychiatric nurse must attempt to obtain express and informed consent[34] from the child's parent or legal guardian before prescribing the psychotropic medication.[35] Child protective staff and the prescribing physician or psychiatric nurse are required to make efforts to involve the parents, legal guardians, the child, and the child's caregiver in out-of-home placement during the treatment of the child.[36]

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[26] National Library of Medicine, *State Variation in Psychotropic Medication Use by Foster Care Children with Autism Spectrum Disorder,* doi: 10.1542/peds.2008-3713, available at: https://pubmed.ncbi.nlm.nih.gov/19620187/ (last visited 1/14/25).
[27] Chapter 2005-65, L.O.F.
[28] *Id.*
[29] DCF, *Psychotropic Medications Report for Children in Out-of-Home Care with One or More Current Prescriptions for a Psychotropic Medication,* available at: https://www.myflfamilies.com/sites/default/files/2025-12/Gabriel%20Myers%20-%20Medication%20Report%20%28December%2023%202025%29.pdf (last visited 1/12/26).
[30] Rule 65C-35.006, F.A.C.
[31] For use in this section, a "psychiatric nurse" uses the definition in s. 394.455, F.S. to refer to an advanced practice registered nurse licensed under s. 464.012, F.S. who has a master's or doctoral degree in psychiatric nursing and holds a national advanced practice certification as a psychiatric mental health advanced practice nurse, and has one year of post-master's clinical experience under the supervision of a physician. *See* s. 39.407(3)(a)1., F.S.
[32] Rules 65C-35.002 and 65C-35.006, F.A.C.
[33] Rule 65C-35.002, F.A.C.
[34] Express and informed consent refers to consent voluntarily given in writing, by a competent person, after sufficient explanation and disclosure of the subject matter involved to enable the person to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion. *See* Section 394.455(16), F.S.
[35] Section 39.407, F.S.
[36] Rule 65C-35.003-65C-35.005, F.A.C.; *see also* s. 39.407(3)(a)1., F.S.

The DCF may seek court authorization to provide psychotropic medications to a child if the parental rights of the parent have been terminated, the parent's location or identity is unknown and cannot be reasonably ascertained, or the parent declines to give express and informed consent.[37]

Continuity of Psychotropic Medication Prescription

If a child taken into the custody of the DCF is taking psychotropic medications at the time of removal, the CPI is required to determine the following:

- The purpose of the medication;
- The name and phone number of the prescribing physician or psychiatric nurse;
- The dosage;
- Instructions regarding the administration of the medication (e.g. timing, whether to administer with food); and
- Any other relevant information.[38]

Florida law details the process that the DCF must take to obtain authorization to continue the provision of psychotropic medications to a child removed from his or her home.[39]Additionally, once the DCF has obtained this authorization, the DCF has administrative rules to ensure that children receive timely access to clinically appropriate psychotropic medications.[40] Current law requires these rules to include, but need not be limited to, the following:

- The process for determining which adjunctive services are needed;
- The uniform process for facilitating the prescribing physician's or psychiatric nurse's ability to obtain the express and informed consent of a child's parent or guardian;
- The procedures for obtaining court authorization for the provision of psychotropic medication;
- The frequency of medical monitoring and reporting on the status of the child to the court;
- How the child's parents will be involved in the treatment-planning process if their parental rights have not been terminated;
- How caretakers are to be provided with information contained in the physician's or psychiatric nurse's signed medical report; and
- Uniform forms to be used in requesting court authorization for the use of a psychotropic medication and provide for the integration of each child's treatment plan and case plan.[41]

Medical Reports

When the DCF files a motion to seek the court's authorization to initiate or continue the provision of psychotropic medication to a child in legal custody, the motion must include a medical report signed by the prescribing physician or psychiatric nurse.[42] The medical report must include the following:

[37] Section 39.407(3)(a)1., F.S.
[38] Rule 65C-35.006, F.A.C.
[39] Section 39.407, F.S.
[40] Section 39.407(3)(g), F.S.
[41] *Id.*
[42] Section 39.407(3)(c), F.S.

- The name of the child, the name and range of the dosage of psychotropic medication, and that there is a need to prescribe psychotropic medication to the child based upon a diagnosed condition for which such medication is being prescribed.
- A statement indicating that the physician or psychiatric nurse has reviewed all medical information concerning the child that has been provided.
- A statement indicating that the psychotropic medication, at its prescribed dosage, is appropriate for treating the child's diagnosed medical condition, as well as the behaviors and symptoms the medication, at its prescribed dosage, is expected to address.
- An explanation of the nature and purpose of the treatment; the recognized side effects, risks, and contraindications of the medication; and how the treatment will be monitored, followed by a statement indicating that this explanation was provided to the child, if age appropriate, and to the child's caregiver.
- Documentation addressing whether the psychotropic medication will replace or supplement any other currently prescribed medications or treatments; the length of time the child is expected to be taking the medication; and any additional medical, mental health, behavioral, counseling, or other services that the prescribing physician or psychiatric nurse recommends.[43]

Medicaid

The Medicaid program is a joint federal-state program that finances health coverage for individuals, including eligible low-income adults, children, pregnant women, elderly adults, and persons with disabilities.[44] In Florida, the Agency for Health Care Administration (AHCA) administers Medicaid.[45] The AHCA is responsible for purchasing the goods and services Medicaid recipients receive, such as medications and medical equipment, provided the goods and services are cost-effective in a manner that is consistent with the delivery of quality medical care.[46]

If a child is in the Medicaid program and requires psychotropic medications, the AHCA is prohibited from paying for such psychotropic medication without the express and informed consent of the child's parent or legal guardian.[47] Current law requires a physician to provide the pharmacy with a signed attestation of the parent or legal guardian's consent when ordering the prescription of psychotropic medication.[48] If the child is in the custody of the DCF, the prescription must include the express and informed consent or court authorization pursuant to the procedures listed in s. 39.407, F.S., to prescribe psychotropic medications to a child in out-of-home care.[49]

[43] *Id.*
[44] Medicaid.gov, *Medicaid,* available at: https://www.medicaid.gov/medicaid (last visited 1/12/26).
[45] Agency for Health Care Administration, *Medicaid,* available at: https://ahca.myflorida.com/medicaid (last visited 1/12/26).
[46] Section 409.912, F.S.
[47] Section 409.912(13), F.S.
[48] *Id.*
[49] *Id.*

Background Screenings

To be licensed as a family foster home, residential child-caring agency, or a child-placing agency, personnel must have good moral character based upon background screening, education, training, and experience requirements.[50] Screening refers to assessing the background of personnel through level 2 background screening requirements set forth in Chapter 435, F.S.[51] For purposes of screening, personnel in a residential-child caring agency includes the following persons:[52]

- Agency owners;
- Agency operators;
- Agency employees;
- Agency volunteers;
- Any person over the age of 12 years who is a family member of the agency owner or agency operator; and
- Any person other than a client over the age of 12 years who resides with the agency owner or agency operator if the agency is located in or adjacent to the home of the owner or operator or if the person has direct contact with the children in out-of-home care.

Current law does not require persons between the ages of 12 years and 18 years who are family members of, or reside with, the agency owner or agency operator to undergo a fingerprint-based background check; however, the DCF must screen such persons for delinquency records.[53]

Lived Experience in Child Welfare

Lived experience refers to the knowledge an individual has of a particular system, due to their personal involvement.[54] Listening to the lived experiences of an individual helps to better understand the conditions affecting a certain population, (such as those in the child welfare system) solutions to address challenges that vulnerable populations face, and any unintended consequences from policies that were intended to support the population.[55] In recent years, there has been an increased focus on engaging with individuals with lived experience in the child welfare system nationwide.[56]

[50] Section 409.175, F.S.
[51] Section 409.175(2)(m), F.S.
[52] Section 409.175(2)(j), F.S.
[53] Section 409.175(2)(j), F.S.
[54] Child Welfare Information Gateway, *Lived Experience,* available at: https://www.childwelfare.gov/topics/casework-practice/lived-experience/?top=275 (last visited 1/21/26).
[55] Office of the Assistant Secretary for Planning and Evaluation U.S. Department of Health and Human Services, *Methods and Emerging Strategies to Engage People with Lived Experience,* available at: https://aspe.hhs.gov/sites/default/files/documents/62e7a64c60e10c47484b763aa9868f99/lived-experience-brief.pdf (last visited 1/21/26).
[56] Administration for Children and Families, *Incorporating Lived Experience into Child Welfare Capacity Building,* available at: https://acf.gov/cb/report/incorporating-lived-experience-child-welfare-capacity-building (last visited 1/21/26).

Statewide Youth Advisory Board

In 2025, the DCF launched the Statewide Youth Advisory Board (Board), which engages young adults with previous experience in the child welfare system.[57] Through the Board, young adults may share their insights and ideas about improving the child welfare system with the DCF, while also developing their advocacy skills.[58] The Board is youth-led and self-standing, and applicants must be endorsed by a CBC lead agency or a state-recognized Youth Advocacy Organization.[59] Individuals may be a voting member, non-voting member, of an officer, based on their age, as described below:[60]

- Voting Members: 18-23 years of age.
- Non-Voting Members: 14-26 years of age.
- Officer Positions: 18-23 years of age.

The Board aims to conduct the following:[61]

- **Promote participation** of youth and young adults in DCF decision-making processes, ensuring consistent and constructive feedback from individuals with lived experience.
- **Establish a structured partnership** between youth members and the DCF, guided by the Youth Advisor.
- **Equip young adults** with the necessary skills and knowledge to lead impactful discussions with key stakeholders, including DCF leadership.
- **Develop leadership skills** for youth members through training in advocacy, public speaking, and policy development.
- **Improve communication** between DCF staff and youth communities.
- **Maintain independence** as a youth-led group while collaborating closely with the DCF to improve services and policies affecting youth.
- **Incorporate youth perspectives** into DCF initiatives, policies, and programs impacting their lives.

Office of Insurance Regulation

The Office of Insurance Regulation (Office) is housed within the Financial Services Commission of the Department of Financial Services.[62] The Office is responsible for all activities concerning insurers and other risk-bearing entities, including the following:[63]

- Licensing;
- Rates;

[57] Florida Department of Children and Families, *The Florida DCF Announces the Launch of the Statewide Youth Advisory Board,* available at: https://www.myflfamilies.com/news-events/newsroom/press-release/florida-department-children-and-families-announces-launch (last visited 1/21/26).
[58] *Id.*
[59] Florida Department of Children and Families, *Statewide Youth Advisory Board,* available at: https://www.myflfamilies.com/statewide-youth-advisory-board (last visited 1/21/26).
[60] *Id.*
[61] Florida Department of Children and Families, *Statewide Youth Advisory Board,* available at: https://www.myflfamilies.com/statewide-youth-advisory-board (last visited 1/21/26).
[62] Section 20.121, F.S.
[63] Office of Insurance Regulation, *Organization and Operation,* available at: https://floir.gov/about-us/organization-and-operation (last visited 2/5/26).

- Policy Forms;
- Market conduct;
- Claims;
- Issuance of certificates of authority;
- Solvency;
- Viatical settlements;
- Premium financing; and
- Administrative supervision, as provided under the insurance code or Chapter 636, F.S.

The Director of the Office of Insurance Regulation, or the Commissioner of Insurance Regulation, leads the Office.[64]

The Office has statutory authority and directives to regulate insurance rates in an effort to protect policyholders and the public against the adverse effects of excessive, inadequate, or unfairly discriminatory insurance rates.[65]

Liability Insurance

Insurance refers to a contract whereby one undertakes to indemnify another or pay or allow a specified amount or a determinable benefit upon determinable contingencies.[66] Typically, businesses and nonprofit organizations purchase general liability insurance or professional liability insurance, which protects against financial loss due to accidents (general liability) or malpractice, errors, or negligence (professional liability).[67]

In recent years, there has been a national emphasis on the lack of availability and affordability of liability insurance for organizations that serve children. Reports of rising premiums and a lack of insurance providers willing to provide liability insurance leave many organizations struggling to find affordable liability insurance.[68] For instance, in 2024, California foster family agencies experienced a shortage of insurance coverage after a major insurer of nonprofits reported it would let current insurance policies expire and would not renew such policies.[69] The insurer cited the cost of sexual abuse claims as the impetus for letting the policies expire, although many foster family agencies reported not having sexual abuse claims filed against them.[70] Providers surveyed by the Association of Children's Residential and Community Services (ACRC) and the National Organization of State Associations for Children (NOSAC) echoed such experiences;

[64] Section 20.121, F.S.
[65] Section 627.0612
[66] Section 624.02, F,S,
[67] U.S. Small Business Administration, *Get Business Insurance,* available at: https://www.sba.gov/business-guide/launch-your-business/get-business-insurance#six-common-types-of-business-insurance (last visited 1/31/26).
[68] Bipartisan Policy Center, *'The Perfect Storm': Child Care Providers' Challenges in Accessing and Affording Liability Insurance*, available at: https://bipartisanpolicy.org/issue-brief/the-perfect-storm-child-care-providers-challenges-in-accessing-and-affording-liability-insurance/ (last visited 1/31/26).
[69] Los Angeles Times, *Thousands of foster kids in California could lose their homes amid insurance crisis,* available at: https://www.latimes.com/california/story/2024-09-18/thousands-of-foster-kids-in-california-could-lose-their-homes-amid-insurance-crisis (last visited 1/31/26).
[70] *Id.*

many providers experienced an increase in premium rates despite having no sexual abuse claims filed against them.[71]

CBC Lead Agency and Subcontractor Liability Insurance Requirements

The Legislature acknowledges that securing liability insurance is one of the components necessary for private providers to secure a safe and stable environment for children in the child welfare system.[72] Thus, Florida law requires CBC lead agencies and subcontractors to hold liability insurance. However, the Legislature finds that the cost to maintain such insurance should not significantly reduce the resources of the providers.[73]

Lead agencies and subcontractors are statutorily required to obtain general liability insurance and bodily injury liability insurance, if the staff transports children in personal automobiles.[74] To reduce the entity's financial risk associated with providing services, the lead agency or subcontractor may choose to purchase additional insurance policies based on the needs of the entity.

The following chart displays examples of the insurance policies CBC lead agencies and subcontractors may obtain:

Lead Agencies and Subcontracted Providers Insurance Policies		
Policy	**Coverage Requirement**	**Damages Available**
Statutorily Required Policies[75]		
General Liability Insurance	$3 million in aggregate general liability insurance coverage per policy period	$1 million per occurrence
Bodily Injury Liability Insurance – *If staff transport children in personal automobiles*	Minimum $100,000 per person per any one automobile accident	$300,000 for all damages resulting from any one automobile accident on a personal vehicle
Optional Policies[76]		
Board & Executive Liability	Protects board of directors against personal liability for official duties.	
Improper Sexual Conduct and Physical Abuse Coverage *(also referred to as Sexual/Physical Abuse/Molestation Coverage)*	Covers the CBC lead agency or subcontractor for allegations of sexual or physical abuse.	
Social Service Professional (SSP) Coverage	Covers the organization and employees for damages due to negligence or errors and omissions during the work the organization provides.	
Nonowned Automobile Liability	Covers the organization from liability from an automobile accident involving an automobile not owned, leased, rented, or borrowed by the organization (the employee's personal automobile).	

[71] ACRC and NOSAC, *Insuring Care: How Liability Insurance Access Threatens Community Services for Children 2025 National Survey Report,* available at: https://togetherthevoice.org/insuringcare/ (last visited 2/5/26).
[72] Section 409.993(1), F.S.
[73] Section 409.993 (1), F.S
[74] Section 409.993, F.S.
[75] Section 409.993, F.S.
[76] Nonprofits Insurance Alliance, *Nonprofits Insurance 101,* available at: https://insurancefornonprofits.org/nonprofits/insurance-101/ (last visited 9/8/25).

Upon an incident, such as an injury or allegation of abuse, the CBC or subcontractor files a claim with their insurer for coverage.[77] Depending on the nature of the incident, the insurer may cover the claim and settle out of court, take the issue to trial, or deny the claim of the CBC lead agency or subcontractor.[78] Currently, there is no statutory requirement for CBC lead agencies or subcontractors to provide information to the DCF or Legislature regarding the number of claims lead agencies and subcontractors have, and how premiums have been affected due to such claims.

III. Effect of Proposed Changes:

Section 1 amends s. 39.407, F.S., which establishes procedures for the provision or continuation of a prescription for psychotropic medication for a child in the legal custody of the DCF. The bill requires a new medical report *only* when there is a change in the following:

- The dosage or dosage range of the medication;
- The type of medication prescribed;
- The manner of medication administration; or
- The prescribing physician or psychiatric nurse.

The bill considers prescribing physicians and psychiatric nurses who belong to the same group practice as a single prescriber; thus, this removes the need for multiple new medical reports if the only change in the youth's situation is that he or she sees a different prescribing physician or psychiatric nurse in the same practice. However, a new medical report is still required upon a change in the other aforementioned conditions (such as a change in dosage or medication administration), regardless of whether the prescribing physician or psychiatric nurse belongs to the same group practice.

Section 2 amends s. 39.4085, F.S. to require the DCF and CBC lead agencies to coordinate with organizations that are focused on empowering children with lived experience. The bill requires the DCF and each CBC lead agency to meet at least quarterly, in person or via teleconference or other electronic means, to solicit input on ways to address challenges and opportunities for children in the child welfare system. The bill requires the DCF and each CBC lead agency to have a formal agenda for each meeting, which must be made available, alongside the meeting minutes, on the department and CBC lead agency's website.

The bill requires the DCF and each CBC lead agency to publish on their respective websites a report that outlines how the DCF and each CBC lead agency have implemented the suggestions of the organizations they met with. Such reports must be published by February 1 and August 1 of each year, beginning in 2027.

Section 3 amends s. 409.175, F.S., to exclude dependent children or children in continuing care who have not yet reached 21 years of age from the definition of "personnel" and "household member." These changes exclude such children from being subject to background screening requirements such as fingerprinting or criminal history records checks.

[77] Nonprofits Insurance Alliance, *Reporting Claims to NIA,* available at: https://insurancefornonprofits.org/claims/#nonprofits (last 2/10/26).
[78] *Id.*

Section 4 amends s. 409.912, F.S., to require a physician prescribing psychotropic medication to a child in the Medicaid program to provide a *copy* of the parent or legal guardian's consent to the pharmacy with the prescription, rather than a signed attestation of the parent or guardian's consent.

Section 5 amends s. 409.993, F.S. to require the Office of Insurance Regulation (OIR), in collaboration with the DCF and CBC lead agencies and their subcontracted providers to review all available, relevant, and appropriate data from the previous five fiscal years related to liability insurance coverage and availability. The bill requires an analysis of the following metrics:

- Access to and availability of liability insurance through authorized insurance companies, surplus line companies, and self-insurance funds;
- Factors affecting the ability to obtain and maintain liability insurance;
- Cost of general liability insurance based on insurance premium documentation;
- Claims data;
- Settlement and judicial disposition data;
- CBC lead agency operating budget and expenses;
- Impact of insurance costs on the financial condition of CBC lead agencies and their subcontractors; and
- Consistency of statutory insurance requirements with the general insurance market.

The bill requires the OIR to develop a report on the findings of its review and analysis that includes, but is not limited to, the following:

- Summary of the methods used and data obtained for review and analysis;
- Trends in insurance premium rates;
- Trends in claims and settlements;
- Trends in liability coverage affordability and availability; and
- Recommendations for agency and legislative changes to ensure affordable and available liability insurance for CBC lead agencies and their subcontractors.

The bill requires the OIR to provide the required report to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2027.

The bill requires insurance companies to reply to requests for information received from the OIR. The bill authorizes the OIR to levy fines or penalties on an insurance company that fails to reply to a request for information within 30 calendar days of such request. The bill limits such fines to not exceed $500 per day for the first three days late and $1,000 per day for each late day thereafter. Such fines shall be transferred to the General Revenue Fund.

The bill requires CBC lead agencies and their subcontracted providers to reply to requests for information received from the DCF. The bill authorizes the DCF to levy fines or penalties on a CBC lead agency or subcontractor that fails to reply to any request for information within 30 calendar days of such request. The bill limits such fines to not exceed $500 per day for the first three days late and $1,000 per day for each late day thereafter. Such fines shall be transferred to the General Revenue Fund.

The bill repeals this newly created subsection of law on July 1, 2027, unless it is reenacted.

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:

None.

C. Government Sector Impact:

The bill has no fiscal impact on state expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.407, 409.175, 409.912, and 409.993.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS/CS by Rules on February 24, 2026:

- Requires the Department of Children and Families (DCF) and each Community-based care (CBC) lead agency to coordinate with organizations that are focused on empowering children with lived experience in the child welfare system. The bill requires the DCF and CBC lead agencies to regularly meet with such organizations and publish the implementation of suggestions received from such regular meetings.
- Requires the Office of Insurance Regulation (OIR) to collaborate with the DCF and CBC lead agencies and their subcontractors to review, analyze, and report on all available, relevant, and appropriate data from the previous five fiscal years related to liability insurance coverage and availability.
- Requires the insurance companies and CBC lead agencies and subcontractors to reply to information requests from the OIR and DCF. Allows the OIR and the DCF to levy fines or other penalties to insurance companies and CBC lead agencies and subcontractors for failure to respond to requests for information, respectively.

CS/CS by Appropriations Committee on Health and Human Services on February 12, 2026:

The committee substitute removes all provisions relating to the Postsecondary Education and Support (PESS) program and aftercare services.

CS by Children, Families, and Elder Affairs on January 20, 2026:

- Eliminates changes made to the licensure and experience requirements for qualified evaluators of residential treatment programs, therapeutic group homes, and hospitals to maintain current law.
- Changes the renewal eligibility of Postsecondary Education Services and Support (PESS) to allow individuals who have not received PESS financial assistance for longer than 60 months to renew such services. The lifetime limit applies regardless of whether the 60 months of services were consecutive or nonconsecutive.
- Requires the DCF to report on specified metrics for PESS and aftercare services that must be aggregated on a statewide basis and disaggregated by CBC lead agency, age, race, and postsecondary institution type.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 69 - 189
and insert:
Section 2. Subsection (6) is added to section 39.4085, Florida Statutes, to read:
39.4085 Goals for dependent children; responsibilities; education; Office of the Children's Ombudsman.—
(6)(a) The department shall coordinate with organizations that are focused on empowering children with lived experience. The department and such organizations shall meet at least

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quarterly, in person or via teleconference or other electronic means, to solicit input on ways to address challenges and opportunities for children in the child welfare system. Each meeting must have a formal agenda, and such agenda and the minutes from each meeting must be made available on the department's website.

(b) Each community-based care lead agency shall coordinate with organizations that are focused on empowering children with lived experience. The community-based care lead agency and such organizations shall meet at least quarterly, in person or via teleconference or other electronic means, to solicit input on ways to address challenges and opportunities for children in the child welfare system. Each meeting must have a formal agenda, and such agenda and the minutes from each meeting must be made available on the community-based care lead agency's website.

(c) By February 1 and August 1 of each year, beginning in 2027, the department and each community-based care lead agency shall make publicly accessible on their respective websites a report that outlines how the department and the community-based care lead agencies have implemented the suggestions of the organizations based on the meetings required in paragraphs (a) and (b).

Section 3. Paragraphs (j) and (k) of subsection (2) of section 409.175, Florida Statutes, are amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

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

(j) "Personnel" means all owners, operators, employees, and

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volunteers working in a child-placing agency or residential child-caring agency who may be employed by or do volunteer work for a person, corporation, or agency that holds a license as a child-placing agency or a residential child-caring agency, but the term does not include those who do not work on the premises where child care is furnished and have no direct contact with a child or have no contact with a child outside of the presence of the child's parent or guardian. For purposes of screening, the term includes any member, over the age of 12 years, of the family of the owner or operator or any person other than a client, a child who is found to be dependent as defined in s. 39.01, or a child as defined in s. 39.6251(1), over the age of 12 years, residing with the owner or operator if the agency is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years are not required to be fingerprinted, but must be screened for delinquency records. For purposes of screening, the term also includes owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. A volunteer who assists on an intermittent basis for less than 10 hours per month shall not be included in the term "personnel" for the purposes of screening if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

(k) "Placement screening" means the act of assessing the background of household members in the family foster home and

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includes, but is not limited to, criminal history records checks as provided in s. 39.0138 using the standards for screening set forth in that section. The term "household member" means a member of the family or a person, other than the child being placed, a child who is found to be dependent as defined in s. 39.01, or a child as defined in s. 39.6251(1), over the age of 12 years who resides with the owner who operates the family foster home if such family member or person has any direct contact with the child. Household members who are between the ages of 12 and 18 years are not required to be fingerprinted but must be screened for delinquency records.

Section 4. Subsection (13) of section 409.912, Florida Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. s. 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed

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continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider’s professional peers or the national guidelines of a provider’s professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance

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standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(13) The agency may not pay for psychotropic medication prescribed for a child in the Medicaid program without the express and informed consent of the child's parent or legal guardian. The physician shall document the consent in the child's medical record and provide a copy of such documentation to the pharmacy ~~with a signed attestation of this documentation~~ with the prescription. The express and informed consent or court authorization for a prescription of psychotropic medication for a child in the custody of the Department of Children and Families shall be obtained pursuant to s. 39.407.

Section 5. Subsection (5) is added to section 409.993, Florida Statutes, to read:

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409.993 Lead agencies and subcontractor liability.—

(5) OFFICE OF INSURANCE REGULATION REVIEW.—

(a) The Office of Insurance Regulation, in collaboration with the Department of Children and Families and community-based care lead agencies and their subcontracted providers, shall review all available, relevant, and appropriate data from the previous 5 fiscal years relating to liability insurance coverage and availability to analyze all of the following:

1. Access to and availability of liability insurance through authorized insurance companies, surplus lines companies, and self-insurance funds.

2. Factors affecting the ability to obtain and maintain liability insurance.

3. Cost of general liability insurance based on insurance premium documentation.

4. Claims data.

5. Settlement and judicial disposition data.

6. Community-based care lead agency operating budgets and expenses.

7. Impact of insurance costs on the financial condition of community-based care lead agencies and their subcontractors.

8. Consistency of statutory insurance requirements with the general insurance market.

(b) The Office of Insurance Regulation shall develop a report on the findings of its review and analysis, including, but not limited to:

1. A summary of the methods used and data obtained for review and analysis.

2. Trends in insurance premium rates.

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3. Trends in claims and settlements.

4. Trends in liability coverage affordability and availability.

5. Recommendations for agency and legislative action to ensure affordable and available liability insurance for community-based care lead agencies and their subcontractors.

(c) The report must be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2027.

(d) Insurance companies shall reply to requests for information received from the Office of Insurance Regulation for the purposes of this section. The office may levy fines upon or otherwise penalize an insurance company that fails to reply to a request for information within 30 calendar days after receipt of such request. A fine schedule set by the office under this paragraph may not exceed $500 per day for the first 3 days late and $1,000 per day for each late day thereafter. Fines paid to the office under this paragraph shall be transferred to the General Revenue Fund.

(e) Community-based care lead agencies and their subcontracted providers shall reply to requests for information received from the Department of Children and Families for the purposes of this section. The department may levy fines upon or otherwise penalize a community-based care lead agency or subcontractor that fails to reply to a request for information within 30 calendar days after receipt of such request. A fine schedule set by the department under this paragraph may not exceed $500 per day for the first 3 days late and $1,000 for each late day thereafter. Fines paid to the department under

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this paragraph shall be transferred to the General Revenue Fund.

(f) This subsection shall stand repealed on July 1, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

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

And the title is amended as follows:

Delete lines 7 - 12

and insert:

circumstances; amending s. 39.4085, F.S.; requiring the department and each community-based care lead agency to coordinate with certain organizations and meet at least quarterly for a specified purpose; authorizing such meetings to be held in person or via teleconference or other electronic means; requiring that such meetings have a formal agenda; requiring the department and each community-based care lead agency to make certain information available on their respective websites; requiring, beginning in a specified year, the department and each community-based care lead agency to publish on their respective websites a biannual report containing specified information; amending s. 409.175, F.S.; revising the definition of the terms "personnel" and "placement screening"; amending s. 409.912, F.S.; requiring a physician to provide to a pharmacy a copy of certain documentation, rather than a signed attestation, with certain prescriptions; amending s. 409.993, F.S.; requiring the Office of Insurance Regulation, in

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collaboration with the department and other entities, to review and analyze certain data; requiring the office to provide a certain report to the Governor and Legislature; requiring certain entities to respond to certain requests for information; authorizing the office and the department to levy fines upon or otherwise penalize insurance companies and community-based care lead agencies and their subcontractors, respectively, for failure to timely reply to certain requests for information; limiting the amount of certain fines to specified amounts; requiring the transfer of such fines to the General Revenue Fund; providing for legislative review and repeal; providing an effective date.

By the Appropriations Committee on Health and Human Services; the Committee on Children, Families, and Elder Affairs; and Senator Garcia

603-02825-26 2026560c2

A bill to be entitled

An act relating to child welfare; amending s. 39.407, F.S.; providing that a new medical report relating to the provision of psychotropic medication to a child in the legal custody of the Department of Children and Families may be required only under certain circumstances; amending s. 409.175, F.S.; revising the definition of the terms "personnel" and "placement screening"; amending s. 409.912, F.S.; requiring a physician to provide to a pharmacy a copy of certain documentation, rather than a signed attestation, with certain prescriptions; providing an effective date.

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

Section 1. Paragraph (c) of subsection (3) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(3)

(c) Except as provided in paragraphs (b) and (e), the department must file a motion seeking the court's authorization to initially provide or continue to provide psychotropic medication to a child in its legal custody. The motion must be supported by a written report prepared by the department which describes the efforts made to enable the prescribing physician or psychiatric nurse, as defined in s. 394.455, to obtain express and informed consent for providing the medication to the

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child and other treatments considered or recommended for the child. In addition, the motion must be supported by the prescribing physician's or psychiatric nurse's signed medical report providing:

1. The name of the child, the name and range of the dosage of the psychotropic medication, and that there is a need to prescribe psychotropic medication to the child based upon a diagnosed condition for which such medication is being prescribed.

2. A statement indicating that the physician or psychiatric nurse, as defined in s. 394.455, has reviewed all medical information concerning the child which has been provided.

3. A statement indicating that the psychotropic medication, at its prescribed dosage, is appropriate for treating the child's diagnosed medical condition, as well as the behaviors and symptoms the medication, at its prescribed dosage, is expected to address.

4. An explanation of the nature and purpose of the treatment; the recognized side effects, risks, and contraindications of the medication; drug-interaction precautions; the possible effects of stopping the medication; and how the treatment will be monitored, followed by a statement indicating that this explanation was provided to the child if age appropriate and to the child's caregiver.

5. Documentation addressing whether the psychotropic medication will replace or supplement any other currently prescribed medications or treatments; the length of time the child is expected to be taking the medication; and any additional medical, mental health, behavioral, counseling, or

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other services that the prescribing physician or psychiatric nurse, as defined in s. 394.455, recommends.

A new medical report may be required only when there is a change in the dosage or dosage range of the medication, the type of medication prescribed, the manner of administration of the medication, or the prescribing physician or psychiatric nurse. For purposes of this paragraph, prescribing physicians and psychiatric nurses belonging to the same group practice are considered a single prescriber.

Section 2. Paragraphs (j) and (k) of subsection (2) of section 409.175, Florida Statutes, are amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

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

(j) "Personnel" means all owners, operators, employees, and volunteers working in a child-placing agency or residential child-caring agency who may be employed by or do volunteer work for a person, corporation, or agency that holds a license as a child-placing agency or a residential child-caring agency, but the term does not include those who do not work on the premises where child care is furnished and have no direct contact with a child or have no contact with a child outside of the presence of the child's parent or guardian. For purposes of screening, the term includes any member, over the age of 12 years, of the family of the owner or operator or any person other than a client, a child who is found to be dependent as defined in s. 39.01, or a child as defined in s. 39.6251(1), over the age of

12 years, residing with the owner or operator if the agency is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years are not required to be fingerprinted, but must be screened for delinquency records. For purposes of screening, the term also includes owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. A volunteer who assists on an intermittent basis for less than 10 hours per month shall not be included in the term "personnel" for the purposes of screening if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

(k) "Placement screening" means the act of assessing the background of household members in the family foster home and includes, but is not limited to, criminal history records checks as provided in s. 39.0138 using the standards for screening set forth in that section. The term "household member" means a member of the family or a person, other than the child being placed, a child who is found to be dependent as defined in s. 39.01, or a child as defined in s. 39.6251(1), over the age of 12 years who resides with the owner who operates the family foster home if such family member or person has any direct contact with the child. Household members who are between the ages of 12 and 18 years are not required to be fingerprinted but must be screened for delinquency records.

Section 3. Subsection (13) of section 409.912, Florida

Statutes, is amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. s. 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization.

The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term

rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(13) The agency may not pay for psychotropic medication prescribed for a child in the Medicaid program without the express and informed consent of the child's parent or legal guardian. The physician shall document the consent in the child's medical record and provide a copy of such documentation to the pharmacy ~~with a signed attestation of this documentation~~ with the prescription. The express and informed consent or court authorization for a prescription of psychotropic medication for a child in the custody of the Department of Children and Families shall be obtained pursuant to s. 39.407.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill #560**, relating to Child Welfare, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ileana Garcia
Florida Senate, District 36

The following appearance card

was not read into the record

attached to wrong bill

The Florida Senate

APPEARANCE RECORD

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

2/24/24
Meeting Date

Rules
Committee

560
Bill Number or Topic

Amendment Barcode (if applicable)

Name Florida Parent Teacher Association
Karen Mazzola

Phone 407-855-7604

Address 1747 Orlando Central Pkwy
Street

Email vp.leadership@floridaptu.org

Orlando FL 32809
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 600
INTRODUCER:	Rules Committee; Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Truenow
SUBJECT:	Bail Bonds
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Fav/CS**
3.	Parker	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 600 revises numerous statutes relating to bond, bond agents, sureties, and pretrial release. Specifically, the bill makes the following changes related to bond agents and surety requirements by:

- Decreasing from two 120- hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.
- Removing provisions stating that a surety may own Florida real estate to qualify as a surety.
- Requiring a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond.
- Revising the requirements that sureties must meet to have equal access to jails for making bonds.

The bill makes the following changes to bond revocation and forfeiture by:

- Specifying that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.
- Revising provisions relating to forfeiture of bond.
- Requiring the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.

- Increasing the amount of time, from 2 years to 3 years, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond, and providing when the court must direct remission and in what amount.
- Increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal.

The bill makes the following changes to bond cancellation by:
- Clarifying when a court must cancel a bond and to define the term "revoked" to mean that an act, a statement, a document, or a promise has been annulled or canceled.
- Requiring, upon a court's entry of an order to revoke pretrial release and order pretrial detention, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.
- Providing that a surety is not responsible for vehicle expenses incurred for the transportation of a defendant to whom he or she has a fiduciary duty.

The bill makes the following changes to pretrial release by:
- Requiring that any monetary or cash component of any form of pretrial release be met by specified means, including United States currency, United States postal money order, or a cashier's check.
- Specifying that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody, that it has investigated or verified specified factors. Additionally, the bill adds certain DUI offenses, felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release. If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

The bill repeals the following sections:
- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

The bill may have an indeterminate jail bed impact and an indeterminate fiscal impact to bail bond agents. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Bail Bond Agents and Sureties

Section 903.045, F.S., provides that a criminal surety bail bond, executed by a licensed bail bond agent in connection with the pretrial or appellate release of a criminal defendant, must be construed as a commitment by and an obligation upon the bail bond agent to ensure that the defendant appears at all criminal proceedings for which the surety bond is posted.

A criminal surety bail bond is, in essence, a contract involving three parties: the state, which brings the criminal charges; the bail bond agent,[1] who is the surety; and the defendant, who is the principal.[2]

Registration of bail bond agents

A bail bond agent may not become a surety on an undertaking unless he or she has registered in the office of the sheriff and with the clerk of the circuit court in the county in which the bail bond agent resides. The bail bond agent may register in a like manner in any other county, and any bail bond agent must file a certified copy of his or her appointment by power of attorney from each insurer which he or she represents as a bail bond agent with each of such officers.

Registration and filing of a certified copy of renewed power of attorney must be performed by April 1 of each odd-numbered year. The clerk of the circuit court and the sheriff may not permit the registration of a bail bond agent unless such bail bond agent is currently licensed by the Department of Financial Services (DFS) and appointed by an insurer.[3]

Qualifications for prelicensing and continuing education

To be considered for approval and certification by the DFS as an approved limited surety agent[4] and professional bail bond agent[5] prelicensing school, such entity must:

- Offer a minimum of two 120-hour classroom-instruction basic certification courses in the criminal justice system per calendar year unless a reduced number of course offerings per calendar year is warranted in accordance with rules promulgated by the DFS or offer a DFS-approved correspondence course pursuant to the DFS rules.[6]
- Submit a prelicensing course curriculum to the DFS for approval.[7]
- If applicable, offer prelicensing classes which are taught by instructors approved by the DFS.[8]

Qualification and justification of sureties

Subject to the rules of the DFS and the Florida Services Commission (FSC), every surety who meets the following criteria must have equal access to Florida jails for the purpose of making bonds:

- A surety for the release of a person on bail, other than a company authorized by law to act as a surety, must be a resident of the state or own real estate within the state.[9]

[1] Section 648.25(3), F.S., provides "bail bond agent" means a limited surety agent or a professional bail bond agent.
[2] *Polakoff & Aabbott Bail Bonds v. State of Florida*, 111 So.3d 253 (Fla 5th DCA 2013).
[3] Section 648.42, F.S.
[4] Section 648.25(6), F.S., provides "Limited surety agent" means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings who receives or is promised money or other things of value therefore.
[5] Section 648.25(8), F.S., provides "Professional bail bond agent" means any person who pledges United States currency, United States postal money orders, or cashier's checks as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.
[6] Section 648.386(2)(a)1., F.S.
[7] Section 648.386(2)(b), F.S.
[8] Section 648.386(2)(c), F.S.
[9] Section 903.05, F.S.

- Minors may bind themselves by a bond to secure their release on bail in the same manner as person sui juris.[10]
- The combined net worth of the sureties, exclusive of any other bonds on which they may be principal, or surety and property exempt from execution, must be at least equal to the amount specified in the undertaking.[11]
- A surety must execute an affidavit stating that she or he possesses the qualifications and net worth required to become a surety. The affidavit must describe the surety's property and any encumbrances and must state the number and amount of any bonds entered into by the surety at any court that remain undischarged.
- A bond agent must justify her or his suretyship by attaching a copy of the power of attorney issued by the company to the bond or by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; but the United States currency, United States postal money order, or cashier's check cannot be used to secure more than one bond. Nothing herein must prohibit two or more qualified sureties from each posting any portion of a bond amount, and being liable for only that amount, so long as the total posted by all co-sureties is equal to the amount of bond required.[12]

Bail bond agent prohibitions – solicitation

Section 648.44, F.S., provides that a bail bond agent or bail bond agency[13] may not:

- Suggest or advise the employment of, or name for employment, any particular attorney or attorneys to represent his or her principal.[14]
- Directly or indirectly solicit business in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court. The term "solicitation" includes the distribution of business cards, print advertising, or other written or oral information directed to prisoners or potential indemnitors, unless a request is initiated by the prisoner or a potential indemnitor. Permissible print advertising in the jail is strictly limited to a listing in a telephone directory and the posting of the bail bond agent's or agency's name, address, e-mail address, web address, and telephone number in a designated location within the jail.[15]
- Initiate in-person or telephone solicitation after 9:00 p.m. or before 8:00 a.m. at the residence of the detainee or the detainee's family.[16]
- Wear or display any identification other than the department issued or approved license or approved department identification, which includes a citation of the licensee's arrest powers, in or on the property or grounds of a jail, prison, or other place where prisoners are confined or in or on the property or grounds of any court.[17]

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[10] Section 903.06, F.S.
[11] Section 903.08, F.S.
[12] Section 903.101, F.S.
[13] Section 648.25(2), F.S., defines a "bail bond agency" to mean the building where a licensee maintains an office where all records required by ss. 648.34 and 648.36, F.S., are maintained; or an entity that:
  - Charges a fee or premium to release an accused defendant or detainee from jail; or
  - Engages in or employs others to engage in any activity that may be performed only by a licenses and appointed bail bond agent.

[14] Section 648.44(1)(a), F.S.
[15] Section 648.44(1)(b), F.S.
[16] Section 648.44(1)(c), F.S.
[17] Section 648.44(1)(d), F.S.

- Pay a fee or rebate or give or promise anything of value to a jailer, police officer, peace officer, or committing trial court judge or any other person who has power to arrest or to hold in custody or to any public official or public employee in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond or estreatment thereof.[18]
- Pay a fee or rebate or give anything of value to an attorney in a bail bond matter, except in defense of any action on a bond.[19]
- Pay a fee or rebate or give or promise anything of value to the principal or anyone in his or her behalf.[20]
- Participate in the capacity of an attorney at a trial or hearing of one on whose bond he or she is surety.[21]
- Loiter in or about a jail, courthouse, or where prisoners are confined.[22]
- Accept anything of value from a principal for providing a bail bond except the premium and transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with state law, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. A bail bond agent or bail bond agency may, upon written agreement with another party, receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.[23]
- Write more than one power of attorney per charge on a bond, except in the case of a co-surety, unless the power of attorney prohibits a co-surety.[24]
- Execute a bond in this state on his or her own behalf.[25]
- Execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent or the bail bond agency is a named party on the judgment, which has remained unpaid for 35 days, unless the full amount of the judgment is deposited with the clerk.[26]
- Make a statement or representation to a court, unless such statement or representation is under oath. Such statement or representation may not be false, misleading, or deceptive.[27]
- Attempt to collect, through threat or coercion, amounts due for the payment of any indebtedness related to the issuance of a bail bond.[28]
- Conduct bail bond business with any person, other than the defendant, on the grounds of the jail or courthouse for the purpose of executing a bond.[29]

[18] Section 648.44(1)(e), F.S.
[19] Section 648.44(1)(f), F.S.
[20] Section 648.44(1)(g), F.S.
[21] Section 648.44(1)(h), F.S.
[22] Section 648.44(1)(i), F.S.
[23] Section 648.44(1)(j), F.S.
[24] Section 648.44(1)(k), F.S.
[25] Section 648.44(1)(l), F.S.
[26] Section 648.44(1)(m), F.S.
[27] Section 648.44(1)(n), F.S.
[28] Section 648.44(1)(o), F.S.
[29] Section 648.44(1)(p), F.S.

Deposit of money or bonds as bail

A defendant who has been admitted to bail, or another person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order. Such deposit must be receipted in the name of the defendant. The sheriff or other officials shall remit money or bonds received to the clerk to be held by the clerk pending court action. The clerk shall accept money or bonds remitted by the sheriff.[30]

Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.[31]

When bail other than a deposit of money or bonds has been given, the defendant or the surety may deposit money or bonds as provided in s. 903.16, F.S., and have the original bond canceled.[32]

Method of surrender

A surety desiring to surrender a defendant shall deliver a copy of the bond and the defendant to the official who had custody of the defendant at the time bail was taken or to the official into whose custody the defendant would have been placed if she or he had been committed. The official shall take the defendant into custody, as on a commitment, and issue a certificate acknowledging the surrender.[33]

When a surety presents the certificate and a copy of the bond to the court having jurisdiction,[34] the court shall order the obligors exonerated and any money or bonds deposited as bail refunded. The surety shall give the state attorney three days' notice of application for an order of exoneration and furnish the state attorney a copy of the certificate and bond.[35]

The surety shall be exonerated of liability on the bond if it is determined before forfeiture of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses[36] incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.[37]

[30] Section 903.16(1), F.S.
[31] Section 903.16(2), F.S.
[32] Section 903.17, F.S.
[33] Section 903.21(1), F.S.
[34] Section 903.21(3)(b)2., F.S., defines “jurisdiction” to mean the county from which the defendant was released on bail.
[35] Section 903.21(2), F.S.
[36] Section 903.21(3)(b)1., F.S., provides “Costs and expenses” means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, vehicle expenses, meals, and, if necessary, overnight lodging for any law enforcement officer of employee of a contracted transportation company and the defendant.
[37] Section 903.21(3)(a), F.S.

Forfeiture of bond

When a bail bond agent (agent) posts bond for a defendant, the agent is responsible for ensuring the defendant's appearance at required court proceedings. If a defendant fails to appear at a court proceeding and the agent was provided proper notice of such an appearance, there is a breach of the bond and bond forfeiture proceedings begin.[38] In such a case, the clerk of the court must notify the agent of the forfeiture by mail or electronic notice within 5 days after the forfeiture.[39] The agent must pay the forfeiture amount (i.e. the amount of the defendant's bond) within 60 days after that date that the notice was mailed or electronically transmitted.[40] The court must order the forfeiture to be discharged within 60 days if the:

- Court determines that it was impossible for the defendant to appear as required or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control;
- Court determines that, at the time of the required appearance or within 60 days after the date of the required appearance, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased;
- Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison and upon a hold being placed to return the defendant to the jurisdiction of the court, provided that the costs and expenses incurred in returning the defendant to such jurisdiction are deducted from the forfeiture that is discharged; or
- Court determines that the state is unwilling to seek extradition of the fugitive defendant within 30 days after a request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court, up to the penal amount of the bond.[41]

Forfeiture to judgement

If a bond forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days, and the bond is secured by means other than money or bonds, the clerk of the circuit court shall enter judgment against the surety for the penalty amount and issue execution; however, if the forfeiture is discharged conditioned upon payment of statutory costs or fees, the judgment may not exceed the unpaid costs or fees and may not be for the full forfeiture amount if a lesser amount satisfies the conditions of discharge.

Within 10 days after entry of judgment, the clerk shall furnish the DFS and the Office of Insurance Regulation (OIR) of the FSC with a certified copy of the judgment docket and shall provide the surety company's home office a copy of the judgment, including the bond power-of-attorney number and the executing agent's name.

If the judgment remains unpaid after 35 days, the clerk shall furnish the DFS, the OIR, and the sheriff of the county where the bond was executed, or the official responsible for the county jail

[38] Section 903.26(2)(a), F.S.
[39] *Id*.
[40] *Id*.
[41] Section 903.26(5), F.S.

if other than the sheriff, with two copies of the judgment and a certificate of nonpayment. Upon payment of the judgment or entry of an order vacating the judgment, the clerk shall immediately notify the sheriff or jail administrator and, if previously notified of nonpayment, the DFS and the OIR, and shall record a satisfaction of judgment or the order vacating judgment in the public records. Notices may be provided by mail or electronic means, and if the defendant is returned to the county and a motion to set aside the judgment is filed, the operation of this section is tolled until the court disposes of the motion.[42]

A certificate signed by the clerk of the court or her or his designee, certifying that the required notice was mailed or electronically delivered on a specified date, and accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as indicated therein. If such mailing or electronic delivery was properly accomplished as evidenced by such certificate, the failure of a company to receive a copy of the judgment does not constitute a defense to the forfeiture and is not a ground for the discharge, remission, reduction, set aside, or continuance of such forfeiture.[43]

Surety bail bonds may not be executed by a bail bond agent against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. No sheriff or other official who is empowered to accept or approve surety bail bonds shall accept or approve such a bond executed by such a bail bond agent or executed for such a company until such judgment has been paid.[44]

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent shall, within 35 days of the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days of the entry of judgment. If a motion to set aside the judgment has been filed, the amount submitted shall be held in escrow until such time as the court has disposed of the motion. The failure to comply with the provisions of this subsection constitutes a failure to pay the judgment.[45]

After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent may within 35 days file a motion to set aside the judgment or to stay the judgment. It shall be a condition of any such motion and of any order to stay the judgment that the surety pay the amount of the judgment to the clerk, which amount shall be held in escrow until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, shall act as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.[46]

[42] Section 903.27(1), F.S.
[43] Section 903.27(2), F.S.
[44] Section 903.27(3), F.S.
[45] Section 903.27(4), F.S.
[46] Section 903.27(5), F.S.

Remission of forfeiture

On application within 2 years from forfeiture, the court must order remission of the forfeiture if it determines that there was no breach of the bond.[47]

Section 903.28, F.S., provides if a defendant who failed to appear for a court proceeding surrenders or is apprehended within a specified time frame and the agent apprehended and surrendered the defendant, substantially procured or caused the defendant to be apprehended and surrendered, substantially attempted to procure or cause the apprehension or surrender, or paid the costs to return the defendant to the court's jurisdiction, and such delay did not thwart the proper prosecution of the defendant, the court must remit to the agent a specified percentage of the forfeiture of up to, but not more than:

- 100 percent of the forfeiture if the defendant surrenders or is apprehended within 90 days after forfeiture;[48]
- 95 percent of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture;[49]
- 90 percent of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture;[50]
- 85 percent of the forfeiture if the defendant surrenders or is apprehended within one year after forfeiture;[51]
- 50 percent of the forfeiture if the defendant surrenders or is apprehended within two years after forfeiture.[52]

Within 2 years from the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.[53]

Discharging or canceling a bond

A bail bond is "canceled" when the conditions of the bond have been satisfied or the term of the bond, which is 36 months after such bond was posted for the release of a defendant, has expired.[54] The conditions of the bond are considered satisfied once the defendant's court case has concluded through a plea, trial, or dismissal of the defendant's court case.[55]

[47] Section 903.28(1), F.S.
[48] Section 903.28(2), F.S.
[49] Section 903.28(3), F.S.
[50] Section 903.28(4), F.S.
[51] Section 903.28(5), F.S.
[52] Section 903.28(6), F.S.
[53] Section 903.29, F.S.
[54] Section 903.31(1), F.S.
[55] *Id.*

Purpose of and Criteria for Bail Determination

Section 903.046, F.S., provides that the purpose of bail is to ensure a defendant's appearance in court and protect the community, and in deciding whether to grant release and under what conditions, the court must consider:

- The nature and circumstances of the offense charged.[56]
- The weight of the evidence against the defendant.[57]
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.[58]
- The defendant's past and present conduct, including convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. Certain failures to appear may limit eligibility for recognizance or non-monetary bonds, though the court retains discretion for circumstances beyond the defendant's control.[59]
- The nature and probability of danger which the defendant's release poses to the community.[60]
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The defendant must prove the funds are not derived from illicit sources.[61]
- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.[62]
- The street value of any drug or controlled substance connected to or involved in the criminal charge. The court may set a higher bail to prevent use of illicit proceeds for release.[63]
- The nature and probability of intimidation and danger to victims.[64]
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.[65]
- Any other facts that the court considers relevant.[66]
- Whether the crime charged involves gang activity, is subject to enhanced penalties under ch. 874, F.S., or reclassification under 843.22, F.S., such defendants are not eligible for release on bail or surety bond until the first appearance on the case.[67]
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense, is required to register as a sexual offender or predator, if so, he or she is not eligible for release on bail or surety bond until the first appearance on the case.[68]

[56] Section 903.046(2)(a), F.S.
[57] Section 903.046(2)(b), F.S.
[58] Section 903.046(2)(c), F.S.
[59] Section 903.046(2)(d), F.S.
[60] Section 903.046(2)(e), F.S.
[61] Section 903.046(2)(f), F.S.
[62] Section 903.046(2)(g), F.S.
[63] Section 903.046(2)(h), F.S.
[64] Section 903.046(2)(i), F.S.
[65] Section 903.046(2)(j), F.S.
[66] Section 903.046(2)(k), F.S.
[67] Section 903.046(2)(l), F.S.
[68] Section 903.046(2)(m), F.S.

Pretrial Detention and Release

Section 903.011, F.S., provides that any monetary or cash component of any form of pretrial release may be satisfied by a surety bond, and that differing monetary amounts may not be set for cash, surety, or other forms of pretrial release; only a judge may set, reduce, or alter bail, and the court may reconsider the monetary component if the defendant is unable to post bond. The Florida Supreme Court must annually adopt a uniform statewide bond schedule for offenses eligible for release before first appearance, which may not be undercut by local schedules unless approved by the Supreme Court, though chief judges may adopt higher local amounts. The Supreme Court must consider community safety, assurance of appearance, and the integrity of the judicial process, when adopting the uniform statewide bond schedule or reviewing petitions for deviations. The uniform statewide bond schedule does not bind a judge in an individual case who is conducting a first appearance hearing or bail determination.

In Florida there is a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is:

- Charged with a dangerous crime;[69] or
- Such person is an unauthorized alien charged with a forcible felony.

A person may not be released before first appearance and must receive an individualized bail determination if:

- The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state.
- The person was, at the time of arrest, designated as a sexual offender or predator.
- The person was arrested for violating a protective injunction.
- The person was, at the time of arrest, on release from supervision.
- The person has previously been sentenced as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal.
- The person has been arrested three or more times in the 6 months immediately preceding his or her arrest.
- The person's current offense of arrest is for a specified major crime to include capital felonies, life felonies, and first-degree felonies.
- The person's current offense is for failure to appear at required court proceedings while on bail.[70]

Section 907.041, F.S., provides that it is the policy of this state that persons committing serious criminal offenses, who pose a threat to public safety or the integrity of the judicial process, fail to appear at trial, or pose a substantial flight risk due to unauthorized status should be detained upon arrest. However, persons meeting specified criteria may be released under certain

[69] Section 907.041(5), F.S., defines "dangerous crime" to mean any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd; lascivious; or indecent assault or act upon or in presence of a child under the age of 16; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; domestic violence; home invasion robbery; act of terrorism; manufacturing any specified substance; attempting or conspiring; human trafficking; trafficking in any controlled substance; extortion; and written threats to kill.
[70] Section 903.011, F.S.

conditions until proceedings are concluded and adjudication has been determined. This policy aims to protect the community by detaining dangerous individuals while reducing the cost of incarcerating those who pose no threat. The Legislatures primary intent is the protection of the community.

Violation of condition of pretrial release

Section 903.047, F.S., requires a defendant, as a condition of pretrial release on a surety bond, recognized bond, or other form of bond, to refrain from criminal activity of any kind and to comply with all other conditions of pretrial release imposed by the court. A court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect.[71]

III. Effect of Proposed Changes:

Bond Agents and Surety Requirements (Sections 1, 2, 3, 7, 9, 10, 11, 13)

The bill amends s. 648.386, F.S., to define "in-person classroom instruction," to mean a course designed to be presented to a group of students by a live instructor using lectures, with the instructor and students in the same physical classroom at the same time.

Additionally, the bill decreases from two 120-hour, to two 80-hour classroom instruction courses required to be an approved limited surety agent or professional bail bond agent.

The bill amends s. 648.44, F.S., to provide that a bail bond agent or agency may collect certain processing and services fees which must be separate from and not considered a premium.

Additionally, the bill prohibits a "virtual office," which is defined in s. 648.25, F.S., to mean an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated office space.

The bill amends s. 684.44, F.S., to specify that a place of business, including a branch office, under the active full-time charge of a licensed and appointed bail bond agent may not be a virtual office.

The bill amends s. 903.05, F.S., to remove provisions stating that a surety may own Florida real estate to qualify as a surety.

The bill amends s. 903.09, F.S., to require a surety, other than a bond agent, to justify suretyship by attaching to the bond United States currency, a United States postal money order, or cashier's check in the amount of the bond. Such currency money order, or cashier's check may not be used to secure more than one bond. The bill removes the requirement that a surety must execute an affidavit stating that he or she possesses the qualification and net worth required to become a surety.

[71] Section 903.0471, F.S.

The bill amends s. 903.101, F.S., to revise the requirements that sureties must meet to have equal access to jails for making bonds.

The bill amends s. 903.16, F.S., to require that a defendant who has been admitted to bail, or another person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order. The sheriff or other officials shall remit money or bonds received by the clerk to be held by the clerk pending court action. The clerk shall accept money or bonds remitted by the sheriff.

The bill amends s. 903.21, F.S., to provide that a surety is not responsible for vehicle expenses incurred for the transportation of a defendant to whom he or she has a fiduciary duty.

Pretrial Release (Sections 4 and 20)

The bill amends s. 903.011, F.S., to require that any monetary or cash component of any form of pretrial release be met by specified means, including U.S. currency, U.S. postal money order, or a cashier's check.

The bill amends s. 907.041, F.S., to specify that a person may not be released on nonmonetary conditions under the supervision of a pretrial release service unless the service certifies in writing to the court, before the defendant is released from custody that it has investigated or verified specified factors.

Additionally, the bill adds DUI (third or subsequent violation), felony battery, and battery by strangulation, to the list of crimes which constitute dangerous crimes for purposes of pretrial release.

The bill provides that if a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court finds probable cause for such offense, the state or the court may move for pretrial detention. Current law provides that such motion is mandatory.

Bond Revocation and Forfeiture (Sections 5, 14, 15, 16, and 17)

The bill amends s. 903.046, F.S., to specify that a surety bond that has been revoked may not be reinstated without a written authorization from the bail bond agent, bail bond agency, or surety.

Section 903.26, F.S., to revise provisions relating to forfeiture of bond. The clerk of court must give a surety at least 72 hours' notice before the time of the defendant's required appearance. The bill provides that a signed certificate which certifies such required notice was mailed or electronically transmitted constitutes as proof of notice.

Additionally, bail bond agencies are added to the entities that must receive notice after forfeiture, and removes the provision that municipal officials having custody of forfeited money deposit the money into a designated municipal fund 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill clarifies that the court must discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon specific circumstances.

If after forfeiture of a bond, the criminal charges are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture or judgment, remission must be granted upon proper motion.

For each felony warrant that a court issues for a failure to appear in court, the sheriff must enter the information of the defendant in the National Crime Information Center database with no restrictions until the defendant is returned to the jurisdiction of the court.

The bill amends s. 903.27, F.S., to require the clerk of court to enter a judgment against the surety if the forfeiture is not paid or discharged by order of the court within 60 days after the forfeiture notice has been mailed or electronically transmitted.

The bill amends s. 903.28, F.S., to increase the amount of time, from 2 years to 37 months, within which a court must order remission of a forfeiture if it determines that there was no breach of the bond. The court must order remission of the forfeiture in accordance with the remission schedule.

The court must direct remission if within three years after forfeiture:
- The defendant surrenders or is apprehended and the surety has paid all costs of returning the defendant to the jurisdiction of the court;
- The defendant is deceased; or
- The state attorney is unwilling to seek extradition of the defendant after a request by the surety agent, bail bond agency or surety company.

If a delay has not thwarted proper prosecution of the defendant, the court must direct such remission as follows:
- 100 percent of the forfeiture if the defendant surrenders, is apprehended, is deceased, or the state fails to seek extradition within 90 days.
- 95 percent of the forfeiture if the defendant surrenders, etc., within 180 days.
- 90 percent of the forfeiture if the defendant surrenders, etc., within 270 days.
- 85 percent of the forfeiture if the defendant surrenders, etc., within 360 days.
- 80 percent of the forfeiture if the defendant surrenders, etc., within 450 days.
- 75 percent of the forfeiture if the defendant surrenders, etc., within 540 days.
- 70 percent of the forfeiture if the defendant surrenders, etc., within 630 days.
- 65 percent of the forfeiture if the defendant surrenders, etc., within 720 days.
- 60 percent of the forfeiture if the defendant surrenders, etc., within 810 days.
- 55 percent of the forfeiture if the defendant surrenders, etc., within 900 days.
- 50 percent of the forfeiture if the defendant surrenders, etc., within 990 days.
- 45 percent of the forfeiture if the defendant surrenders, etc., within 1095 days.

If the defendant surrenders or is apprehended and the surety has not paid all the costs of returning the defendant, the court may order remission of the forfeiture in accordance with the

above schedule if the actual costs of returning the defendant have been deducted from such remission.

The bill reduces the time frame that notice must be given to the state attorney and clerk of court from 20 days to 10 days, for a hearing on the issue of remission.

The clerk must issue a remission in accordance with the remission schedule after entry of a court order directing remission.

The bill amends s. 903.29, F.S., to increase the length of time from the date of forfeiture of a bond within which a surety may arrest the principal. The surety may arrest the principal for the purpose of surrendering the principal within 3 years from the date of forfeiture.

Bond Cancellation (Sections 6 and 18)

The bill amends s. 903.31, F.S., to clarify when a court must cancel a bond, and to define the term "revoked" to mean that an act, a statement, a document, or a promise has been annulled or canceled. The clerk does not have standing under this subsection to object to a motion to reinstate bond.

The bill adds to the list of actions that an original appearance bond does not apply. An original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement.

The bill amends s. 903.0471, F.S., to require, upon a court's entry of an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, that the clerk of court discharge any bond previously posted as a condition of pretrial release without further order of the court.

Repeals (Sections 8, 12, and 19)

The bill repeals the following sections:
- Section 903.08, F.S., relating to the sufficiency of sureties.
- Section 903.17, F.S., relating to substitution of cash bail for other bail.
- Section 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail.

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 Art. 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:

The impact to judicial and court workloads is indeterminate. Some provisions of the bill will reduce judicial workloads by requiring clerks to discharge bonds without a judicial ruling or hearing under certain conditions and by permitting, rather than requiring, state attorneys or the court to move for pretrial detention of certain person charged with "dangerous crimes." However, the additional offenses added to the list of "dangerous crimes" will add to judicial workload because more arrestees will require a hearing and may qualify for pretrial detention.[72]

The fiscal impact of this legislation cannot be accurately determined due to the unavailability of data needed to quantifiably establish the effects on judicial time and workload resulting from changes in hearings related to discharge of bonds and pretrial detentions as discussed in this report.[73]

VI. Technical Deficiencies:

None.

[72] Office of The State Courts Administrator *2026 Judicial Impact Statement*, pg. 3, (available on file at the Senate Criminal Justice Committee).
[73] *Id*.

VII. Related Issues:

The minimum bond amount for persons charged with dangerous offenses may require revisions to the statewide uniform bond schedule.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 648.25, 648.386, 648.44, 903.011, 903.046, 903.0471, 903.05, 903.09, 903.101, 903.16, 903.17, 903.21, 903.26, 903.27, 903.28, 903.29, 903.31, 907.041, 626.2816, 903.047, and 903.286.

This bill repeals the following sections of the Florida Statutes: 903.08, 903.17, and 903.36.

This bill reenacts the following sections of the Florida Statutes: 626.2816, 903.047, 903.286, and 907.041.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS/CS by Rules on February 24, 2026:

The committee substitute:

- Removes the provision requiring that a bond deposit for a defendant must be receipted in the name of the person making the deposit, unless the deposit is made by a charitable bail fund registered as a nonprofit organization.
- Removes requirement that if the deposit is made by a charitable bail fund the deposit must be receipted in the name of the defendant.

CS/CS by Appropriations Committee on Criminal and Civil Justice on February 18, 2026:

The committee substitute:

- Removes the prohibitions on soliciting bail from a detainees, the detainee's attorney, an adult member of the detainee's immediate family, or other persons unless the detainees authorize the solicitation in writing and such writing is signed by detainee before the solicitation unless prohibited under specific conditions.
- Removes requirement that the deposit of bail funds be receipted in the name of the defendant and provides that they must be made in the name of the person making the deposit, unless it is made by a charitable bail fund.
- Clarifies the proof requirement for bond forfeiture by providing that a certification signed by the clerk constitutes sufficient proof that notice was sent.
- Requires that the sheriff enter the information of a defendant in the national crime information center database for each felony warrant that a court issues for a failure to appear.
- Revised language relating to when the clerk does not have standing to object to a motion to reinstate bond. The amendment removed the provision providing that

the clerk does not have standing to object to a motion to set aside a forfeiture of bond, motion to discharge a bond, or a motion to reinstate a bond.
- Revises the remission of forfeiture for a defendant that surrenders or is apprehended within 1,095 days after the forfeiture if the delay did not thwart proper prosecution of the defendant, the defendant is deceased, or the state is unwilling to seek extradition of the defendant within 1,095 days after the forfeiture occurred.

CS by Criminal Justice on February 2, 2026:
The committee substitute:
- Revises the definition of the term "virtual office."
- Makes technical revisions to the definition of "in-person classroom instruction."
- Replaces the term "arrestee" with "detainee" as it relates to bail bond solicitation.
- Authorizes a court, on its own motion, to revoke pretrial release and order pretrial detention upon a finding of probable cause that the defendant materially violated a condition of pretrial release for an offense other than failure to appear.
- Restores the provision governing pretrial release granting the court discretion to determine conditions of release under specific circumstances relating to failure to appear.
- Revises the criteria that a court must consider in making specified determinations.
- Provides that a revoked surety bond may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety.
- Removes language prohibiting the discharge of a bond without a further hearing or court order.
- Removes the requirement that municipal officials deposit forfeited money into a designated municipal fund within 60 days after the forfeiture notice is mailed or electronically transmitted.
- Requires the court, under specified circumstances, to order remission in accordance with applicable provisions when a defendant surrenders, is deceased, or is apprehended within a prescribed period following forfeiture.
- Makes other conforming and technical changes.

B. Amendments:

None.

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

736450

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 292 - 300

and insert:

(2) Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond.

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

And the title is amended as follows:

Delete lines 48 - 54

736450

and insert:

pending court action; repealing s. 903.17, F.S., relating to

By the Appropriations Committee on Criminal and Civil Justice; the Committee on Criminal Justice; and Senator Truenow

A bill to be entitled

An act relating to bail bonds; amending s. 648.25, F.S.; defining the term "virtual office"; amending s. 648.386, F.S.; defining the term "in-person classroom instruction"; decreasing the duration of in-person classroom-instruction basic certification courses required to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school; amending s. 648.44, F.S.; authorizing bail bond agents and agencies to accept certain fees or charges; prohibiting virtual bail bond offices; amending s. 903.011, F.S.; requiring, rather than authorizing, that any monetary or cash component of any form of pretrial release be met by specified means; amending s. 903.046, F.S.; revising the criteria that a court must consider in making specified determinations; prohibiting a surety bond that has been revoked from being reinstated without written authorization; amending s. 903.0471, F.S.; requiring the clerk of the court, upon the court's entry of an order to revoke pretrial release and order pretrial detention in certain circumstances, to discharge any bond previously posted as a condition of pretrial release without further order of the court; amending s. 903.05, F.S.; deleting the requirement that a surety own certain real estate as a qualification for the release of a person on bail; repealing s. 903.08, F.S., relating to sufficiency of sureties; amending s.

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

903.09, F.S.; requiring sureties, other than bail bond agents, to justify their suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; providing that such currency, money order, or cashier's check may not be used to secure more than one bond; deleting the requirement that a surety execute an affidavit providing certain information; amending s. 903.101, F.S.; revising the requirements that sureties must meet to have equal access to jails for making bonds; amending s. 903.16, F.S.; authorizing a defendant who has been admitted to bail, or another person on the defendant's behalf, to deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order; requiring, rather than authorizing, the sheriff or other officials to remit to the clerk money or bonds received which are to be held by the clerk pending court action; requiring that a deposit of bail money be receipted in the name of the person making such a deposit unless the depositor is a charitable bail fund; deleting a provision stating that consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond; repealing s. 903.17, F.S., relating to substitution of cash bail for other bail; amending s. 903.21, F.S.; specifying that the surety is exonerated of liability on a bond if a specified determination is made before forfeiture of the bond; revising the

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

definition of the term "costs and expenses"; amending s. 903.26, F.S.; requiring that a signed certification containing certain information must accompany or be included on a specified notice; deleting a requirement that municipal officials having custody of forfeited money deposit such money in a designated municipal fund within 60 days after the forfeiture notice has been mailed or electronically transmitted; deleting certain requirements that must be met when bonds are forfeited; revising the circumstances under which the court is required to discharge a forfeiture within a specified timeframe; requiring the sheriff to enter the information of a defendant in the National Crime Information Center database for each felony warrant that a court issues for failure to appear; specifying circumstances under which the clerk must discharge a forfeiture and issue a certain notice to the surety without further order of the court; amending s. 903.27, F.S.; requiring the clerk of the circuit court to enter a certain judgment if the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted; reducing the number of days within which the clerk must furnish specified information to the Department of Financial Services, the Office of Insurance Regulation of the Financial Services Commission, and the surety company at its home office; amending s. 903.28, F.S.; increasing the amount of time within

which a court must order remission of a forfeiture if it determines that there was no breach of the bond by the surety; requiring a court, in certain circumstances and upon a certain motion, to order remission in accordance with specified provisions if a defendant surrenders, is deceased, or is apprehended within a certain time after forfeiture; deleting provisions relating to the ordering of remission under specified circumstances; decreasing the amount of time for which the clerk of the circuit court and the state attorney must be given notice before a certain hearing and be furnished with copies of certain documents; requiring the clerk of the circuit court to issue a remission in a specified manner; providing that the court may order remission of the forfeiture in certain circumstances; amending s. 903.29, F.S.; increasing the length of time from the date of forfeiture of a bond within which a surety may arrest the principal; amending s. 903.31, F.S.; revising provisions relating to the ordering of a bond cancellation; revising applicability; defining the term "revoked"; specifying that the original appearance bond does not guarantee a sentencing deferral, a delayed sentencing, or an appearance after entering a plea agreement; specifying that the clerk does not have standing under certain provisions to object to a reinstatement of a bond; repealing s. 903.36, F.S., relating to guaranteed arrest bond certificates as cash bail; reenacting and amending s. 907.041, F.S.; requiring that a certain

pretrial release service certification be made in writing before the defendant is released from custody; revising the definition of the term "dangerous crime"; authorizing, rather than requiring, the state attorney or the court on its own motion, to move for pretrial detention if a defendant is arrested for certain dangerous crimes and the court makes a certain determination; reenacting s. 626.2816(2) and (3), F.S., relating to regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups, to incorporate the amendment made to s. 648.386, F.S., in references thereto; reenacting s. 903.047(1)(c), F.S., relating to conditions of pretrial release, to incorporate the amendment made to s. 903.046, F.S., in a reference thereto; reenacting s. 903.286(2), F.S., relating to cash bond forms, to incorporate the amendment made to s. 903.09, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (12) is added to section 648.25, Florida Statutes, to read:

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

(12) "Virtual office" means an office that does not provide a continuous physical office space and provides professional address and mail handling services and which may, upon request, provide communications and telephone services or a dedicated

office space.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 648.386, Florida Statutes, are amended to read:

648.386 Qualifications for prelicensing and continuing education schools and instructors.—

(1) DEFINITIONS ~~DEFINITION OF "CLASSROOM INSTRUCTION"~~.—As used in this section, the term:

(a) "Classroom instruction" means a course designed to be presented to a group of students by a live instructor using lecture, video, webcast, or virtual or other audio-video presentation.

(b) "In-person classroom instruction" means a course designed to be presented to a group of students by a live instructor using lectures, with the instructor and students in the same physical classroom at the same time.

(2) SCHOOLS AND CURRICULUM FOR PRELICENSING SCHOOLS.—In order to be considered for approval and certification as an approved limited surety agent and professional bail bond agent prelicensing school, such entity must:

(a)1. Offer a minimum of two 80-hour in-person ~~120-hour~~ classroom-instruction basic certification courses in the criminal justice system per calendar year unless a reduced number of course offerings per calendar year is warranted in accordance with rules adopted ~~promulgated~~ by the department; or

2. Offer a department-approved correspondence course pursuant to department rules.

Section 3. Paragraph (j) of subsection (1) and subsection (4) of section 648.44, Florida Statutes, are amended to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent or bail bond agency may not:

(j) Accept anything of value from a principal for providing a bail bond aside from ~~except~~ the premium, a credit card merchant processing fee, or a mobile payment services fee or similar charge which must be separate from and not considered premium, and a transfer fee authorized by the office, except that the bail bond agent or bail bond agency may accept collateral security or other indemnity from the principal or another person in accordance with s. 648.442, together with documentary stamp taxes, if applicable. No fees, expenses, or charges of any kind shall be permitted to be deducted from the collateral held or any return premium due, except as authorized by this chapter or rule of the department or commission. Upon written agreement with another party, a bail bond agent or bail bond agency may~~, upon written agreement with another party,~~ receive a fee or compensation for returning to custody an individual who has fled the jurisdiction of the court or caused the forfeiture of a bond.

(4) A place of business, including a branch office, may not be established, opened, or maintained unless it is under the active full-time charge of a licensed and appointed bail bond agent. A virtual bail bond office is prohibited.

Section 4. Subsection (2) of section 903.011, Florida Statutes, is amended to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.—

(2) Any monetary or cash component of any form of pretrial release must ~~may~~ be met by a surety bond or by United States currency, a United States postal money order, or a cashier's

check in the amount of the bond.

Section 5. Paragraph (d) of subsection (2) of section 903.046, Florida Statutes, is amended to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(d) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. However, any defendant who ~~had~~ failed to appear on the day of any required court proceeding in the case at issue, but who ~~had~~ later voluntarily appeared or surrendered, is not ~~shall not be~~ eligible for a recognizance bond; and any defendant who failed to appear on the day of any required court proceeding ~~in the case at issue~~ and who was later arrested is not ~~shall not be~~ eligible for a recognizance bond or for any form of bond which does not require the greater of a monetary undertaking ~~or commitment~~ equal to or greater than $2,000 or twice the value of the monetary ~~commitment or~~ undertaking of the original bond~~, whichever is greater~~. Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. A surety bond that has been revoked may not be reinstated without written authorization from the bail bond agent, bail bond agency, or surety. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.

Section 6. Section 903.0471, Florida Statutes, is amended

to read:

903.0471 Violation of condition of pretrial release.—Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release or violated any other condition of pretrial release in a material respect. Upon entry of such an order to revoke pretrial release and order pretrial detention, other than for a failure to appear, the clerk of the court shall discharge any bond previously posted as a condition of pretrial release without further order of the court.

Section 7. Section 903.05, Florida Statutes, is amended to read:

903.05 Qualification of sureties.—A surety for the release of a person on bail, other than a company authorized by law to act as a surety, shall be a resident of the state ~~or own real estate within the state~~.

Section 8. Section 903.08, Florida Statutes, is repealed.

Section 9. Subsection (1) of section 903.09, Florida Statutes, is amended to read:

903.09 Justification of sureties.—

(1) A surety, other than a bail bond agent as defined in s. 648.25, shall justify his or her suretyship by attaching to the bond United States currency, a United States postal money order, or a cashier's check in the amount of the bond; however, the United States currency, United States postal money order, or cashier's check may not be used to secure more than one bond ~~execute an affidavit stating that she or he possesses the~~

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~~qualifications and net worth required to become a surety. The affidavit shall describe the surety's property and any encumbrances and shall state the number and amount of any bonds entered into by the surety at any court that remain undischarged~~.

Section 10. Section 903.101, Florida Statutes, is amended to read:

903.101 Sureties; licensed persons; to have equal access.—Subject to rules adopted by the Department of Financial Services and by the Financial Services Commission, every surety who meets the requirements of s. 903.09, ~~ss. 903.05, 903.06, 903.08, and 903.09,~~ and every person who is currently licensed by the Department of Financial Services and registered as required by s. 648.42 must ~~shall~~ have equal access to the jails of this state for the purpose of making bonds.

Section 11. Section 903.16, Florida Statutes, is amended to read:

903.16 Deposit of money or bonds as bail.—

(1) A defendant who has been admitted to bail, or another person in the defendant's behalf, may deposit with the official authorized to take bail money an amount equal to the bail amount set in the court order ~~or nonregistered bonds of the United States, the state, or a city, town, or county in the state, equal in market value to the amount set in the order and the personal bond of the defendant and an undertaking by the depositor if the money or bonds are deposited by another~~. The sheriff or other officials shall ~~may~~ remit money or bonds received by ~~to~~ the clerk to be held by the clerk pending court action ~~or return to the defendant or depositor~~. The clerk shall

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accept money or bonds remitted by the sheriff.

(2) A deposit under subsection (1) must be receipted in the name of the person making the deposit, unless such deposit is made by a charitable bail fund registered as a nonprofit organization under s. 501(c) of the United States Internal Revenue Code. If the deposit is made by a charitable bail fund, the deposit must be receipted in the name of the defendant ~~Consent is conclusively presumed for the clerk of the circuit court to sell bonds deposited as bail after forfeiture of the bond~~.

Section 12. Section 903.17, Florida Statutes, is repealed.

Section 13. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3)(a) The surety must ~~shall~~ be exonerated of liability on the bond if it is determined before forfeiture ~~breach~~ of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the costs and expenses incurred in returning the defendant to the jurisdiction of the court. A surety is only responsible for the itemized costs and expenses incurred for the transport of a defendant to whom he or she has a fiduciary duty and is not liable for the costs and expenses incurred in transporting any other defendant.

(b) As used in ~~For purposes of~~ this subsection, the term:

1. "Costs and expenses" means the prorated salary of any law enforcement officer or employee of a contracted transportation company as well as the actual expenses of transporting each defendant, which may only consist of mileage, ~~vehicle expenses,~~ meals, and, if necessary, overnight lodging

for any law enforcement officer or employee of a contracted transportation company and the defendant.

2. "Jurisdiction" means the county from which the defendant was released on bail.

Section 14. Section 903.26, Florida Statutes, is amended to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(1) A bail bond may ~~shall~~ not be forfeited unless:

(a) The information, indictment, or affidavit was filed within 6 months after ~~from~~ the date of arrest, and

(b) The clerk of the court gave the surety at least 72 hours' notice, exclusive of Saturdays, Sundays, and holidays, before the time of the required appearance of the defendant. Notice is ~~shall~~ not ~~be~~ necessary if the time for appearance is within 72 hours after ~~from~~ the time of arrest~~,~~ or ~~if the time~~ is stated on the bond. Such notice may be mailed or electronically transmitted. A certification signed by the clerk of the court or the clerk's designee that the notice required under this paragraph was mailed or electronically transmitted on a specific date must accompany or be included on the required notice.

(2)(a) If there is a failure of the defendant to appear as required, the court must ~~shall~~ declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail or electronically transmit a notice to the surety agent, bail bond agency, and surety company within 5 days after the forfeiture. A certificate signed by the clerk of the court or the clerk's designee which certifies~~, certifying~~ that the notice required under this section ~~herein~~ was mailed or electronically

transmitted on a specified date and which is accompanied by a copy of the required notice constitutes~~, shall constitute~~ sufficient proof that such mailing or electronic transmission was properly accomplished as required in this paragraph ~~indicated therein~~. If such mailing or electronic transmission was properly accomplished as evidenced by such certificate, the failure of the surety agent, a bail bond agency, ~~of~~ a company, or ~~of~~ a defendant to receive such notice does ~~shall~~ not constitute a defense to such forfeiture and may ~~shall~~ not be grounds for discharge, remission, reduction, set aside, or continuance of such forfeiture. The forfeiture must ~~shall~~ be paid within 60 days after the date the notice was mailed or electronically transmitted.

(b) If ~~Failure of~~ the defendant fails to appear at the time, date, and place of required appearance, ~~shall result in forfeiture of~~ the bond is forfeited. Such forfeiture must ~~shall~~ be automatically entered by the clerk upon such failure to appear, and the clerk shall follow the procedures in paragraph (a). However, the court may determine, in its discretion and~~,~~ in the interest of justice, that an appearance by the defendant on the ~~same day as~~ required day does not warrant forfeiture of the bond~~,~~ and ~~the court~~ may direct the clerk to set aside any such forfeiture ~~which may have been entered~~. Any appearance by the defendant later than the required day constitutes forfeiture of the bond, and the court may ~~shall~~ not preclude entry of such forfeiture by the clerk.

(c) If there is a forfeiture of the bond, the clerk must ~~shall~~ provide, upon request, a certified copy of the warrant or capias to the bail bond agent or surety company.

(3) Sixty days after the forfeiture notice has been mailed or electronically transmitted:

(a) State and county officials having custody of forfeited money shall deposit the money in the fine and forfeiture fund established pursuant to s. 142.01.

~~(b) Municipal officials having custody of forfeited money shall deposit the money in a designated municipal fund.~~

(b)~~(c)~~ Officials having custody of bonds as authorized by s. 903.16 shall transmit the bonds to the clerk of the circuit court who shall ~~sell them at market value and~~ disburse the proceeds as provided in paragraph (a) ~~paragraphs (a) and (b)~~.

~~(4)(a) When a bond is forfeited, the clerk shall transmit the bond and any affidavits to the clerk of the circuit court in which the bond and affidavits are filed. The clerk of the circuit court shall record the forfeiture in the deed or official records book. If the undertakings and affidavits describe real property in another county, the clerk shall transmit the bond and affidavits to the clerk of the circuit court of the county where the property is located who shall record and return them.~~

~~(b) The bond and affidavits shall be a lien on the real property they describe from the time of recording in the county where the property is located for 2 years or until the final determination of an action instituted thereon within a 2-year period. If an action is not instituted within 2 years from the date of recording, the lien shall be discharged. The lien will be discharged 2 years after the recording even if an action was instituted within 2 years unless a lis pendens notice is recorded in the action.~~

(4)~~(5)~~ The court shall discharge a forfeiture within 60 days after the forfeiture notice was mailed or electronically transmitted upon any of the following:

(a) A determination that, due to circumstances beyond the defendant's control, it was impossible for the defendant to appear as required ~~or within 60 days after the date of the required appearance due to circumstances beyond the defendant's control~~. The potential adverse economic consequences of appearing as required may not be considered as constituting a ground for such a determination.~~;~~

(b) A determination that, at the time of the required appearance ~~or within 60 days after the date of the required appearance~~, the defendant was confined in an institution or hospital; was confined in any county, state, federal, or immigration detention facility; was deported; or is deceased.~~;~~

(c) Surrender or arrest of the defendant at the time of the required appearance or within 60 days after the date of the required appearance in any county, state, or federal jail or prison ~~and upon a hold being placed to return the defendant to the jurisdiction of the court~~. The court shall condition a discharge or remission on the payment of costs and ~~the~~ expenses as provided in s. 903.21(3), incurred by an official in returning the defendant to the jurisdiction of the court.~~; or~~

(d) A determination that the state is unwilling to seek extradition of the fugitive defendant within 10 ~~30~~ days after a written request by the surety agent to do so, and contingent upon the surety agent's consent to pay all costs and ~~the~~ expenses incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3), up

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to the penal amount of the bond.

(5) For each felony warrant that a court issues for a failure to appear in court, the sheriff shall enter the information of the defendant in the National Crime Information Center database, with no restrictions until the defendant has been returned to the jurisdiction of the court.

(6) The discharge of a forfeiture may ~~shall~~ not be ordered for any reason other than as specified herein.

(7) The payment by a surety of a forfeiture under this law has ~~shall have~~ the same effect on the bond as payment of a judgment.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court or has posted a new bond for the case at issue before judgment, the clerk must, upon affirmation by the sheriff or the chief correctional officer and~~, shall,~~ without further hearing or order of the court, discharge the forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk may ~~shall~~ not discharge the forfeiture of the bond. If the surety agent and the sheriff fail to agree on the amount of such ~~said~~ costs, ~~then~~ the court must, after notice to the sheriff and the state attorney, ~~shall~~ determine the amount of the costs.

(9) If, after forfeiture of a bond, the criminal charges for which the bond guaranteed appearance are resolved, adjudicated, or otherwise disposed of by any action of the court or state, the clerk must discharge the forfeiture and issue such notice to the surety without further order of the court. If such resolution or disposition occurs after payment of a forfeiture

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or judgment, remission must be granted upon proper motion and as specified under s. 903.28.

Section 15. Section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days after the forfeiture notice has been mailed or electronically transmitted ~~and the bond is secured other than by money and bonds authorized in s. 903.16~~, the clerk of the circuit court for the county where the order was made must ~~shall~~ enter a judgment against the surety for the amount of the penalty and issue execution. However, in any case in which the bond forfeiture has been discharged by the court of competent jurisdiction conditioned upon the payment by the surety of certain costs or fees as allowed by statute, the amount for which judgment may be entered may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned. Judgment for the full amount of the forfeiture may ~~shall~~ not be entered if payment of a lesser amount will satisfy the conditions to discharge the forfeiture. Within 5 ~~10~~ days, the clerk shall furnish the Department of Financial Services and the Office of Insurance Regulation of the Financial Services Commission with a certified copy of the judgment docket and shall furnish the surety company at its home office a copy of the judgment, which must ~~shall~~ include the power of attorney number of the bond and the name of the executing agent. If the judgment is not paid within 35 days, the clerk must ~~shall~~ furnish the Department of Financial Services, the Office of Insurance Regulation, and the sheriff of

the county in which the bond was executed, or the official responsible for operation of the county jail~~,~~ if that official is not ~~other than~~ the sheriff, two copies of the judgment and a certificate stating that the judgment remains unsatisfied. When ~~and if~~ the judgment is properly paid or an order to vacate the judgment has been entered by a court of competent jurisdiction, the clerk shall immediately notify the sheriff~~,~~ or other such ~~the~~ official responsible for the operation of the county jail~~, if other than the sheriff,~~ and, if they have been previously notified of nonpayment, the Department of Financial Services and the Office of Insurance Regulation~~, if the department and office had been previously notified of nonpayment,~~ of such payment or order to vacate the judgment. The clerk may furnish documents or give notice as required in this subsection by mail or electronic means. The clerk shall also immediately prepare and record in the public records a satisfaction of the judgment or record the order to vacate judgment. If the defendant is returned to the county of jurisdiction of the court, whenever a motion to set aside the judgment is filed, the operation of this section is tolled until the court makes a disposition of the motion.

(2) A certificate signed by the clerk of the court or her or his designee which certifies~~, certifying~~ that the notice required in subsection (1) was mailed or electronically delivered on a specified date~~,~~ and is accompanied by a copy of the required notice constitutes sufficient proof that such mailing or electronic delivery was properly accomplished as required in this subsection ~~indicated therein~~. If such mailing or electronic delivery was properly accomplished as evidenced by such certificate, the failure of a company to receive a copy of

the judgment as prescribed in subsection (1) does not constitute a defense to the forfeiture and is not a ground for the discharge, remission, reduction, set aside, or continuance of such forfeiture.

(3) Surety bail bonds may not be executed by a bail bond agent or a bail bond agency against whom a judgment has been entered which has remained unpaid for 35 days and may not be executed for a company against whom a judgment has been entered which has remained unpaid for 50 days. A ~~No~~ sheriff or other official who is empowered to accept or approve surety bail bonds may not ~~shall~~ accept or approve such a bond executed by such a bail bond agent or bail bond agency or executed for such a company until such judgment has been paid.

(4) After notice of judgment against the surety given by the clerk of the circuit court, the surety, a bail bond agency, or a bail bond agent shall, within 35 days after ~~of~~ the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within 35 days after ~~of the~~ entry of the judgment. If a motion to set aside the judgment has been filed pursuant to subsection (5), the amount submitted must ~~shall~~ be held in escrow until such time as the court has disposed of the motion. The failure to comply with ~~the provisions of~~ this subsection constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by the clerk of the circuit court, the surety, bail bond agency, or bail bond agent may within 35 days file a motion to set aside ~~the judgment~~ or ~~to~~ stay the judgment. ~~It shall be a condition of~~ Any such motion or ~~and of any~~ order to stay the judgment must be

conditioned on payment by ~~that~~ the surety of ~~pay~~ the amount of the judgment to the clerk, which amount must ~~shall~~ be held in escrow until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, acts ~~shall act~~ as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.

(6) The failure of a state attorney to file, or of the clerk of the circuit court to make, a certified copy of the order of forfeiture as required by law applicable before ~~prior to~~ July 1, 1982, does ~~shall~~ not invalidate any judgment entered by the clerk before ~~prior to~~ June 12, 1981.

Section 16. Section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.—

(1) No application for remission may be brought, nor be considered by the court, unless such ~~On~~ application is filed within 37 months after ~~2 years from~~ forfeiture.~~,~~ Upon a timely filed application for remission, the court must ~~shall~~ order remission of the forfeiture in accordance with the remission schedule set forth in subsection (2) if it determines that there was no breach of the bond by the surety.

(2) If the defendant surrenders or is apprehended and the surety has paid all costs of returning the defendant to the jurisdiction of the court, if the defendant is deceased, or if the state attorney is unwilling to seek extradition of the defendant from any jail or prison after a request by the surety agent, bail bond agency, or surety company consenting to pay all

costs incurred by an official in returning the defendant to the jurisdiction of the court, as provided in s. 903.21(3)(a), up to the penal amount of the bond, within 36 months ~~90 days~~ after forfeiture, the court must, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (4), ~~subsection (8), shall~~ direct remission in accordance with the following:

(a) One hundred percent of the forfeiture if the defendant surrenders or is apprehended within 90 days after the forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 90 days after forfeiture.

(b) Ninety-five percent of the forfeiture if the defendant surrenders or is apprehended within 180 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 180 days after forfeiture.

(c) Ninety percent of the forfeiture if the defendant surrenders or is apprehended within 270 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 270 days after forfeiture.

(d) Eighty-five percent of the forfeiture if the defendant surrenders or is apprehended within 360 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is

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unwilling to seek extradition of the defendant within 360 days after forfeiture.

(e) Eighty percent of the forfeiture if the defendant surrenders or is apprehended within 450 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 450 days after forfeiture.

(f) Seventy-five percent of the forfeiture if the defendant surrenders or is apprehended within 540 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 540 days after forfeiture.

(g) Seventy percent of the forfeiture if the defendant surrenders or is apprehended within 630 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 630 days after forfeiture.

(h) Sixty-five percent of the forfeiture if the defendant surrenders or is apprehended within 720 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 720 days after forfeiture.

(i) Sixty percent of the forfeiture if the defendant surrenders or is apprehended within 810 days after forfeiture and the delay has not thwarted proper prosecution of the

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defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 810 days after forfeiture.

(j) Fifty-five percent of the forfeiture if the defendant surrenders or is apprehended within 900 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 900 days after forfeiture.

(k) Fifty percent of the forfeiture if the defendant surrenders or is apprehended within 990 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 990 days after forfeiture.

(l) Forty-five percent of the forfeiture if the defendant surrenders or is apprehended within 1095 days after forfeiture and the delay has not thwarted proper prosecution of the defendant, or if the defendant is deceased or the state is unwilling to seek extradition of the defendant within 1095 days after forfeiture ~~of up to, but not more than, 100 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the~~

~~apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(3) If the defendant surrenders or is apprehended within 180 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 95 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(4) If the defendant surrenders or is apprehended within 270 days after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 90 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the~~

~~surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(5) If the defendant surrenders or is apprehended within 1 year after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 85 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

~~(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the clerk of the circuit court and~~

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

~~the state attorney as required in subsection (8), shall direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.~~

(3) ~~(7)~~ The remission of a forfeiture may not be ordered for any reason other than as specified in this section ~~herein~~.

(4) ~~(8)~~ An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The clerk of the circuit court and the state attorney must be given 10 ~~20~~ days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission must ~~shall~~ be granted on the condition of payment of costs, as provided in s. 903.21(3)(a), unless the ground for remission is that there was no breach of the bond.

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

(5) ~~(9)~~ The clerk of the circuit court may enter into a contract with a private attorney or into an interagency agreement with a governmental agency to represent the clerk of the court in an action for the remission of a forfeiture under this section.

(6) ~~(10)~~ The clerk of the circuit court is the real party in interest for all appeals arising from an action for the remission of a forfeiture under this section.

(7) The clerk of the circuit court shall issue a remission in accordance with s. 218.74(4) after entry of a court order directing remission.

(8) If the defendant surrenders or is apprehended and the surety has not paid all costs of returning the defendant to the jurisdiction of court, the court may order remission of the forfeiture in accordance with subsection (2) if the actual costs of returning the defendant to the jurisdiction of the court have been deducted from the remission.

Section 17. Section 903.29, Florida Statutes, is amended to read:

903.29 Arrest of principal by surety after forfeiture.—Within 3 ~~2~~ years after ~~from~~ the date of forfeiture of a bond, the surety may arrest the principal for the purpose of surrendering the principal to the official in whose custody she or he was at the time bail was taken or in whose custody the principal would have been placed had she or he been committed.

Section 18. Subsections (1) and (2) of section 903.31, Florida Statutes, are amended to read:

903.31 Canceling the bond.—

(1) Within 10 business days after the conditions of a bond

have been satisfied or the forfeiture discharged or remitted, the court must ~~shall~~ order the bond canceled and, if the surety has attached a certificate of cancellation to the original bond, the clerk of the court must ~~shall~~ mail or electronically furnish an executed certificate of cancellation to the surety without cost. The clerk of the court shall discharge the bond upon an adjudication of guilt or innocence or an acquittal, or if a period of 36 months has passed since the original bond was posted.~~, or~~ A withholding of an adjudication of guilt, a finding of guilt by a jury, or a no action by the state satisfies ~~shall satisfy~~ the conditions of the bond. If the bond has been revoked by the court, other than for a failure to appear, the clerk of the court must discharge or cancel the bond. The original appearance bond expires ~~shall expire~~ 36 months after such bond has been posted for the release of the defendant from custody, at which time the clerk of the court must discharge the bond. This subsection does not apply to cases in which a bond has been declared forfeited before the 36-month expiration, unless the forfeiture was set aside or discharged. As used in this subsection, the term "revoked" means that an act, a statement, a document, or a promise has been annulled or canceled.

(2) The original appearance bond does not guarantee a deferred sentence; a sentencing deferral; a delayed sentencing; an appearance after entering a plea agreement; an appearance during or after a presentence investigation; an appearance during or after appeals; conduct during or appearance after admission to a pretrial intervention program; placement in a court-ordered program, including a residential mental health facility; payment of fines; or attendance at educational or

rehabilitation facilities the court otherwise provides in the judgment. If the original appearance bond has been forfeited or revoked, it may ~~the bond shall~~ not be reinstated without approval from the surety on the original bond. The clerk does not have standing under this subsection to object to a motion to reinstate bond.

Section 19. Section 903.36, Florida Statutes, is repealed.

Section 20. Paragraph (b) of subsection (3) and paragraphs (a), (d), and (g) of subsection (5) of section 907.041, Florida Statutes, are amended, and paragraph (c) of subsection (5) of that section is reenacted, to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(b) A ~~No~~ person may not ~~shall~~ be released on nonmonetary conditions under the supervision of a pretrial release service~~,~~ unless the service certifies in writing to the court, before the defendant is released from custody, that it has investigated or otherwise verified:

1. The circumstances of the accused's family, employment, financial resources, character, mental condition, immigration status, and length of residence in the community;

2. The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and

3. Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any

of the following:

1. Arson.~~;~~

2. Aggravated assault.~~;~~

3. Aggravated battery.~~;~~

4. Illegal use of explosives.~~;~~

5. Child abuse or aggravated child abuse.~~;~~

6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult.~~;~~

7. Aircraft piracy.~~;~~

8. Kidnapping.~~;~~

9. Homicide.~~;~~

10. Manslaughter, including DUI manslaughter and BUI manslaughter.~~;~~

11. Sexual battery.~~;~~

12. Robbery.~~;~~

13. Carjacking.~~;~~

14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.~~;~~

15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority.~~;~~

16. Burglary of a dwelling.~~;~~

17. Stalking and aggravated stalking.~~;~~

18. Act of domestic violence as defined in s. 741.28.~~;~~

19. Home invasion robbery.~~;~~

20. Act of terrorism as defined in s. 775.30.~~;~~

21. Manufacturing any substances in violation of chapter 893.~~;~~

22. Attempting or conspiring to commit any such crime.~~;~~

23. Human trafficking.~~,~~

24. Trafficking in any controlled substance described in s. 893.135(1)(c)4.~~,~~

25. Extortion in violation of s. 836.05.~~, and~~

26. Written threats to kill in violation of s. 836.10.

27. Driving under the influence in violation of s. 316.193(2)(b)1. or (2)(b)3.

28. Felony battery.

29. Battery by strangulation.

(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as

defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the

court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

(d) If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, may move ~~shall motion~~ for pretrial detention. If the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ensure the presence of the defendant at trial, or assure the integrity of the judicial

process, the court must order pretrial detention.

(g)1. If a motion for pretrial detention is granted ~~required~~ under paragraph (d), the pretrial detention hearing must be held within 5 days after the defendant's first appearance hearing or, if there is no first appearance hearing, within 5 days after the defendant's arraignment.

2. If a state attorney files a motion for pretrial detention under paragraph (c), the pretrial detention hearing must be held within 5 days after the filing of such motion.

3. The defendant may request a continuance of a pretrial detention hearing. No continuance shall be for longer than 5 days unless there are extenuating circumstances. The state attorney shall be entitled to one continuance for good cause.

4. The defendant may be detained pending the completion of the pretrial detention hearing. If a defendant is released on bail pending a pretrial detention hearing under paragraph (d), the court must inform the defendant that if he or she uses a surety bond to meet the monetary component of pretrial release and the motion for pretrial detention is subsequently granted, the defendant will not be entitled to the return of the premium on such surety bond.

Section 21. For the purpose of incorporating the amendment made by this act to section 648.386, Florida Statutes, in references thereto, subsections (2) and (3) of section 626.2816, Florida Statutes, are reenacted to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups.—

(2) The department shall adopt rules establishing standards

for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials, and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of ss. 626.2815, 626.869, 648.385, and 648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869, 648.385, and 648.386 can be determined, the establishment of a continuing education compliance period for licensees, and forms necessary to implement such a process.

Section 22. For the purpose of incorporating the amendment made by this act to section 903.046, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 903.047, Florida Statutes, is reenacted to read:

903.047 Conditions of pretrial release.—

(1) As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, the defendant must:

(c) Comply with all conditions of pretrial release imposed by the court. A court must consider s. 903.046(2) when determining whether to impose nonmonetary conditions in addition to or in lieu of monetary bond. Such nonmonetary conditions may include, but are not limited to, requiring a defendant to:

1. Maintain employment, or, if unemployed, actively seek employment.

2. Maintain or commence an educational program.

3. Abide by specified restrictions on personal associations, place of residence, or travel.

4. Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency.

5. Comply with a specified curfew.

6. Refrain from possessing a firearm, destructive device, or other dangerous weapon.

7. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner.

8. Undergo available medical, psychological, psychiatric, mental health, or substance abuse evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution, if required for that purpose.

9. Return to custody for specified hours following release for employment, school, or other limited purposes.

10. Any other condition that is reasonably necessary to assure the appearance of the defendant at subsequent proceedings and to protect the community against unreasonable danger of harm.

Section 23. For the purpose of incorporating the amendment made by this act to section 903.09, Florida Statutes, in a reference thereto, subsection (2) of section 903.286, Florida Statutes, is reenacted to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, court costs; cash bond forms.—

(2) All cash bond forms used in conjunction with the

requirements of s. 903.09 must prominently display a notice explaining that all funds are subject to forfeiture and withholding by the clerk of the court for the payment of costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds.

Section 24. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

February18, 2026

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair, Passidomo,

I would like to request CS/CS/SB 600 Bail Bonds be placed on your next available Rules Committee agenda.

This good bill modifies numerous statutes relating to bond, bond agents, sureties, and pretrial release.

I appreciate your favorable consideration.

Sincerely,

Senator Keith Truenow
Senate District 13

KT/dd

cc: Shasta Kruse, Staff Director
Cynthia Futch, Administrative Assistant

REPLY TO:
❒ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
❒ 16207 State Road 50, Suite 401, Clermont, Florida 34711
❒ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/24/2026
Meeting Date

RULES
Committee

600
Bill Number or Topic

736450
Amendment Barcode (if applicable)

Name RJ MYERS

Phone 850-933-0883

Address 2900 ALBERCA WAY S
Street

ST PETE FL 33712
City *State* *Zip*

Email RJ@MYERSCONSULTING.GROUP

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
THE RAIL PROJECT

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/24/2026
Meeting Date

Senate Rules
Committee

600
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cary Carisle

Phone 850-434-3977

Address 1745 West Leonard Street
Street

Email ccarlisle@ccsurety.com

Pensacola | Florida | 32501
City | *State* | *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

Florida Bail Agents Association

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 642
INTRODUCER:	Senator Burgess
SUBJECT:	Foreign and Alien Bail Bond Insurers
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	**Favorable**
2.	Parker	Stokes	CJ	**Favorable**
3.	Johnson	Kruse	RC	**Favorable**

I. Summary:

SB 642 requires foreign and alien bail bond insurers doing business in Florida authorized to transact surety business in Florida to report bail bond premiums and other related information to the Office of Insurance Regulation (OIR) in the same manner that is required currently of domestic bail bond insurers. SB 642 requires such foreign and alien bail bond insurers to:

- Report bail bond premiums to the OIR net of any amounts retained by licensed bail bond agents or appointed managing general agents.
- Establish direct written premiums for bail bonds which may not be less than 6.5 percent of the total consideration received by the agent for all bail bonds written by the agent.
- Apply the prescribed reporting requirements to bail bond premiums assumed by foreign, and alien insurers for purposes of filing financial statements with the OIR.
- Maintain records of the total consideration paid by the foreign and alien insurers for bail bonds written by the insurer.
- Disclose the following information in the notes to the financial statements in the annual statements filed with the OIR:
  - Gross premiums written in each state by the agents of the insurer;
  - Premium taxes incurred by the insurer in each state;
  - Total consideration withheld by agents and not reported as an expense by the insurer; and
  - The amount of bail bond premium included in the surety line of the insurer's annual statement as filed with the OIR.

II. Present Situation:

Regulation of Bail Bond Agents

Bail is a guarantee by a third party that a defendant in a criminal case will appear in court at all judicial proceedings.[1] Chapter 903, F.S., sets forth the requirements relating to bail and bail bonds. A bail bond agent posts a bond to secure the defendant's release[2] from custody; the defendant provides money or other collateral[3] to secure the bail bond; and forfeits the premium if the defendant fails to appear in court or comply with other conditions of the bond.[4] A bail bond is a type of surety bond.[5]

Chapter 648, F.S., governs the regulation of bail bond agents and the business of issuing bail bonds, with the chapter being enforced by the Department of Financial Services (DFS).[6] Generally, bail bond agents are appointed by insurers to execute bail bonds.[7] Licensed bail bond agents are required to charge a premium in exchange for granting the surety bond.[8]

Bail bond rates are subject to the requirements of part I of ch. 627, F.S. A bail bond agent may not execute a bail bond without charging a premium, and the premium rate may not exceed or be less than the premium rate as filed and approved by the OIR.[9] Generally, the premium paid or retained by the bail bond agent is split between the bail bond agent, the managing general agent, and the insurer. Bail bond agents retain a large portion of the premium because of the risk retained by the agent and because of the work performed in obtaining collateral and ensuring that the defendant appears in court.[10] If the defendant does not appear in court, the agent is responsible for paying the amount of the bond to the court.

Regulation of Bail Bond Insurance

The Office of Insurance Regulation (OIR)[11] is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates,[12] policy forms, market conduct, claims, solvency, administrative supervision, as provided under the Florida Insurance Code (code).[13]

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[1] Section 903.046, F.S.
[2] Section 903.035, F.S.
[3] Section 648.442, F.S.
[4] Sections 903.26 and 903.27, F.S.
[5] Section 624.606, F.S.
[6] Section 648.30, F.S.
[7] A bail bond agent may either be a limited surety agent who is appointed by a surety insurance company to execute or countersign bail bonds, or a professional bail bond agent who pledges his or her own funds as security for a bail bond. Sections 648.30 and 648.40, F.S.
[8] Section 648.33(2), F.S.
[9] Section 648.33, F.S
[10] Section 624.4094(1), F.S.
[11] The OIR is an office under the Financial Services Commission (commission), which is composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture. The commission is not subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters. Section 20.121(3), F.S.
[12] Pursuant to s. 627.062(1), F.S., rates may not be excessive, inadequate, or unfairly discriminatory.
[13] Section 20.121(3)(a)1., F.S.

For purposes of the code, a domestic insurer is an insurer formed under the laws of Florida.[14] A foreign insurer is one formed under the laws of any state, district, territory, or commonwealth of the United States other than Florida.[15.] An alien insurer is an insurer other than a domestic or foreign insurer.[16]

An insurer must obtain a certificate of authority from the OIR to transact business in Florida.[17] As part of the licensure process, an insurer must meet minimum surplus and capital requirements[18] and other provisions of part III, ch. 624, F.S. Policy forms and rates are subject to approval by the OIR.[19]

General Premium Writing Restrictions

Section 624.4095, F.S., prohibits an insurer's ratio of actual or projected annual written premiums to current or projected surplus as to policyholders from exceeding 10 to 1 for gross written premiums or 4 to 1 for net written premiums. The term, "gross premiums written," means direct premiums written and reinsurance assumed.[20]

Bail Bond Premiums

Prior to 2000, Florida domestic bail bond insurers were required to report premiums on a gross basis, not net of premiums retained by an agent, while some foreign insurers, domiciled in certain states, were authorized by their state regulator to report premiums net of premiums retained by the bail bond agent, which resulted in a Florida domestic insurer reporting higher premiums than other insurers writing the same business, thereby limiting the premium writing capacity of a Florida domestic insurer and placing the domestic insurer at a competitive disadvantage with foreign insurers whose state of domicile allowed for a deduction for premiums.[21]

In 2000, legislation was enacted to address this concern.[22] Section 624.4094, F.S., prescribes the method for calculating direct written premiums for domestic bail bond insurers for purposes of underwriting capacity and financial reporting as prescribed in s. 624.4095, F.S. "Direct written premium," must be reported net of any amounts retained by licensed bail bond agents, and the direct written premiums for domestic bail bond insurers may not be less than 6.5 percent of the total consideration received by the agent for all bail bonds written by the agent.[23]

[14] Section 624.06(1), F.S.
[15] Section 624.06(2), F.S.
[16] Section 624.06(3), F.S.
[17] Section 624.401, F.S.
[18] Section 624.404, F.S.
[19] Part I, ch. 627, F.S.
[20] Section 624.4095(3), F.S.
[21] South Carolina Department of Insurance, Bulletin 2010-11, Bail Bond Premiums Reporting (Oct. 12, 2010), https://doi.sc.gov/DocumentCenter/View/2798/Bulletin-2010-11-Bail-Bond-Premium-Reporting and TX Ins Code ss. 3503.203 and 3503.204. (last visited February 9, 2026).
[22] Ch. 2000-126, Laws of Fla.
[23] Section 624.4094(1), F.S.

General Financial Reporting

The OIR requires insurers to submit financial statements and audits to assist the OIR in monitoring the solvency of insurers. The way financial information is compiled and reported by an insurer is determined by the state in which the insurer is domiciled.[24] Therefore, foreign and alien insurers writing business in Florida compile financial reports in accordance with the law of their state or country of domicile.

An authorized insurer is required to file an annual statement with the OIR on or before March 1 for the preceding calendar year.[25] The filing includes Florida specific information regarding direct premiums written by line of insurance written. Quarterly statements covering the periods ending March 31, June 30, and September 30 must be filed within 45 days after each date. In addition, each authorized insurer is required to submit an audit report on the financial statements on or before June 1 for the preceding year.[26]

The National Association of Insurance Commissioners' (NAIC) Statement of Statutory Accounting Principles (SSAP) No. 53 sets forth property and casualty insurers, including surety premium, reporting obligations. The current reporting requirements of s. 624.4094, F.S., deviate from the accounting guidelines of SSAP No. 53. The guidelines provide that the definition of the term, "net written premiums" means the direct premiums, plus the reinsurance assumed premiums, less the reinsurance ceded premiums.[27] The term, "direct premiums, includes all premiums arising from policies issued by the insurer acting as the primary insurance carrier.[28] These premiums should be adjusted for any return or additional premiums arising from endorsements, cancellations, audits, and retrospective rating plans.[29] Unlike other types of insurers, domestic bail bond insurers file their required financial reports with the OIR, based on premiums collected net of any amounts retained by agents.[30]

Premium Taxes and Related Taxes

Bail bond insurers are subject to insurance premium taxes and related excise taxes under ss. 624.509, 624.5091, and 624.5092, F.S.[31] Each insurer is required annually to pay the Department of Revenue a tax on insurance premiums in an amount equal to 1.75 percent of the direct written premiums for bail bonds, excluding any amounts retained by licensed bail bond agents, and received during the preceding calendar year, pursuant to s. 624.509(1)(c), F.S.

[24] Sections 624.424 and 624.4241, F.S.
[25] Section 624.424, F.S.
[26] Section 624.424(8), F.S.
[27] National Association of Insurance Commissioners, Statutory Issue Paper No. 53, Property Casualty Contracts – Premiums (Mar. 16, 1998), Original SSAP and Current Authoritative Guidance: SSAP No. 53, https://content.naic.org/sites/default/files/inline-files/053-O.pdf (last visited February 9, 2026). Net written premiums are shown in the Underwriting and Investment Exhibit of the annual statement.
[28] *Id.*
[29] *Id.*
[30] Section 624.4094(1), F.S.
[31] Section 624.4094(5), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 624.4094, F.S., to subject alien and foreign bail bond insurers doing business in Florida to the current reporting requirements applicable to domestic bail bond insurers. For purposes of financial reporting to the Office of Insurance Regulation (OIR), the bill requires alien and foreign bail bond insurers doing business in Florida to:

- Report direct written premiums for bail bonds net of any amounts retained by licensed bail bond agents or appointed managing general agents.
- Establish direct written premiums for bail bond insurance which may not be less than 6.5 percent of the total consideration received by the agent for all bail bonds written by the agent;
- Apply the same reporting requirements to premiums assumed by a foreign or alien insurer:
- Keep records of the total consideration paid for bail bonds written; and
- Disclose the following information in the notes to the financial statements in the insurer's annual statement filed with the OIR:
  - Gross bail bond premiums written in each state by the agents of the insurer;
  - Premium taxes incurred by the insurer in each state;
  - Total consideration withheld by agents and not reported as an expense by the insurer; and
  - The total amount of bail bond premium included in the surety line of the annual statement.

Section 2 provides the act 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:

Under current law, only domestic bail bond insurers transacting business in Florida are prohibited from having direct written premiums for bail bonds that are less than 6.5 percent of the total consideration received by the agent for all bail bond insurance written. The bill would apply this requirement and corresponding reporting requirements to foreign and alien bail bond insurers.

However, applying to foreign and alien bail bond insurers the domestic bail bond reporting requirements and the prohibition against having direct written premiums for bail bonds less than 6.5 percent of the total consideration retained by the agent may conflict with the statutory requirements applicable to foreign and alien insurers in their home states or states of domicile.[32]

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

According to the Office of Insurance Regulation, implementation of this bill may encroach on the jurisdiction of other state regulators and may constitute regulatory overreach, as it mandates that both foreign and domestic insurers disclose information that their home states may not require.[33]

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 624.4094 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

[32] Office of Insurance Regulation, 2026 Agency Legislative Bill Analysis of HB 271 (identical to SB 642) (Nov. 24, 2025).
[33] *Id.*

By Senator Burgess

23-01023-26 2026642__

A bill to be entitled

An act relating to foreign and alien bail bond insurers; amending s. 624.4094, F.S.; providing duties of certain foreign and alien bail bond insurers relating to reporting bail bond premiums to the Office of Insurance Regulation, keeping records of considerations paid for bail bonds written by the insurers, and disclosing certain information in the financial statements filed with the office; providing an effective date.

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

Section 1. Section 624.4094, Florida Statutes, is amended to read:

624.4094 Bail bond premiums.—

(1) The Legislature finds that a significant portion of bail bond premiums is retained by the licensed bail bond agents or appointed managing general agents. For purposes of reporting in financial statements required to be filed with the office pursuant to s. 624.424, direct written premiums for bail bonds by a domestic, foreign, or alien insurer doing business in this state must ~~shall~~ be reported net of any amounts retained by licensed bail bond agents or appointed managing general agents. However, in no case may ~~shall~~ the direct written premiums for bail bonds be less than 6.5 percent of the total consideration received by the agent for all bail bonds written by the agent. This subsection also applies to any determination of compliance with s. 624.4095.

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

23-01023-26 2026642__

(2) Premiums assumed by a domestic, foreign, or alien insurer must ~~shall~~ be reported consistent with subsections (1) and (4) for purposes of filing financial statements with the office.

(3) Each domestic, foreign, or alien bail bond insurer shall keep complete and accurate records of the total consideration paid for all bail bonds written by such insurer.

(4) Each domestic, foreign, or alien bail bond insurer shall disclose the following information in the notes to the financial statement in the insurer's annual statement filed with the office.

(a) The gross bail bond premiums written in each state by agents for the company.

(b) The amount of premium taxes incurred by the company in each state.

(c) Total consideration withheld by agents and not reported as an expense by the insurer in financial statements filed with the office.

(d) The amount of bail bond premium included on the surety line of the annual statement filed with the office.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill # 642**, relating to Foreign and Alien Bail Bond Insurers, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

02/24/2026
Meeting Date

Rules
Committee

642
Bill Number or Topic

Amendment Barcode (if applicable)

Name Shawn Foster

Phone 7278084131

Address 215 South Monroe Street
Street

Email foster@scgroup.us

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Bail Agents Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 686
INTRODUCER:	Rules Committee; Judiciary Committee; Community Affairs Committee; and Senator McClain
SUBJECT:	Agricultural Enclaves
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 686 amends s. 163.3162, F.S., which regulates agricultural lands and practices, to replace the existing public hearing process for development within agricultural enclaves with a new process outlined in the bill. Agricultural enclaves are pockets of agricultural land that are mostly surrounded by development.

Under the bill, the owner of an agricultural enclave may apply for a certification confirming that the land is an agricultural enclave, subject to a public hearing and approval process. Upon certification, property owners may submit development plans for single-family residential housing consistent with the land use requirements of adjacent parcels. Local governments may not enact or enforce a law or regulation for an agricultural enclave that is more burdensome than for other types of applications for comparable uses or densities.

The bill revises the definition of "agricultural enclave" to clarify that they may include one or more parcels. It also includes additional criteria for determining whether a property may qualify as an agricultural enclave under state law and limits agricultural enclaves to lands within counties having a population of 1.75 million or less.

The bill's provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

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

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

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

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

The Future Land Use Element

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

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[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S.
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.
[8] Section 163.3177(6)(a)2., F.S.

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

Compatibility

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

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

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations, or any other regulations controlling the development of land.[15]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement its adopted comprehensive plan.[16] Local governments are encouraged to use innovative land development regulations[17] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[18] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[19]

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[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.3194(3), F.S.
[11] Section 163.3164(9), F.S.
[12] Section 163.3177(6)(a)2., F.S.
[13] Section 163.3202(2)(b), F.S.
[14] *See, e.g.,* s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.
[15] Section 163.3164(26), F.S.
[16] Section 163.3202(1), F.S.
[17] Section 163.3202(3), F.S.
[18] Sections 125.01055 and 166.04151, F.S.
[19] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[20] and intensities[21] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[22]

Zoning maps and zoning districts are adopted by local governments for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[23] Common regulations within the zoning map districts include density, building height and bulk, setback, and parking requirements. For example, regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[24] Rezoning applications are initially reviewed by local government staff, then reviewed again by an appointed body that makes recommendations to the governing body of the local government. The governing body makes the final determination.[25] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[26] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Agricultural Enclaves

An agricultural enclave is an unincorporated, undeveloped parcel that:

- Is owned by a single person or entity.
  Has been in continuous use for bona fide agricultural purposes for 5 years prior to the date of any comprehensive plan amendment application.
- Is surrounded on at least 75 percent of its perimeter by:
  - Existing industrial, commercial, or residential development; or

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[20] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. Section 163.3164(12), F.S.

[21] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Section 163.3164(22), F.S.

[22] 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)).

[23] *See* Indian River County, *Planning and Development Services FAQ,* https://indianriver.gov/services/community_development/faq.php#collapse1250b0 (last visited Jan. 29, 2026).

[24] *See, e.g., City of Tallahassee, Application for Rezoning Review* (Aug. 21, 2023), available at https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf.

[25] *See id.*; *see also* Town of Redington Shores, *Planning and Zoning Board,* https://townofredingtonshores.com/boards-committees/ (last visited Jan. 29, 2026).

[26] *See, e.g.,* City of Tallahassee, *Variance,* https://www.talgov.com/growth/gm_permits_lues/Variance_33 (last visited Jan. 29, 2026); Seminole County, *Variance Process & Requirements,* https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements (last visited Jan. 29, 2026).

  - Property designated in the local government's comprehensive plan and land development regulations for future industrial, commercial, or residential development, and at least 75 percent of property is existing industrial, commercial, or residential development.
- Has public services including water, wastewater, transportation, schools, and recreation facilities available, or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure.
- Does not exceed 1,280 acres, or 4,480 acres if the property is surrounded by existing or authorized residential development with a density buildout of at least 1,000 residents per square mile.[27]

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. The amendment is presumed to not be urban sprawl[28] if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel.[29]

The local government and the applicant have 180 days following submittal to negotiate and agree upon the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel. Within 30 days after the local government receives the application, the local government and the owner must agree in writing to a schedule for submitting information, holding public hearings, engaging in negotiations, and taking final action on the amendment. After the local government and the owner agree to the schedule, it may only be altered if they both agree in writing. Regardless of whether the local government and the owner reach consensus on the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel, the amendment must be transmitted to the state land planning agency for review.[30]

These agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area or the Everglades Protection Area.[31]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3162(4), F.S., regulating agricultural lands and practices, to provide a new public hearing process for development within agricultural enclaves.

Under the bill, the owner of an agricultural enclave may apply for certification of the land as an agricultural enclave, subject to a public hearing and approval process. To apply for certification, one or more adjacent parcels or an adjacent development, other than an existing agricultural enclave, must permit the same density as, or higher density than, the proposed development.

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[27] Section 163.3164(4), F.S.
[28] "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. Section 163.3164(54), F.S.
[29] Section 163.3162(4), F.S.
[30] *Id.*
[31] Section 163.3162(4)(d), F.S.

The certification process requires the local government to:

- Issue a written report on whether the parcel in the application qualifies as an agricultural enclave within 30 days after receipt of the application.
- Hold a public hearing to approve or deny certification of the parcel as an agricultural enclave within 30 days after the report is issued.

If the local government does not approve or deny certification of the parcel as an agricultural enclave within 90 days after receipt of the application, the parcel must be certified as an agricultural enclave by default. If the application is denied, the governing body of the local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may then seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the decision is rendered.

Under the bill, if the parcel is certified as an agricultural enclave, property owners may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, of one or more adjacent parcels or adjacent development. A development for which plans are submitted under the bill must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning. If development affects an established wildlife corridor, local governments are encouraged to incorporate site design measures that maintain habitat permeability.

A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. The local government must also treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district.

The bill provides that within 30 business days after the local government's receipt of development plans, the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for submitting, analyzing, and approving the development plans. The approval may be administrative in nature. The local government may not require the owner to agree to a process that is longer than 180 days or includes further review of the plans in a quasi-judicial process or public hearing.

Notwithstanding other provisions in the bill, the owner of a certified agricultural enclave that is adjacent to an interstate highway may develop it for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development.

None of the bill's provisions relating to agricultural enclaves preempt or replace any protection currently existing for any property located within the boundaries of an area of critical state concern,[32] on land encumbered by a recorded conservation easement,[33] or a military installation or range.[34]

[32] As designated in ss. 380.055, 380.0551, 380.0552, 380.0553, or 380.0555, F.S.
[33] Under s. 704.06, F.S.
[34] As identified in s. 163.3175(2), F.S.

Section 2 of the bill revises the definition of "agricultural enclave" in s. 163.3164(4), F.S., to clarify that agricultural enclaves may include one or more parcels. The bill also expands the definition of "agricultural enclave" to include the following additional options.

First, an agricultural enclave may include one or more undeveloped parcels that, as of January 1, 2025, are:

- Surrounded on at least 75 percent of their perimeter by a combination of an interstate highway and one or more parcels that are within an urban service district, area, or line; and
- Designated in the future land use map by the local government as land to be developed for industrial, commercial, or residential purposes, and at least 50 percent of those parcels are existing development.

Second, an agricultural enclave may be comprised of one or more parcels not exceeding 700 acres in size that, as of January 1, 2025, are:

- Surrounded on at least 50 percent of their perimeter by land that the local government has designated on its future land use map for industrial, commercial, or residential purposes; and
- Surrounded on at least 50 percent of their perimeter by one or more parcels within an urban service district, area, or line.

Third, an agricultural enclave may be comprised of one or more parcels that, as of January 1, 2025, are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses.

With respect to required public services within agricultural enclaves, the bill provides that an applicant seeking to develop within an agricultural enclave may, as an alternative to already possessing public services, enter into a binding agreement to pay for, construct, or contribute proportionate share to the required services for the enclave.

Current law limits agricultural enclaves to 1,280 acres, unless the property is surrounded by existing or authorized residential development that will result in a density of 1,000 residents per square mile, in which case the limit is 4,480 acres. The bill reduces this requirement to surrounded on 75 percent of the land's perimeter by such residential development, unless the land is within the affected counties covered by the St. Lucie River Watershed Protection Plan.[35]

The bill limits agricultural enclaves to lands located within counties having a population of 1.75 million or less. It also provides that where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 3 provides that the bill's provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026. However, any amendments to the text enacted by other bills are preserved and continue to operate so long as they do not depend upon any portions of the text that have expired under the bill.

[35] Under s. 373.4595(4)(c), F.S. This may include St. Lucie, Martin, Okeechobee, and Indian River Counties.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.3162 and 163.3164 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/CS by Rules on February 24, 2026:

The committee substitute revises the underlying bill to:

- Revise the bill throughout to reflect that an agricultural enclave may be either a parcel or a set of parcels, and may be applied for by either the landowner or such owner's authorized agent or controlling entity.
- Provide that certification of an agricultural enclave may not be based on the perimeter or another agricultural enclave, to avoid a domino effect.
- Encourage site design measures to maintain features of established wildlife corridors subject to agricultural enclaves, and expands the exception related to the Florida wildlife corridor to encompass any land under conservation easement.
- Reduce the enclave prerequisite for adjacent parcels to be 75 developed to 50 percent.
- Provide that parcel or parcels exceeding 1,280 acres within counties covered by the St. Lucie River Watershed Protection are not agricultural enclaves.

CS/CS by Judiciary on February 10, 2026:

The committee substitute revises the underlying bill to:

- Provide that the owner of a certified agricultural enclave that is adjacent to an interstate highway may develop it for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development.
- Provide that nothing in the subsection regulating the public hearing process for agricultural enclaves preempts or replaces existing protections for properties within an area of critical state concern or the Florida wildlife corridor.

CS by Community Affairs on January 20, 2026:

The committee substitute revises the reversion date from September to June to accurately reflect the statutory language in effect immediately prior to the bill's amendments.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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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. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) PUBLIC HEARING PROCESS.—

(a) Notwithstanding any other law or local ordinance, resolution, or regulation, the owner of a parcel or parcels of land, or such owner's authorized agent or controlling entity,

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may apply to the governing body of the local government for certification of the parcel or parcels as an agricultural enclave as defined in s. 163.3164 if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development. An applicant seeking such certification may not use the perimeter of another parcel certified by the local government as an agricultural enclave to meet the definition of the term "agricultural enclave."

(b) Within 30 days after the local government's receipt of such an application, the local government shall provide to the applicant a written report detailing whether the application complies with the requirements of paragraph (a).

(c) Within 30 days after the local government provides the report required under paragraph (b), the local government shall hold a public hearing to approve or deny certification of the parcel or parcels as an agricultural enclave. If the local government does not approve or deny certification of the parcel or parcels as an agricultural enclave within 90 days after receipt of the application, the parcel or parcels must be certified as an agricultural enclave.

(d) If the application is denied, the governing body of the local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is approved, the owner of the parcel or parcels certified as an agricultural enclave, or the owner's

authorized agent or controlling entity, may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. A development for which plans are submitted under this paragraph must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning. If development within an agricultural enclave affects an established wildlife corridor, the local government is encouraged to incorporate site design measures that maintain habitat permeability, including clustering, open space retention, and wildlife crossing accommodations, where feasible.

(f) A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if such enclave is within the urban service district.

(g) Within 30 business days after the local government's receipt of development plans under paragraph (e), the local government and the owner of the parcel or parcels certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

(h) Notwithstanding paragraph (e), a parcel or parcels certified as an agricultural enclave as defined in s. 163.3164(4)(c)1.c. which are adjacent to an interstate highway may be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights~~.

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the~~

~~parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

(i) ~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the

boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~; or~~

2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. Any area of critical state concern, as designated in s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.

4. Any portion of a property encumbered by a recorded conservation easement as defined in s. 704.06.

5. A military installation or range identified in s. 163.3175(2).

Section 2. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that, as of January 1, 2025:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing industrial, commercial, or residential development; ~~or~~

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be

118996

developed for industrial, commercial, or residential purposes, and at least 50 ~~75~~ percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses;

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; ~~and~~

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded on at least 75 percent of their perimeter by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres; and

(f) Are located within a county with a population of 1.75 million or less. For purposes of this subsection, population is determined in accordance with the most recent official estimate pursuant to s. 186.901.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 3. The amendments made by this act to ss. 163.3162(4) and 163.3164(4), Florida Statutes, shall expire January 1, 2028, and the text of those subsections shall revert to that in existence on June 30, 2026, except that any amendment to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendment is not dependent upon the portions of text which expire pursuant to this section.

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 agricultural enclaves; amending s. 163.3162, F.S.; authorizing certain persons to apply to the governing body of the local government for certification of certain parcels as agricultural enclaves; prohibiting an applicant from using the perimeter of certain parcels for a specified purpose; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the certification of a parcel or parcels as an agricultural enclave under certain circumstances; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing certain persons to submit certain development plans; requiring that certain developments be treated as a conforming use; encouraging a local government to incorporate certain site design measures where feasible for certain development; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel or parcels certified as an agricultural enclave to enter a

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certain written agreement; authorizing the development of certain parcels for commercial, industrial, or single-family residential purposes under certain circumstances; deleting provisions relating to certain amendments to a local government's comprehensive plan; revising construction; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave"; providing for the future expiration and reversion of specified provisions; providing an effective date.

193976

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Harrell) recommended the following:

Senate Amendment to Amendment (118996)

Delete line 192

and insert:

exceed 4,480 acres, unless such parcel or parcels exceeding 1,280 acres are within the affected counties covered by the water protection plan specified in s. 373.4595(4)(c); and

By the Committees on Judiciary; and Community Affairs; and Senator McClain

590-02692-26 2026686c2

A bill to be entitled

An act relating to agricultural enclaves; amending s. 163.3162, F.S.; authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the certification of a parcel as an agricultural enclave under certain circumstances; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; requiring that certain developments be treated as a conforming use; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel certified as an agricultural enclave to enter a certain written agreement; authorizing the development of certain certified agricultural enclaves for commercial, industrial, or single-family residential purposes under certain circumstances; deleting provisions relating to certain amendments to

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

590-02692-26 2026686c2

a local government's comprehensive plan; revising construction; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave"; providing for the future expiration and reversion of specified provisions; providing an effective date.

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

Section 1. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) PUBLIC HEARING PROCESS.—

(a) Notwithstanding any other law or local ordinance, resolution, or regulation, the owner of a parcel of land may apply to the governing body of the local government for certification of the parcel as an agricultural enclave as defined in s. 163.3164 if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development.

(b) Within 30 days after the local government's receipt of such an application, the local government shall provide to the applicant a written report detailing whether the application complies with the requirements of paragraph (a).

(c) Within 30 days after the local government provides the report required under paragraph (b), the local government shall hold a public hearing to approve or deny certification of the parcel as an agricultural enclave. If the local government does not approve or deny certification of the parcel as an agricultural enclave within 90 days after receipt of the

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application, the parcel must be certified as an agricultural enclave.

(d) If the application is denied, the governing body of the local government must issue its decision in writing with detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is approved, the owner of the parcel certified as an agricultural enclave may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. A development for which plans are submitted under this paragraph must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(f) A local government may not enact or enforce a law or regulation for an agricultural enclave which is more burdensome than for other types of applications for comparable uses or densities. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if such enclave is within the urban service district.

(g) Within 30 business days after the local government's receipt of development plans under paragraph (e), the local government and the owner of the parcel certified as an agricultural enclave must agree in writing to a process and schedule for information submittal, analysis, and final approval, which may be administrative in nature, of the

development plans. The local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

(h) Notwithstanding paragraph (e), a certified agricultural enclave as defined in s. 163.3164(4)(c)1.c. which is adjacent to an interstate highway may be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 if it includes land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights~~.

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete application to negotiate in good faith to~~

~~reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), regardless of whether the local government and owner reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel, the amendment must be transmitted to the state land planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

~~(c) If the owner fails to negotiate in good faith, a plan amendment submitted under this subsection is not entitled to the rebuttable presumption under this subsection in the negotiation and amendment process.~~

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

(i)~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~; or~~

2. The Everglades Protection Area, as defined in s. 373.4592(2).

3. Any area of critical state concern, as designated in s. s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.

4. The Florida wildlife corridor, as defined in s. 259.1055(4).

5. A military installation or range identified in s. 163.3175(2).

Section 2. Subsection (4) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(4) "Agricultural enclave" means an unincorporated, undeveloped parcel or parcels that, as of January 1, 2025:

(a) Are ~~Is~~ owned or controlled by a single person or entity;

(b) Have ~~Has~~ been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before ~~prior to~~ the date of any comprehensive plan amendment or development application;

(c)1. Are ~~Is~~ surrounded on at least 75 percent of their ~~its~~ perimeter by:

a.~~1.~~ A parcel or parcels ~~Property~~ that have ~~has~~ existing

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industrial, commercial, or residential development; ~~or~~

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes; and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line; or

3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses;

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable

concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; ~~and~~

(e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel or parcels are ~~property is~~ surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~ be determined to be urban and the parcel or parcels may not exceed 4,480 acres; and

(f) Are located within a county with a population of 1.75 million or less. For purposes of this subsection, population is determined in accordance with the most recent official estimate pursuant to s. 186.901.

Where a right-of-way, body of water, or canal exists along the perimeter of a parcel, the perimeter calculations of the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal.

Section 3. The amendments made by this act to ss. 163.3162(4) and 163.3164(4), Florida Statutes, shall expire January 1, 2028, and the text of those subsections shall revert to that in existence on June 30, 2026, except that any amendment to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendment is not dependent upon the portions of text which expire pursuant to this section.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 13, 2026

I respectfully request that **Senate Bill #686**, relating to Agricultural Enclaves, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

The Florida Senate

APPEARANCE RECORD

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

2.24.2026
Meeting Date

Rules
Committee

SB 686
Bill Number or Topic

193976 - Harrell
Amendment Barcode (if applicable)

Name Mat Forrest

Phone 561.779.7003

Address 201 E. Park Ave.
Street

Email Mat@ballardpartners.com

Tall FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Martin County

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-27-26
Meeting Date

Rules
Committee

SB 686
Bill Number or Topic

Amendment Barcode (if applicable)

Name KARI HEBRANK

Phone 850-566-7827

Address 215 S. Monroe St. #500
Street
Tallahassee FL 32301
City State Zip

Email Khebrank@carltonfields.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: FLORIDA HOME BUILDERS ASSOC.

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

686
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Basford

Phone 352-538-4299

Address 516 N Adams
Street

Email abasford@aif.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of FL

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB686
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone

Address 308 N. Monroe
Street

Email cleonard@1000fof.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
1000 Friends of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-24-26
Meeting Date

Rules
Committee

686
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

Tallahassee FL 32201
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 698
INTRODUCER:	Rules Committee; Environment and Natural Resources Committee; and Senator Martin
SUBJECT:	Onsite Sewage Treatment and Disposal System Permits
DATE:	February 24, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	**Fav/CS**
2.	Tolmich	Fleming	CA	**Favorable**
3.	Carroll	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

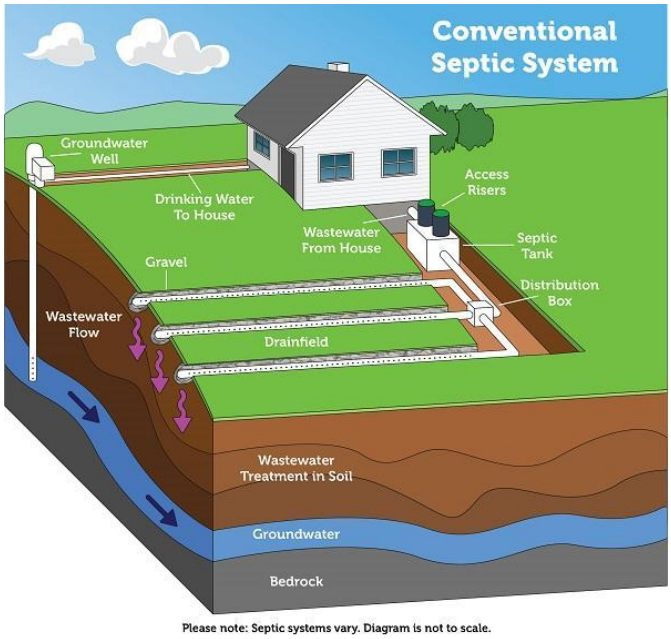
CS/CS/SB 698 provides that if a building or plumbing permit is issued for a single-family residence that requires the use of an onsite sewage treatment and disposal system (septic system), a municipality or political subdivision of the state may not require an owner or builder to obtain a construction permit for the septic system as a condition of issuing the building or plumbing permit.

The bill requires a property owner or applicant for a septic system permit to assume all legal, financial, and safety liabilities arising from the construction of a septic system if the construction commences before the issuance of the septic system permit.

The bill also provides that any new rules relating to the use and installation of a septic system that are adopted by the Florida Department of Environmental Protection will not apply to permit applications submitted within 90 days after the date the rules are adopted.

II. Present Situation:

Onsite Sewage Treatment and Disposal Systems



Onsite sewage treatment and disposal systems (septic systems), commonly referred to as "septic systems," generally consist of two basic parts: the septic tank and the drainfield.[1] Waste from toilets, sinks, washing machines, and showers flows through a pipe into the septic tank, where anaerobic bacteria break the solids into a liquid form. The liquid portion of the wastewater flows into the drainfield, which is generally a series of perforated pipes or panels surrounded by lightweight materials such as gravel or Styrofoam. The drainfield provides a secondary treatment where aerobic bacteria continue deactivating the germs. The drainfield also filters the wastewater as gravity draws the water down through the soil layers.[2] In Florida, the bottom of the drainfield must be at least 24 inches above the water table during the wettest season of the year.[3]

There are an estimated 2.6 million septic systems in Florida, providing wastewater disposal for 30 percent of the state's population.[4] The vast majority of these septic systems are conventional systems.[5]

Conventional septic systems do not reduce nitrogen from raw sewage. In Florida, approximately 30 to 40 percent of the nitrogen levels are reduced in the drainfield of a system that is installed

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[1] Florida Department of Environmental Protection (DEP), *Onsite Sewage Program*, *available at* https://floridadep.gov/water/onsite-sewage (last visited Feb. 2, 2026); U.S. Environmental Protection Agency (EPA), *How Septic Systems Work*, *available at* https://www.epa.gov/septic/how-septic-systems-work (last visited Feb. 2, 2026); EPA, *Types of Septic Systems*, *available at* https://www.epa.gov/septic/types-septic-systems (last visited Feb. 2, 2026) (showing the graphic provided in the analysis).

[2] *Id*.

[3] Fla. Admin. Code R. 62-6.006(2). For system repairs and alterations to add sewage flow, where the existing elevation of the bottom surface of the drainfield is less than 24 inches above the wet season high water table, the bottom of the drainfield must be maintained at the existing separation or a minimum of 12 inches above the wet season high water table, whichever is greater. Where the bottom of the drainfield is less than 12 inches above the wet season high water table, the drainfield must be brought into full compliance with all new system standards. Fla. Admin. Code R. 62-6.001(4)(e)2. and 3. *See also* Fla. Admin. Code R. 62-6.015(6)(a).

[4] DEP, *Onsite Sewage Program*, *available at* https://floridadep.gov/water/onsite-sewage#:~:text=Onsite%20sewage%20treatment%20and%20disposal%20systems%20%28OSTDS%29%2C%20commonly,represents%2012%25%20of%20the%20United%20States%E2%80%99%20septic%20systems (last visited Feb. 2, 2026).

[5] DEP, *Onsite Sewage Research Projects*, *available at* https://floridadep.gov/water/onsite-sewage/content/onsite-sewage-research-projects (last visited Feb. 2, 2026).

24 inches or more from groundwater.[6] This still leaves a significant amount of nitrogen to percolate into the groundwater, which makes nitrogen from septic systems a potential contaminant in groundwater.[7]

Different types of advanced septic systems can remove greater amounts of nitrogen than a typical septic system (often referred to as "advanced" or "nutrient-reducing" septic systems),[8] and may be required in certain areas. For example, enhanced nutrient-reducing septic systems[9] are required for new systems within the Indian River Lagoon[10] and on lots of 1 acre or less within a basin management action plan, reasonable assurance plan, or pollution reduction plan where a sewerage system is not available.[11] There are also special treatment requirements for the Florida Keys.[12] In addition, performance-based treatment systems[13] must meet specific treatment standards.[14]

DEP must inspect septic systems before placing a system into service[15] and approve the final septic system installation before a building or structure may be occupied.[16] If certain alterations[17] are made, system tanks must be pumped and visually inspected.[18] If an existing system was approved within the preceding five years, a new inspection is not required unless there is a record of failure of the system.[19] System repairs must be inspected by DEP or a master septic tank contractor.[20]

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[6] DOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study*, *Final Report 2008-2015*, 21 (Dec. 2015), *available at* https://wakullaspringsalliance.org/wp-content/uploads/2016/11/Fla-OSTDS-N-Reduction-Strategies.DOH2015.pdf (last visited Feb. 2, 2026); *See* Fla. Admin. Code R. 62-6.006(2).
[7] University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (2020), *available at* http://edis.ifas.ufl.edu/pdffiles/SS/SS55000.pdf (last visited Feb. 2, 2026).
[8] DEP, *Nitrogen-Reducing Systems for Areas Affected by the Florida Springs and Aquifer Protection Act* (updated May 2021), *available at* https://floridadep.gov/sites/default/files/Nitrogen_Reducing_Systems_for%20_Springs_Protection_0.pdf (last visited Feb. 2, 2026).
[9] "Enhanced nutrient-reducing septic system" means a septic system approved by DEP as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield. Section 373.469(2)(b), F.S.
[10] *See* section 373.469(3)(d), F.S.
[11] Sections 373.811(2) and 403.067(7)(a)10., F.S.
[12] Section 381.0065(4)(l), F.S.
[13] "Performance-based treatment system" means a specialized septic system designed by a professional engineer with a background in wastewater engineering, licensed in the state of Florida, using appropriate application of sound engineering principles to achieve specified levels of CBOD5 (carbonaceous biochemical oxygen demand after five days), TSS (total suspended solids), TN (total nitrogen), TP (total phosphorus), or fecal coliform found in domestic or commercial sewage waste, to a specific and measurable established performance standard. Fla. Admin. Code R. 62-6.025(7). If a site restricts home construction because of setbacks or authorized sewage flow, a system can be designed by an engineer to meet strict levels of effluent pollutant reductions. The three levels of performance-based treatment systems are secondary treatment, advanced secondary treatment, and advanced wastewater treatment.
[14] *See* Fla. Admin. Code R. 62-6.025(11).
[15] Fla. Admin. Code R. 62-6.003(2).
[16] Section 381.0065(4), F.S.
[17] This includes alterations that change the conditions under which the system was permitted, sewage characteristics, or increase sewage flow. DEP approval is required prior to such alterations. Fla. Admin. Code R. 62-6.001(4), F.S.
[18] Fla. Admin. Code R. 62-6.001(4)(b).
[19] Fla. Admin. Code R. 62-6.001(4)(c).
[20] Fla. Admin. Code R. 62-6.003(3).

Buildings or establishments that use an aerobic treatment unit or generate commercial waste must be inspected by DEP at least annually.[21]

Septic System Permits

State law requires a person to receive a DEP-approved permit to construct, repair, modify, abandon, or operate a septic system.[22] Once received, a permit to construct a septic system is valid for 18 months after it is issued and DEP may provide one 90-day extension. A permit to repair a septic system is valid for 90 days after it is issued.[23]

A construction or repair permit for a septic system may be transferred to another person if all information pertaining to the siting, location, and installation conditions or repair of a septic system remains the same and if the transferee files an amended application providing the updated information and proof of property ownership.[24] The transferee must file the amended application within 60 days of the transfer of ownership.[25]

A property owner who personally performs construction, maintenance, or repairs to a septic system serving their own owner-occupied, single-family residence does not have to be registered as a septic tank contractor,[26] however they will be subject to all permitting requirements.[27]

State law prohibits a municipality or political subdivision of the state from issuing a building or plumbing permit for any building that requires the use of a septic system, unless the owner or builder has received a construction permit for the septic system from DEP.[28]

Septic System Rule Updates

DEP has proposed amendments to the septic system rules[29] to ensure proper regulation of septic systems by addressing statutory changes, improving regulatory efficiency, and simplifying and clarifying the rules.[30] The rule development addresses requirements for permit application processing, septic system installation and location, abandonment, construction materials, standards for tanks, registration of a septic tank or a master septic tank contractor, renewal of registration certificates, disciplinary standards and penalties for registered persons, certification of partnerships and corporations, and fees related to septic system regulations.[31] DEP has

[21] Section 381.0065(4), F.S.
[22] *Id*. DEP may issue septic system permits, except that the issuance of a permit to work seaward of the coastal construction control line is contingent upon receipt of any required coastal construction control line permit from DEP.
[23] *Id*.
[24] *Id*.
[25] *Id*.
[26] *See* chapter 489, part III, F.S., relating to septic tank contracting.
[27] Section 381.0065(4), F.S.
[28] *Id*.
[29] Fla. Admin. Code R. 62-6.
[30] Fla. Admin. Register, *Notice of Development of Rulemaking Ch. 62-6* (Nov. 2025), *available at* https://flrules.org/gateway/ruleno.asp?id=62-6.004&PDate=11/20/2025&Section=1 (last visited Feb. 2, 2026).
[31] *Id*.

published draft rules and forms, as well as the agenda and recording from its December 5, 2025, public rule workshop on its website.[32]

III. Effect of Proposed Changes:

Section 1 amends s. 381.0065, F.S., to create an exception to current law for single-family homes. Specifically, if a building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system (septic system), a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the Florida Department of Environmental Protection (DEP) for the septic system as a condition of issuing the building or plumbing permit. The owner or builder must provide proof to the municipality or political subdivision that an application for the septic system was submitted when applying for a building and plumbing permit.

The bill also provides that if construction of the septic system commences before the issuance of the permit for the septic system, the property owner or the applicant must assume all legal, financial, and safety liabilities arising therefrom.

The bill also makes conforming changes.

Section 2 amends s. 381.0065, F.S., effective July 1, 2026, to provide that any new rules relating to the use and installation of septic systems that are adopted by DEP[33] do not apply to permit applications submitted within 90 days after the date such rules are adopted.

Section 3 amends s. 380.0552, F.S., to make conforming changes to several statutory citations.

Section 4 amends s. 381.00651, F.S., to make a conforming change to one statutory citation.

Section 5 provides that, except as otherwise expressly provided in the bill, the act will take effect upon becoming a law. Section 2 of the bill will take effect 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.

[32] DEP, *Water Resource Management Rules in Development: Onsite Sewage Program*, *available at* https://floridadep.gov/water/water/content/water-resource-management-rules-development#OSP%20-%20OSTDS (last visited Feb. 2, 2026).
[33] This is specific to rules adopted by DEP under section 381.0065, F.S., relating to OSTDSs.

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 381.0065, 380.0552, and 381.00651 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on February 24, 2026:
The committee substitute adds that a property owner or applicant for an onsite sewage treatment and disposal system (septic system) permit must assume all legal, financial, and safety liabilities arising from the construction of a septic system if construction commences before the issuance of the septic system permit.

The committee substitute also reduces the period of time before a new rule on septic systems will apply to septic system permit applications. The underlying bill provides a period of 120 days before the rule applies, which the amendment reduces 90 days. It also makes conforming changes.

CS by Environment and Natural Resources on January 20, 2026:
The committee substitute makes clarifying and technical changes to the bill. The amendment clarifies language regarding the exception for single-family homes by changing "notwithstanding paragraph (a)" to "except as provided in paragraph (a)." Further, the amendment changes "onsite wastewater systems" to "onsite sewage treatment and disposal systems" to conform the term to statutory norms.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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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 (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit

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approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service,

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abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. Except as provided in paragraph (a), a municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) If the building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system, a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the department for such system as a condition of issuing the building or plumbing permit. The owner or builder of the single-family residence must

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provide to a municipality or political subdivision proof that the owner or builder submitted an application for the onsite sewage treatment and disposal system when applying for a building and plumbing permit.

(b) If construction of the onsite sewage treatment and disposal system commences before the issuance of the permit for the onsite sewage treatment and disposal system, the property owner or the applicant must assume all legal, financial, and safety liabilities arising therefrom.

(c) ~~(a)~~ Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(d) ~~(b)~~ Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to

the use of onsite sewage treatment and disposal systems are met.

(e) ~~(c)~~ Notwithstanding paragraphs ~~(a) and~~ (b) and (c), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(f) ~~(d)~~ Paragraphs ~~(a) and~~ (b) and (c) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(g) ~~(e)~~ The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic

wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to former s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the exceedance of a total maximum daily load.

(h) ~~(f)~~ Onsite sewage treatment and disposal systems that are permitted before June 21, 2022, may not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

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8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(i) ~~(g)~~ This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining

the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(j)1.~~(h)1.~~ The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

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b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible.

a. The committee is composed of the following:

(I) The Secretary of Environmental Protection or his or her designee.

(II) A representative from the county health departments.

(III) A representative from the home building industry recommended by the Florida Home Builders Association.

(IV) A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

(V) A representative from the Department of Health.

(VI) A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

(VII) A representative from the engineering profession recommended by the Florida Engineering Society.

b. Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

(k) ~~(i)~~ A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer

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stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate

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the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(l) ~~(j)~~ An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system’s design.

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design,

certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer’s determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department’s determination and of the applicant’s rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based

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treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(m) ~~(k)~~ An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(n) ~~(l)~~ For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil

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conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical oxygen demand (CBOD5) of 10 mg/l.

b. Suspended solids of 10 mg/l.

c. Total nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of

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Florida.

8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.

(o) ~~(m)~~ A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(p) ~~(n)~~ Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(l). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the

evaluation.

(q) ~~(o)~~ An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(r) ~~(p)~~ The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(s) ~~(q)~~ This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(t) ~~(r)~~ In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(u) ~~(s)~~ Notwithstanding subparagraph (i)1. ~~(g)1.~~, onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be

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subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a system lies within a regulatory floodway of the Suwannee and

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Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(v)1.~~(t)1.~~ The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the

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original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(w) ~~(u)~~ The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(x) ~~(v)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as

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592 defined in s. 9, Art. VIII of the State Constitution of 1885.
593 (y) ~~(w)~~ A governmental entity, including a municipality,
594 county, or statutorily created commission, may not require an
595 engineer-designed performance-based treatment system, excluding
596 a passive engineer-designed performance-based treatment system,
597 before the completion of the Florida Onsite Sewage Nitrogen
598 Reduction Strategies Project. This paragraph does not apply to a
599 governmental entity, including a municipality, county, or
600 statutorily created commission, which adopted a local law,
601 ordinance, or regulation on or before January 31, 2012.
602 Notwithstanding this paragraph, an engineer-designed
603 performance-based treatment system may be used to meet the
604 requirements of the variance review and advisory committee
605 recommendations.
606 (z)1. ~~(x)1.~~ An onsite sewage treatment and disposal system
607 is not considered abandoned if the system is disconnected from a
608 structure that was made unusable or destroyed following a
609 disaster and if the system was properly functioning at the time
610 of disconnection and was not adversely affected by the disaster.
611 The onsite sewage treatment and disposal system may be
612 reconnected to a rebuilt structure if:
613 a. The reconnection of the system is to the same type of
614 structure which contains the same number of bedrooms or fewer,
615 if the square footage of the structure is less than or equal to
616 110 percent of the original square footage of the structure that
617 existed before the disaster;
618 b. The system is not a sanitary nuisance; and
619 c. The system has not been altered without prior
620 authorization.

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2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(aa) ~~(y)~~ If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(bb) ~~(z)~~ An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of

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the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

Section 2. Effective July 1, 2026, subsection (10) is added to section 381.0065, Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(10) ADOPTION OF NEW RULES.—Any new rule for the use and installation of onsite sewage treatment and disposal systems adopted by the department under this section does not apply to permit applications submitted within 90 days after the date such rule is adopted.

Section 3. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(n) and 403.086(11) ~~ss.~~

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~~381.0065(4)(l) and 403.086(11)~~, as applicable.

(4) REMOVAL OF DESIGNATION.—

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s. 403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(n) ~~s. 381.0065(4)(l)~~;

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which

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is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(n) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

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1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(n) ~~s. 381.0065(4)(l)~~ for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24.5 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 4. Paragraph (c) of subsection (6) of section 381.00651, Florida Statutes, is amended to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—

(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as follows:

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(c) *Repair of systems.*—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term "system failure" means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.0065(4)(i) ~~s. 381.0065(4)(g)~~. An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation measure to resolve the failure of a conventional system.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

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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 onsite sewage treatment and disposal system permits; amending s. 381.0065, F.S.; prohibiting a municipality or political subdivision of the state from requiring owners and builders of certain residences to receive construction permits from the Department of Environmental Protection as a condition of issuing building or plumbing permits; requiring such owners and builders to provide certain proof to the municipality or political subdivision; requiring an applicant for a permit for the construction of an onsite sewage treatment and disposal system or a property owner to assume specified liabilities under certain circumstances; providing applicability for new rules adopted by the department beginning on a specified date; amending ss. 380.0552 and 381.00651, F.S.; conforming cross-references; providing effective dates.

By the Committee on Environment and Natural Resources; and
Senator Martin

592-02038-26 2026698c1

A bill to be entitled

An act relating to onsite sewage treatment and disposal system permits; amending s. 381.0065, F.S.; prohibiting a municipality or political subdivision of the state from requiring owners and builders of certain residences to receive construction permits from the Department of Environmental Protection as a condition of issuing building or plumbing permits; requiring such owners and builders to provide certain proof to the municipality or political subdivision; providing applicability for new rules adopted by the department beginning on a specified date; amending ss. 380.0552 and 381.00651, F.S.; conforming cross-references; providing effective dates.

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

Section 1. Subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the

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department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from

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registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. Except as provided in paragraph (a), a municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) If the building or plumbing permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system, a municipality or political subdivision of the state may not require the owner or builder to receive a construction permit from the department for such system as a condition of issuing the building or plumbing permit. The owner or builder of the single-family residence must provide to a municipality or political subdivision proof that the owner or builder submitted an application for the onsite sewage treatment and disposal system when applying for a building and plumbing permit.

(b) ~~(a)~~ Subdivisions and lots in which each lot has a

minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(c) ~~(b)~~ Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(d) ~~(c)~~ Notwithstanding paragraphs ~~(a) and~~ (b) and (c), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this

paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(e)~~(d)~~ Paragraphs ~~(a) and~~ (b) and (c) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(f)~~(e)~~ The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to former s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the

exceedance of a total maximum daily load.

(g)~~(f)~~ Onsite sewage treatment and disposal systems that are permitted before June 21, 2022, may not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

(h)~~(g)~~ This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for

lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(i)1.~~(h)1.~~ The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory,

special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible.

a. The committee is composed of the following:

(I) The Secretary of Environmental Protection or his or her designee.

(II) A representative from the county health departments.

(III) A representative from the home building industry recommended by the Florida Home Builders Association.

(IV) A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

(V) A representative from the Department of Health.

(VI) A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

(VII) A representative from the engineering profession recommended by the Florida Engineering Society.

b. Members shall be appointed for a term of 3 years, with

such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.

(j) ~~(i)~~ A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the proposed use of the

system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(k) ~~(j)~~ An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the

system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system

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

operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(l) ~~(k)~~ An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(m) ~~(l)~~ For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection,

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

transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical oxygen demand (CBOD5) of 10 mg/l.

b. Suspended solids of 10 mg/l.

c. Total nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central

sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.

(n) ~~(m)~~ A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent

the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(o) ~~(n)~~ Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(l). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(p) ~~(o)~~ An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(q) ~~(p)~~ The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(r) ~~(q)~~ This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(s) ~~(r)~~ In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(t) ~~(s)~~ Notwithstanding subparagraph (h)1. ~~(g)1.~~, onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(u)1.~~(t)1.~~ The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report

quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may

include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(v) ~~(u)~~ The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(w) ~~(v)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

(x) ~~(w)~~ A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012.

Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

(y)1. ~~(x)1.~~ An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(z) ~~(y)~~ If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction

approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(aa)~~(z)~~ An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

Section 2. Effective July 1, 2026, subsection (10) is added to section 381.0065, Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems;

regulation.—

(10) ADOPTION OF NEW RULES.—Any new rule for the use and installation of onsite sewage treatment and disposal systems adopted by the department under this section does not apply to permit applications submitted within 120 days after the date such rule is adopted.

Section 3. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable.

(4) REMOVAL OF DESIGNATION.—

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s. 403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~;

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by

requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(m) and 403.086(11) ~~ss. 381.0065(4)(l) and 403.086(11)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(m) ~~s. 381.0065(4)(l)~~ for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a

hurricane evacuation clearance time for permanent residents of no more than 24.5 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 4. Paragraph (c) of subsection (6) of section 381.00651, Florida Statutes, is amended to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—

(6) The requirements for an onsite sewage treatment and disposal system evaluation and assessment program are as follows:

(c) *Repair of systems.*—The local ordinance may not require a repair, modification, or replacement of a system as a result of an evaluation unless the evaluation identifies a system failure. For purposes of this subsection, the term "system failure" means a condition existing within an onsite sewage treatment and disposal system which results in the discharge of untreated or partially treated wastewater onto the ground surface or into surface water or that results in the failure of building plumbing to discharge properly and presents a sanitary nuisance. A system is not in failure if the system does not have

a minimum separation distance between the drainfield and the wettest season water table or if an obstruction in a sanitary line or an effluent screen or filter prevents effluent from flowing into a drainfield. If a system failure is identified and several allowable remedial measures are available to resolve the failure, the system owner may choose the least costly allowable remedial measure to fix the system. There may be instances in which a pump-out is sufficient to resolve a system failure. Allowable remedial measures to resolve a system failure are limited to what is necessary to resolve the failure and must meet, to the maximum extent practicable, the requirements of the repair code in effect when the repair is made, subject to the exceptions specified in s. 381.0065(4)(h) ~~s. 381.0065(4)(g)~~. An engineer-designed performance-based treatment system to reduce nutrients may not be required as an alternative remediation measure to resolve the failure of a conventional system.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/24/26
Meeting Date

Rules
Committee

698
Bill Number or Topic

575830
Amendment Barcode (if applicable)

Name Brendan Burke

Phone 7275122469

Address
Street

Email bburke@fhba.com

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Home Builders Assc.

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/24/26
Meeting Date

Rules
Committee

698
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 758
INTRODUCER:	Criminal Justice Committee; Judiciary Committee; and Senator Bradley
SUBJECT:	Justice Administrative Commission
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Vaughan	Stokes	CJ	**Fav/CS**
3.	Bond	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 758 changes the membership of the Justice Administrative Commission to add a private criminal defense attorney who has contracted with the commission under s. 27.40, F.S., within the past five years and is appointed by the Florida Bar, a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court, and an additional seat for a state attorney.

The Justice Administrative Commission is an administrative support organization that provides financial and administrative assistance to the offices of the state attorneys, public defenders, capital collateral attorneys, criminal conflict and civil regional counsel, Statewide Guardian ad Litem, and private contractors that provide due process services to indigent persons. There are currently four voting members of the commission – two state attorneys and two public defenders.

The bill does not appear to have a fiscal impact on local governments and minimal to no fiscal impact on state government.

The bill is effective July 1, 2026.

II. Present Situation:

Justice Administrative Commission

The office of the Justice Administrative Commission (JAC) is a budgeting and administrative office supporting various court-related entities and programs. The primary function of the commission is to maintain a central state office for administrative services and assistance for the state attorneys and public defenders of Florida, the capital collateral regional counsel of Florida, the criminal conflict and civil regional counsel, and the Statewide Guardian ad Litem Office.[1] Services provided to these state entities are primarily in the areas of accounting, budget, financial services, and human resources. These state entities concentrate on their core missions and rely on the administrative services that are best provided by the JAC. The JAC also provides compliance and financial review of related billings for services provided by private court-appointed attorneys representing indigent persons and associated due process vendors (such as court reporters, investigators, psychologists, psychiatrists, and other vendors).[2] Most reimbursement rates are set within the state budget, and thus, are not controlled by the JAC. The JAC also has ministerial duties related to the budgets of the clerks of court. In the current budget year, the JAC has 93 authorized positions.

Top level executive leadership of the JAC, from 1985 to present, is in the form of a commission of four voting members: two are state attorneys appointed by the president of the Florida Prosecuting Attorneys Association, and the other two are public defenders appointed by the president of the Florida Public Defender Association.[3] This composition was created in 1985. The initial commission consisted of 6 voting members: the Chief Justice (or his appointee), one judge from the district courts of appeal, one circuit judge, one county judge, one state attorney, and one public defender.[4] Prior to the 1985 change removing the justices and judges from the commission, the commission was also responsible for the accounting and human resources duties of the entire judicial branch (justices, judges, and staff).[5]

The four current commissioners serve staggered 2-year terms.

Circuit Judges, State Attorneys, and Public Defenders

The state is divided into twenty judicial circuits.[6] A judicial circuit consists of one or more counties. The electorate in each circuit elects circuit judges to 6-year staggered terms. The circuit judges of each circuit elect one of their own as chief judge of the circuit. A state attorney and a public defender are elected in each circuit to a 4-year term of office corresponding with the Governor's term.[7]

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[2] Justice Administrative Commission, https://www.justiceadmin.org/ (last visited February 9, 2026).
[3] Section 43.16(2), F.S.
[4] Chapter 85-46, Laws of Fla.
[5] Those administrative functions were transferred to the Office of the State Courts Administrator.
[6] Section 26.021, F.S.
[7] FLA. CONST. art. V ss. 17-18, Fla. Const.; *See* Florida Department of State, Division of Elections, Offices Up for Election and Retention in 2026, https://dos.fl.gov/elections/candidates-committees/offices-up-for-election/ (last visited February 9, 2026).

The Conference of Circuit Judges of Florida was recognized in 1959.[8] The conference consists of the active and retired circuit judges of the several judicial circuits of the state, excluding retired judges practicing law. The 20 state attorneys collectively are the governing board of the Florida Prosecuting Attorneys Association, Inc.[9] The 20 public defenders collectively are the governing board of the informal Florida Public Defender Association.[10]

Capital Collateral Attorneys

Florida has three offices of Capital Collateral Regional Counsel which represent persons convicted and sentenced to death in collateral postconviction proceedings in their geographical jurisdictions. Their three offices are in Florida's Northern, Middle, and Southern federal judicial circuits.

Criminal and Civil Regional Counsel

Federal constitutional law requires that the state furnish certain indigent persons with legal representation at state expense. Most of this requirement is fulfilled by the offices of the public defenders representing criminal defendants. If a public defender has a conflict of interest or if the individual needs representation in a qualifying civil matter,[11] the individual is referred to the Office of Criminal Conflict and Civil Regional Counsel for representation. If the regional counsel has a conflict or cannot otherwise assist, private attorneys are appointed. The JAC provides administrative services to the regional counsels and manages the contracts and payment of private due process services required if the regional counsel cannot represent the individual.

Statewide Guardian ad Litem

The office of the Statewide Guardian ad Litem was created to provide representation to children who are a part of a civil case alleging abuse or neglect. The office was originally formed within the Office of the State Courts Administrator, but when made independent of the court system their administrative functions were assumed by the JAC.[12]

Private contractors that provide due process services to indigent persons

If a Capital Collateral Regional Counsel has a conflict of interest prohibiting representation of a person, a court may appoint private counsel from the Capital Collateral Attorney Registry. Similarly, if neither the public defender and the regional counsel cannot provide representation, the trial court will appoint a private attorney. Appointed private attorneys must be paid, and they

[8] Chapter 59-273, Laws of Fla.
[9] Florida Prosecuting Attorneys Association, About Florida Prosecuting Attorneys Association, https://yourfpaa.org/about-us/ (last visited February 9, 2026).
[10] Florida Public Defender Association, Inc., FPDA Board of Directors, https://ww Conflictw.flpda.org/board-of-directors (last visited February 9, 2026). The association is not formed by statute, nor does it appear to be currently registered with the state as a nonprofit corporation.
[11] Only civil matters where a fundamental right is at stake entitle a person to representation. For instance, a person who may be involuntarily confined to an institution may have an attorney appointed if indigent. On the other hand, one does not have a fundamental right to stop paying bills, so defendants in a foreclosure or bill collection case do not have a constitutional right to appointment of counsel at state expense.
[12] Section 39.8296, F.S.

require the services of various due process vendors, including court reporters, investigators, psychologists, psychiatrists, and other professionals that provide services to indigent persons which are required by the constitutional requirements of due process. The JAC pays appointed attorneys and administers contract services for due process providers provided at state expense, most of whom already have a contract with the JAC to provide those same services to the state attorneys and public defenders.[13]

The Florida Bar

The Supreme Court of Florida has exclusive and ultimate authority to regulate the admission of persons to the practice of law and the discipline of those persons who are admitted to practice.[14] The regulation and discipline of attorneys is delegated by the Court to The Florida Bar.

The Florida Bar was originally a voluntary association of lawyers. Effective in 1950, the Supreme Court required all lawyers to become a member of The Florida Bar. Members of the Bar annually elect a president. In addition to the regulatory function of the Bar, it has numerous committees that, among other duties and functions, provide education and certification of lawyers as a specialist in one area of law practice. There are currently 391 attorneys certified in Criminal Trial Law.[15] Both prosecuting attorneys and defense attorneys may obtain certification. It is unknown how many of the attorneys currently holding the certification are acting as a criminal defense attorney.

III. Effect of Proposed Changes:

CS/CS/SB 758 changes the membership of the Justice Administrative Commission to add a private criminal defense attorney who has contracted with the commission under s. 27.40, F.S., within the past five years and is appointed by the Florida Bar, a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court, and an additional seat for a state attorney.

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.

[13] Section 27.40, F.S.
[14] FLA. CONST. art. V, s. 15.
[15] See The Florida Bar, Criminal Trial Law Certified Lawyers, https://www.floridabar.org/about/cert/cert-cr-mbrs/ (last visited February 9, 2026).

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:

Increasing the voting membership of the commission from four members to seven could increase administrative and travel expenses. However, the commission meetings in 2025 were short and all commissioners appeared using Internet conferencing.

VI. Technical Deficiencies:

The terms of the commissioners resulting from this bill are not ideal. In its current form the bill appears to have 5 members whose terms end during even numbered years and 2 members whose terms end in odd numbered years.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 43.16 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 Criminal Justice on February 11, 2026:
The amendment modifies the membership requirements for the Justice Administrative Commission by replacing the board-certified criminal defense attorney position with a private criminal defense attorney who has contracted with the commission under s. 27.40 , F.S., within the past five years, and changing the judicial representative from a chief circuit judge appointed by the Conference of Circuit Judges to a circuit judge or senior judge appointed by the Chief Justice of the Supreme Court.

CS by Judiciary on January 20, 2026:
The amendment adds a state attorney seat to the revised Justice Administration Commission. If adopted, the effect of the bill is to change the commission from four members (two state attorneys and two public defenders) to a commission of seven members (three state attorneys, two public defenders, one private attorney who practices criminal defense, and one circuit judge).

B. Amendments:

None.

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

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

591-02781-26 2026758c2

A bill to be entitled

An act relating to the Justice Administrative Commission; amending s. 43.16, F.S.; revising the membership of the Justice Administrative Commission; providing an effective date.

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

Section 1. Subsection (2) of section 43.16, Florida Statutes, is amended to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(2) Members of the Justice Administrative Commission shall serve for a period of 2 years, with the terms of each dating from July 1, 1985, except that initially, one state attorney member and one public defender member shall each serve a 1-year term. Members shall be selected in the following manner:

(a) Three ~~Two~~ state attorneys, to be appointed by the president of the Florida Prosecuting Attorneys Association.

(b) Two public defenders, to be appointed by the president of the Florida Public Defender Association.

(c) One criminal defense attorney who is not employed by the government and who has contracted with the commission to provide services pursuant to s. 27.40 within the 5 years preceding his or her appointment, to be appointed by the president of The Florida Bar Board of Governors.

(d) One circuit judge, or senior judge serving on a circuit court, to be appointed by the Chief Justice of the Supreme Court.

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

591-02781-26 2026758c2

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

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

SENATOR JENNIFER BRADLEY
6th District

February 12, 2026

Senator Kathleen Passidomo, Chair
Committee on Rules
402 Senate Building
404 South Monroe Street
Tallahassee, FL 32299-1100

Dear Chair Passidomo:

I respectfully request that CS/CS/SB 758 be placed on the agenda of the Committee on Rules at your earliest convenience. The bill changes the membership of the Justice Administrative Commission (JAC).

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

Sincerely,

Jennifer Bradley

cc: Shasta W. Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

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

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

RULES
Committee

758
Bill Number or Topic

Amendment Barcode (if applicable)

Name AARON WAYT FL ASSN OF CRIMINAL DEF LAWYERS Phone (407) 435-3194

Address _____ Email AARON@DONPUMPHREY.COM
Street

TLH FL
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 772
INTRODUCER:	Banking and Insurance Committee and Senator Burgess
SUBJECT:	Limited Licenses for Portable Electronics or Eyewear Insurance
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Moody	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 772 expands the scope of limited insurance agent licenses issued to qualified applicants for the limited line of portable electronics to include eyewear insurance. The bill includes limited licenses as agents for eyewear to the list of those exempt from examination requirements and knowledge, experience, or instruction requirements. The bill also extends claims processing exemptions specifically for portable electronic device insurance claims to eyewear insurance claims.

The bill defines the term "eyewear" to include smart glasses and nonelectronic glasses, and the term "nonelectronic eyewear" is defined to include prescription and nonprescription glasses and sunglasses. The bill amends the definition of "portable electronics" to modernize the definition to include newer technologies. The bill removes the obsolete definition of the term "portable electronics transaction."

The bill does not impact state revenues or expenditures. The bill may reduce out of pocket costs to consumers. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2026.

II. Present Situation:

Limited Lines Insurance

The Department of Financial Services (DFS) must issue to a qualified applicant a license to transact certain limited class of business, for instance, travel insurance, motor vehicle rental insurance, and portable electronics insurance.[1] "Portable electronics" is defined as personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices, including cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories, and service related to the use of such devices.[2]

Portable Electronics Insurance

A limited license for portable electronics insurance may include property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics.[3] The license may only be issued to employees or an authorized representative of a licensed general lines agent, or a lead business location of a retail vendor that sells portable electronic insurance which must have a contractual relationship with a general lines agent.[4] Such employees and authorized representatives may sell or offer for sale portable electronics coverage without being an insurance agent if certain criteria are met, including:

- The insurance is sold or offered for sale at a licensed location or a licensee's branch location[5] appointed by the licensed lead business location or its appointing insurers.
- The insurer issuing the insurance directly supervises or appoints a general lines agent to supervise the sale of the insurance.
- Brochures with specified information are made available to all prospective consumers.[6]

Brochures and other written materials related to portable electronic insurance must include certain information, for instance, that enrollment in the insurance is not required to purchase portable electronics, the material terms of the insurance, and a summary of the claims process.[7] Individuals not licensed to sell portable electronics insurance are subject to certain compensation restrictions.[8]

A licensed and general lines agent is not required to obtain a portable electronics insurance license to sell such products at locations already licensed as an insurance agency but may apply for a license for branch locations not licensed to sell insurance.[9] A portable electronics license

[1] Section 626.321(1), F.S.
[2] Section 626.321(1)(h)12.b., F.S.
[3] Section 626.321(1)(h), F.S.
[4] Section 626.321(1)(h)1., F.S.
[5] Section 626.321(1)(h)12.a., F.S., defines "branch location" as any physical location in this state at which a licensee offers its products or services for sale.
[6] Section 626.321(1)(h)2., F.S.
[7] Section 626.321(1)(h)4., F.S.
[8] Section 626.321(1)(h)3., F.S.
[9] Section 626.321(1)(h)5., F.S.

authorizes the sale of individual policies or certificates under a group or master insurance policy, or service warranty agreements covering only portable electronics to the same extent as if licensed under s. 634.419, F.S., or s. 634.420, F.S.[10] A licensee may collect the premium for the purchase of portable electronics insurance if certain conditions are met, including:

- The licensee clearly and conspicuously discloses when insurance is included with the purchase or lease of portable electronics or related services.
- Premiums are incidental to other fees collected, are readily identifiable, and are remitted to the insurer or supervising entity within 60 days of receipt.
- Funds received for the sale of the insurance are held in trust by the licensee in a fiduciary capacity for the benefit of the insurer.[11]

The terms for the termination or modification of a portable electronics insurance policy are those provided in the policy.[12] Unless expressly provided otherwise, a person applying for or holding a limited license is subject to the same applicable requirements and responsibilities that apply to general lines agents in general if licensed as to portable electronics insurance.[13]

Qualification Exemptions

An applicant for a limited license as agent for portable electronics insurance is exempt from taking and passing a written examination to qualify for such license.[14] Generally, an applicant for a license as a general lines agent must meet certain requirements as to knowledge, experience, or instruction, such as teaching or successfully completing 200 hours of course work in a specified topic within four years immediately preceding the application date.[15] However, such knowledge, experience, and instruction requirements do not apply to individuals holding only limited licenses, including a limited license for portable electronics insurance.[16] Portable electronic insurance limited agent licensees are also exempt from fingerprinting requirements.[17]

Claims Processing Exemptions

Generally, individuals need a license to handle insurance claims. However, individuals processing portable electronics insurance claims do not need an individual license if they only collect or enter claims information, work for a licensed insurance business, or are supervised by a licensed insurance adjuster[18]or agent. No more than 25 unlicensed individuals can be

[10] Section 626.321(1)(h)6., F.S.
[11] Section 626.321(1)(h)7., F.S.
[12] Section 626.321(1)(h)8., F.S.
[13] Section 626.321(4), F.S.
[14] Section 626.221(2), F.S.
[15] Section 626.732(1)(a), F.S.
[16] Section 626.732(7), F.S.
[17] *Id*.
[18] Section 626.015(2), F.S., defines "adjuster" as a public adjuster defined in s. 626.854, F.S., or an all-lines adjuster as defined in s. 626.8548, F.S. Section 626.854(1), F.S., defines "public adjuster" as any person, except a duly licensed attorney at law as exempted under s. 626.860, F.S., who, for money, commission, or any other thing of value, directly or indirectly prepares, completes, or files an insurance claim for an insured or third-party claimant, regardless of how that person describes or presents his or her services, or who, for money, commission, or any other thing of value, acts on behalf of, or aids an insured or third-party claimant in negotiating for or effecting the settlement of a claim or claims for loss or damage covered by an insurance contract, regardless of how that person describes or presents his or her services, or who advertises for employment as an adjuster of such claims. The term also includes any person who, for money, commission, or any other thing of value, directly or indirectly solicits, investigates, or adjusts such claims on behalf of a public adjuster, an insured, or

supervised by any one licensed adjuster or agent.[19] A Canadian resident cannot obtain a Florida nonresident adjuster license to handle portable electronics claims unless they have already obtained an adjuster's license in another U.S. state.[20]

Unlicensed individuals can use an automated claims adjudication system[21] for portable electronic claims, given that system is only used by licensed or supervised individuals, compliant with all Florida insurance code claim payment requirements, and certified as compliant by a licensed adjuster who is an officer of the business entity.[22]

Eyewear Insurance vs. Current Insurance Market Options

There is currently no statutory or regulatory framework establishing "eyewear insurance" as a licensed insurance product in Florida.[23] Products marketed as such are limited warranties or protection plans provided by the retailer or manufacturer to cover defects or accidental damage under contract terms.[24] As such, products do not have the regulatory status, obligations, or consumer protections of true insurance products.

Vision insurance is designed to cover routine eye care exams and corrective eyewear.[25] While coverage can vary by plan, most plans include coverage for routine eye exams, allowances for eyeglass frames, prescription lenses, and contact lenses every one or two years.[26] Vision insurance typically excludes coverage for non-prescription eyewear, such as sunglasses, cosmetic procedures, medical treatments for eye disease, and specialty lenses.[27]

Smart Glasses

"Smart glasses" are a pair of glasses that contain computer technology so that, for example, they can be used in a similar way to a smartphone, or you can get information added to what you are

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a third-party claimant. The term does not include a person who photographs or inventories damaged personal property or business personal property or a person performing duties under another professional license, if such person does not otherwise solicit, adjust, investigate, or negotiate for or attempt to effect the settlement of a claim. Section 626.8548, F.S., defines "all-lines adjuster" as a person who, for money, commission, or any other thing of value, directly or indirectly undertakes on behalf of a public adjuster or an insurer to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss or damage. The term also includes any person who, for money, commission, or any other thing of value, directly or indirectly solicits claims on behalf of a public adjuster, but does not include a paid spokesperson used as part of a written or an electronic advertisement or a person who photographs or inventories damaged personal property or business personal property if such person does not otherwise adjust, investigate, or negotiate for or attempt to effect the settlement of a claim.

[19] Section 626.8685(1), F.S.

[20] Section 626.8685(2), F.S.

[21] Section 626.8685(1), F.S., defines "automated claims adjudication system" as a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims to fully, electronically resolve claims.

[22] Section 626.8685(1), F.S.

[23] *See* ch. 626, F.S.

[24] *See* ch. 501, F.S.

[25] Associates in Eye Care, *Medical versus Vision Insurance Explained*, https://associateseyecare.com/wp-content/uploads/Medical-vs-Vision-exam.pdf (last visited February 3, 2026).

[26] *Id.*

[27] VSP Individual Vision Plans, *What Is Covered by Vision Insurance* (Sept. 23, 2024) https://www.vspdirect.com/blog/article/what-is-covered-by-vision-insurance, (last visited February 3, 2026).

seeing as you look through them.[28] Smart glasses have evolved to include several key features and other optional functions, such as display and augmented reality functions, hand-free communication and connectivity, camera and content creation, voice assistant and artificial intelligence (AI) integration, music and audio streaming, health and fitness tracking, productivity and work functions.[29] Some smart glasses are prescription eligible and can be customized with prescription lenses.[30]

III. Effect of Proposed Changes:

CS/SB 772 expands the Department of Financial Services (DFS) authority to issue limited licenses to sell portable electronics insurance to include eyewear insurance. The bill updates provisions relating to an applicant's exemptions for a written examination and knowledge, experience, or instruction requirements for limited agent licenses for eyewear insurance. The claims processing exemption for portable electronics insurance is expanded to apply to eyewear insurance claims.

Section 1 amends s. 626.321, F.S., to require the DFS to issue limited licenses for portable electronics insurance to include eyewear insurance if certain conditions are met. The bill specifies that a license for portable electronics and eyewear insurance does not require a licensee to sell or offer for sale coverage for both products but only one limited license is required to sell insurance coverage for either product. The bill updates the following current regulatory provisions related to portable electronics insurance limited licenses to include eyewear insurance, including:

- The type of insurance coverage that may be issued.[31]
- The persons who may be issued a license for such coverage.[32]
- Conditions that must be met to be eligible to sell or offer for sale portable electronics or eyewear insurance without being subject to licensure as an insurance agent.[33]
- Compensation restrictions.
- Restrictions on content in brochures or other written materials.[34]
- Applicability of the limited licensing to general lines agents.[35]
- Types of policies a portable electronics and eyewear license may issue, including group or master insurance policies, or service warranty agreements.[36]
- Conditions regarding a licensee's billing and collecting premiums.[37]
- Terms for termination or modification of coverage in the policy.[38]

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[28] Cambridge Dictionary, *Smart Glasses*, https://dictionary.cambridge.org/us/dictionary/english/smart-glasses (last visited February 3, 2026).
[29] Chaoyuan2004@gmail.com, Banna Tech, *What Do Smart Glasses Do? Complete Functions List 2025* (Nov. 15, 2025), https://banna-tech.com/what-smart-glasses-do-complete-list/ (last visited February 3, 2026).
[30] *Id.*; GlassesUSA.com, *Smart Glasses*, Shop Smart Glasses Online | Free Shipping on All Orders (last visited February 3, 2026).
[31] Section 626.321(1)(h), F.S.
[32] Section 626.321(1)(h)1., F.S.
[33] Section 626.321(1)(h)2., F.S.
[34] Section 626.321(1)(h)4., F.S.
[35] Section 626.321(1)(h)5., F.S.
[36] Section 626.321(1)(h)6., F.S.
[37] Section 626.321(1)(h)7., F.S.
[38] Section 626.321(1)(h)8., F.S.

- Branch locations authority to obtain a single appointment from the associated lead business location licensee instead of obtaining an appointment from an insurer or warranty association.

The bill subjects a person applying for or holding a limited license for portable electronics and eyewear insurance to the same applicable requirements and responsibilities that apply to a general lines agents unless expressly provided otherwise.

The term "eyewear" is defined to mean smart glasses and nonelectronic eyewear. The bill provides the term "nonelectronic eyewear" includes prescription and nonprescription eyeglasses and sunglasses. The bill removes the definition of the term "portable electronics transaction"[39] because the term is no longer referred to in the statute section. The definition of "portable electronics" is amended to mean equipment that is personal, self-contained, easily carried, by an individual; has electrical, digital, magnetic, wireless, electromagnetic, or similar capabilities; and operates using batteries, rechargeable power sources, or other energy sources. The term includes equipment used for communication; data processing; viewing; listening; recording; gaming; computing; navigation; household, health or activity monitoring; or similar uses and may also incorporate features responsive to user input or environmental conditions.

Section 2 amends s. 626.221, F.S., to exempt an applicant for a limited license as agent for portable electronics or eyewear insurance, rather than only portable electronics insurance, from a written examination.

Similarly, **section 3**, amends s. 626.732, F.S., to extend the knowledge, experience, or instruction exemption for an individual holding only a limited license for portable electronics insurance to apply to an individual holding only a limited license for "portable electronics or eyewear insurance."

Section 4 amends s. 626.8685, F.S., to expand the claims processing exemptions for portable electronic device insurance claims to also include eyewear insurance claims. The exemption applies to an individual who collects and enters data into an automated claims adjudication system that is designed for collection, data entry, calculation, and final resolution of portable electronics or eyewear insurance that meet the specified requirements under current law.[40]

Section 5 provides the bill is effective July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[39] Section 626.321(1)(h)12.c., F.S., defines "portable electronics transaction" as the sale or lease of portable electronics or a related service, including portable electronics insurance.
[40] Section 626.8685(1), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate impact on the insurance marketplace by authorizing the offering of a new insurance product recognized under state law.

The DFS reports that "[e]xpanding the limited licensing statute pertaining to portable electronics devices to include smart glasses and nonelectronic eyewear will provide consumers with opportunities to purchase valuable insurance coverage and reduce out of pocket costs to consumers to repair or replace these items in the event of a loss."[41]

C. Government Sector Impact:

The bill does not impact state revenues or expenditures.[42]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[41] Department of Financial Services, *2026 Legislative Bill Analysis for SB 772*, p. 4 (on file with the Senate Committee on Banking and Insurance).
[42] *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 626.321, 626.221, 626.732, and 626.8685.

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 January 28, 2026:

The committee substitute:

- Clarifies that a licensee is not required to sell or offer for sale both portable electronics and eyewear products or insurance coverage for both products.
- Specifies that only one license is required to sell or offer for sale either portable electronics insurance or eyewear insurance, or both.
- Amends the definition of "portable electronics."

B. Amendments:

None.

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

By the Committee on Banking and Insurance; and Senator Burgess

597-02290-26 2026772c1

A bill to be entitled

An act relating to limited licenses for portable electronics or eyewear insurance; amending s. 626.321, F.S.; renaming "portable electronics insurance" as "portable electronics or eyewear insurance" to include eyewear for purposes of insurance coverage and licenses; providing construction; defining the term "eyewear"; revising the definition of the term "portable electronics"; deleting the obsolete definition of the term "portable electronics transaction"; amending ss. 626.221, 626.732, and 626.8685, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (h) of subsection (1) and subsection (4) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses and registration.—

(1) The department shall issue to a qualified applicant a license as agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

(h) *Portable electronics* or eyewear *insurance*.—License for property insurance or inland marine insurance that covers only loss, theft, mechanical failure, malfunction, or damage for portable electronics or eyewear. Such license does not require a licensee to sell or offer for sale coverage for both portable electronics and eyewear. This paragraph may not be construed as

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597-02290-26 2026772c1

requiring two separate licenses to sell or offer for sale portable electronics or eyewear insurance.

1. The license may be issued only to:

a. Employees or authorized representatives of a licensed general lines agent; or

b. The lead business location of a retail vendor that sells portable electronics or eyewear insurance. The lead business location must have a contractual relationship with a general lines agent.

2. Employees or authorized representatives of a licensee under subparagraph 1. may sell or offer for sale portable electronics or eyewear coverage without being subject to licensure as an insurance agent if:

a. Such insurance is sold or offered for sale at a licensed location or at one of the licensee's branch locations if the branch location is appointed by the licensed lead business location or its appointing insurers;

b. The insurer issuing the insurance directly supervises or appoints a general lines agent to supervise the sale of such insurance, including the development of a training program for the employees and authorized representatives of vendors that are directly engaged in the activity of selling or offering the insurance; and

c. At each location where the insurance is offered, brochures or other written materials that provide the information required by this subparagraph are made available to all prospective customers. The brochures or written materials may include information regarding portable electronics or eyewear insurance, service warranty agreements, or other

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incidental services or benefits offered by a licensee.

3. Individuals not licensed to sell portable electronics or eyewear insurance may not be paid commissions based on the sale of such coverage. However, a licensee who uses a compensation plan for employees and authorized representatives which includes supplemental compensation for the sale of noninsurance products, in addition to a regular salary or hourly wages, may include incidental compensation for the sale of portable electronics or eyewear insurance as a component of the overall compensation plan.

4. Brochures or other written materials related to portable electronics or eyewear insurance must:

a. Disclose that such insurance may duplicate coverage already provided by a customer's homeowners insurance policy, renters insurance policy, or other source of coverage;

b. State that enrollment in insurance coverage is not required in order to purchase or lease portable electronics or eyewear or services;

c. Summarize the material terms of the insurance coverage, including the identity of the insurer, the identity of the supervising entity, the amount of any applicable deductible and how it is to be paid, the benefits of coverage, and key terms and conditions of coverage, such as whether portable electronics or eyewear may be repaired or replaced with similar make and model reconditioned or nonoriginal manufacturer parts or equipment;

d. Summarize the process for filing a claim, including a description of how to return portable electronics or eyewear and the maximum fee applicable if the customer fails to comply with

equipment return requirements; and

e. State that an enrolled customer may cancel coverage at any time and that the person paying the premium will receive a refund of any unearned premium.

5. A licensed and appointed general lines agent is not required to obtain a portable electronics and eyewear insurance license to offer or sell portable electronics or eyewear insurance at locations already licensed as an insurance agency, but may apply for a portable electronics and eyewear insurance license for branch locations not otherwise licensed to sell insurance.

6. A portable electronics and eyewear insurance license authorizes the sale of individual policies or certificates under a group or master insurance policy. The license also authorizes the sale of service warranty agreements covering only portable electronics or eyewear to the same extent as if licensed under s. 634.419 or s. 634.420.

7. A licensee may bill and collect the premium for the purchase of portable electronics or eyewear insurance provided that:

a. If the insurance is included with the purchase or lease of portable electronics or eyewear or related services, the licensee clearly and conspicuously discloses that insurance coverage is included with the purchase. Disclosure of the stand-alone cost of the premium for same or similar insurance must be made on the customer's bill and in any marketing materials made available at the point of sale. If the insurance is not included, the charge to the customer for the insurance must be separately itemized on the customer's bill.

b. Premiums are incidental to other fees collected, are maintained in a manner that is readily identifiable, and are accounted for and remitted to the insurer or supervising entity within 60 days of receipt. Licensees are not required to maintain such funds in a segregated account.

c. All funds received by a licensee from an enrolled customer for the sale of the insurance are considered funds held in trust by the licensee in a fiduciary capacity for the benefit of the insurer. Licensees may receive compensation for billing and collection services.

8. Notwithstanding any other provision of law, the terms for the termination or modification of coverage under a policy of portable electronics or eyewear insurance are those set forth in the policy.

9. Notice or correspondence required by the policy, or otherwise required by law, may be provided by electronic means if the insurer or licensee maintains proof that the notice or correspondence was sent. Such notice or correspondence may be sent on behalf of the insurer or licensee by the general lines agent appointed by the insurer to supervise the administration of the program. For purposes of this subparagraph, an enrolled customer's provision of an electronic mail address to the insurer or licensee is deemed to be consent to receive notices and correspondence by electronic means if a conspicuously located disclosure is provided to the customer indicating the same.

10. The fingerprinting requirements in s. 626.171(4) do not apply to licenses issued to qualified entities under this paragraph.

11. A branch location that sells portable electronics or eyewear insurance may, in lieu of obtaining an appointment from an insurer or warranty association, obtain a single appointment from the associated lead business location licensee and pay the prescribed appointment fee under s. 624.501 if the lead business location has a single appointment from each insurer or warranty association represented and such appointment applies to the lead business location and all of its branch locations. Branch location appointments shall be renewed 24 months after the initial appointment date of the lead business location and every 24 months thereafter. Notwithstanding s. 624.501, the renewal fee applicable to such branch location appointments is $30 per appointment.

12. For purposes of this paragraph:

a. "Branch location" means any physical location in this state at which a licensee offers its products or services for sale.

b. "Eyewear" means smart glasses and nonelectronic eyewear. As used in this sub-subparagraph, the term "nonelectronic eyewear" includes prescription and nonprescription eyeglasses and sunglasses.

c.~~b.~~ "Portable electronics" means equipment that is personal, self-contained, easily carried, by an individual; has electrical, digital, magnetic, wireless, electromagnetic, or similar capabilities; and operates using batteries, rechargeable power sources, or other energy sources. The term includes equipment used for communication; data processing; viewing; listening; recording; gaming; computing; navigation; household, health or activity monitoring; or similar uses and may also

incorporate features responsive to user input or environmental conditions ~~personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices, including cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories, and service related to the use of such devices~~.

~~c. "Portable electronics transaction" means the sale or lease of portable electronics or a related service, including portable electronics insurance.~~

(4) Except as otherwise expressly provided, a person applying for or holding a limited license is subject to the same applicable requirements and responsibilities that apply to general lines agents in general if licensed as to motor vehicle physical damage and mechanical breakdown insurance, industrial fire insurance or burglary insurance, motor vehicle rental insurance, credit insurance, crop hail and multiple-peril crop insurance, in-transit and storage personal property insurance, or portable electronics or eyewear insurance; or as apply to life agents or health agents in general, as applicable, if licensed as to travel insurance.

Section 2. Paragraph (b) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

(2) However, an examination is not necessary for any of the

following:

(b) An applicant for a limited license as agent for travel insurance, motor vehicle rental insurance, credit insurance, in-transit and storage personal property insurance, or portable electronics or eyewear insurance under s. 626.321.

Section 3. Subsection (7) of section 626.732, Florida Statutes, is amended to read:

626.732 Requirement as to knowledge, experience, or instruction.—

(7) This section does not apply to an individual holding only a limited license for travel insurance, motor vehicle rental insurance, credit insurance, in-transit and storage personal property insurance, or portable electronics or eyewear insurance.

Section 4. Section 626.8685, Florida Statutes, is amended to read:

626.8685 Portable electronics or eyewear insurance claims; exemption; licensure restriction.—

(1) This part does not apply to any individual who collects claims information from, or furnishes claims information to, insureds or claimants, and who conducts data entry, including entering data into an automated claims adjudication system, provided that the individual is an employee of a business entity licensed under this chapter, or its affiliate, and no more than 25 such persons are under the supervision of one licensed independent adjuster or licensed agent who is exempt from licensure pursuant to s. 626.862. For purposes of this subsection, the term "automated claims adjudication system" means a preprogrammed computer system designed for the

collection, data entry, calculation, and final resolution of portable electronics or eyewear insurance claims that:

(a) May be used only by a licensed independent adjuster, licensed agent, or supervised individual operating pursuant to this subsection;

(b) Must comply with all claims payment requirements of the insurance code; and

(c) Must be certified as compliant with this subsection by a licensed independent adjuster that is an officer of a licensed business entity under this chapter.

(2) Notwithstanding any other provision of law, a resident of Canada may not be licensed as a nonresident independent adjuster for purposes of adjusting portable electronics insurance or eyewear claims unless the person has successfully obtained an adjuster's license in another state.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 16, 2026

I respectfully request that **Senate Bill # 772**, relating to Limited Licenses for Portable Electronics or Eyewear Insurance, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB 772
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Meenan

Phone 850 284 9240

Address PO Box 11247
Street

Email Tim@meenanlawfirm.com

Tallahassee FL. 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Asurion

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB 772
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cynthia Henderson

Phone 850-559-0855

Address 300 W Pensacola
Street

Email cyhenderson@me.com

Tall FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Essilor | LUXottica

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 830
INTRODUCER:	Senator Leek
SUBJECT:	Public Records/County Administrators and City Managers
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Favorable**
2.	White	McVaney	GO	**Favorable**
3.	Tolmich	Kruse	RC	**Favorable**

I. Summary:

SB 830 creates a public records exemption for certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts from public records inspection and copying requirements the home addresses, telephone numbers, and dates of birth of these personnel.

Additionally, the bill exempts from public records inspection and copying requirements the following personal information of the spouses and children of such personnel:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

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

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

Although the bill may increase the workload on state and local agencies relating to the redaction of the exempt information, the bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

County Administrators

A county administrator is an appointee of the board of county commissioners (board) who serves as the administrative head of the county.[1] The county administrator is responsible for advising the board and does not hold separate governmental power.[2] County administrators are granted a variety of administrative powers to carry out, enforce, and report on the board's directives and policies.[3] Such powers include hiring, suspending, and removing county employees; providing the board with data or information concerning county government; and negotiating leases and contracts.[4] Furthermore, the county administrator prepares and submits annual operating and capital budgets to the board for consideration and adoption, establishes budgetary procedures, and submits annual financial reports and recommendations to the board.[5]

City Managers

City councils or commissions may appoint a city manager to serve as the chief administrative officer of the city.[6] City managers are responsible for overseeing the day-to-day operations and providing direction for all city departments.[7] City managers also prepare annual budgets and submit annual reports on the finances and administrative activities of the city.[8] Other responsibilities of a city manager may include enforcement of rules, regulations, and policies and the management and monitoring of contracts.[9]

Access to Public Records – Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[10] 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.[11]

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

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[1] Section 125.73, F.S.
[2] Section 125.74(2), F.S.
[3] Section 125.74(1), F.S.
[4] *Id*.
[5] *Id*.
[6] *See e.g.*, City of Brooksville, *City Manager*, available at https://www.cityofbrooksville.us/194/City-Manager (last visited January 14, 2026).
[7] *See e.g.*, City of Fort Myers, *City Manager*, available at https://www.fortmyers.gov/1169/City-Manager (last visited January 14, 2026).
[8] *See e.g.*, Polk City, *City Manager Responsibilities*, available at https://www.mypolkcity.org/city-manager (last visited January 14, 2026).
[9] *See e.g.*, City of Newberry, *City Manager*, available at https://www.newberryfl.gov/cm (last visited January 16, 2026).
[10] Article I, s. 24(a), FLA CONST.
[11] *Id*.

s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.[12] Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.[13] Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.[14]

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

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

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to "perpetuate, communicate, or formalize knowledge of some type."[15]

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.[16] A violation of the Public Records Act may result in civil or criminal liability.[17]

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.[18] The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[19]

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

General exemptions from public record requirements are contained in the Public Records Act.[20] Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.[21]

When creating a public record 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*.[22] 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.[23] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[24]

Public Record Exemptions for Specified Personnel and their Families (s. 119.071(4)(d), F.S.)

Provisions in s. 119.071(4)(d), F.S., exempt from public records inspection and copying requirements the personal information of specific government employees when held by government agencies. In paragraph (d), the term "home addresses" is defined as the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address. Additionally, the term "telephone numbers" is defined to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Section 119.071(4)(d)2., F.S., generally exempts from public records inspection and copying requirements the home addresses, dates of birth, and telephone numbers of specified public employees and their spouses and children. Additionally exempted, typically, are the spouse's place of work as well as the name and location of any schools or day care facilities of the public employee's children, if any. These public employees include, in relevant part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency;[25]
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;[26]
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations;[27]
- Current or former certified firefighters;[28]

[20] *See* s. 119.071, F.S.
[21] *See, e.g.*, s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).
[22] *WFTV, Inc. v. The Sch. Bd. Of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[23] *Id*.
[24] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[25] Section 119.071(4)(d)2.a., F.S.
[26] Section 119.071(4)(d)2.b., F.S.
[27] Section 119.071(4)(d)2.c., F.S.
[28] Section 119.071(4)(d)2.d., F.S.

- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants;[29]
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;[30]
- Current or former code enforcement officers;[31]
- Current or former guardians ad litem;[32]
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;[33]
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;[34]
- County tax collectors;[35]
- Current or former certified emergency medical technicians and paramedics;[36]
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;[37]
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;[38] and
- Current or former staff of domestic violence centers, including domestic violence advocates.[39]

Records that include exempt information about the above-specified personnel and their spouses and children (minor or adult) may be held by, among others, their employing agency, clerks of court and comptrollers, county tax collectors and property appraisers, school districts, and law enforcement agencies. County property appraisers[40] and county tax collectors[41] holding exempted information need only remove the name of an individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exemption status from all publicly available records. County property appraisers and county tax collectors may not remove the street address, legal description, or other information identifying real property so long as the name or personal information otherwise exempt is not associated with the property or otherwise displayed in the public records.[42]

The personnel, their spouses or children, or their employing agency claiming an exemption under s. 119.071(4)(d)2., F.S., must affirmatively assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's or their spouse or child's information. The individual or entity asserting the exemption must provide,

[29] Section 119.071(4)(d)2.e., F.S.
[30] Section 119.071(4)(d)2.f., F.S.
[31] Section 119.071(4)(d)2.i., F.S.
[32] Section 119.071(4)(d)2.j., F.S.
[33] Section 119.071(4)(d)2.l., F.S.
[34] Section 119.071(4)(d)2.m., F.S.
[35] Section 119.071(4)(d)2.n., F.S.
[36] Section 119.071(4)(d)2.q., F.S.
[37] Section 119.071(4)(d)2.s., F.S.
[38] Section 119.071(4)(d)2.t., F.S.
[39] Section 119.071(4)(d)2.u., F.S.
[40] *See* s. 192.001(3), F.S.
[41] *See* s. 192.001(4), F.S.
[42] Section 119.071(4)(d)4., F.S.

under oath, the statutory basis for the individual's exemption and confirm the individual's status as a party eligible for exempt status.[43]

These exemptions under s. 119.071(4)(d)2., F.S., have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.[44] Home addresses, however, are no longer exempt in the Official Records if the protected party no longer resides at the dwelling[45] or upon his or her death.[46]

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act[47] (the Act), prescribe a legislative review process for newly created or substantially amended[48] public record or open meeting exemptions, with specified exceptions.[49] The Act requires the repeal of such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.[50]

The Act provides that a public record or open meeting exemption may be created and maintained only if it serves an identifiable public purpose and is no broader than is necessary.[51] An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;[52]
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is kept exempt;[53] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[54]

[43] Section 119.071(4)(d)3., F.S.
[44] Section 119.071(4)(d)6., F.S.
[45] The protected individual must submit a notarized, written request to release the removed information. Section 119.071(4)(d)8., F.S.
[46] A certified copy of a death certificate or court order must be presented with a notarized request to release the information to remove the exemption. Section 119.071(4)(d)9., F.S. Note, the Clerk is also called the "county recorder." *See* s. 28.222(2), F.S.
[47] Section 119.15, F.S.
[48] 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.
[49] 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.
[50] Section 119.15(3), F.S.
[51] Section 119.15(6)(b), F.S.
[52] Section 119.15(6)(b)1., F.S.
[53] Section 119.15(6)(b)2., F.S.
[54] Section 119.15(6)(b)3., F.S.

The Act also requires specified questions to be considered during the review process.[55] In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.[56] 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.[57]

III. Effect of Proposed Changes:

The bill exempts from public records inspection and copying requirements certain personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers. Specifically, the bill exempts the home addresses, telephone numbers, and dates of birth of these personnel from public records inspection and copying requirements.

Additionally, the bill exempts from public records inspection and copying requirements the following personal information of the spouses and children of such personnel:

- Names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a public necessity statement as required by the State Constitution. The statement provides that responsibilities of the identified personnel may include making decisions and determination that may upset members of the public and may incur the ill will of those residents. As a result, the identified personnel and their spouses and children may become targets for revenge and the release of the information protected in the bill could seriously jeopardize the safety of the identified personnel and their spouses and families.

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

The bill takes effect July 1, 2026.

[55] 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?
- 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?

[56] *See generally* s. 119.15, F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. 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, 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 to the public records disclosure requirements. The bill enacts a new exemption for the personal identifying and location information of current county administrators and city managers and their spouses and children; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, section 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public record disclosure requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption, which provides that it is necessary to exempt the identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children from public disclosure requirements in order to protect such individuals from becoming victims of fraud and to prevent the release of sensitive personal, financial, medical, or familial information, which could cause great financial or professional harm to the individual. It further provides that current county administrators and city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making such individuals and their spouses and children targets for acts of revenge. Therefore, if such identifying and location information is released, the safety of current county administrators and city managers and their spouses and children could be seriously jeopardized.

Breadth of Exemption

Article I, section 24(c) of the State Constitution requires an exemption from public record requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the safety and the sensitive personal, financial, medical, and familial information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, as well as their spouses and children. The bill exempts only certain personal identifying information from public disclosure requirements, consistent

with other exemptions in current law. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector may be subject to the cost 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 minimally increase the workload of local governments holding records that contain the exempt information. This workload is associated with redacting the exempt information prior to releasing a record. However, the workload should be absorbed as part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Leek

7-00899-26 2026830__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, including the names and personal identifying and location information of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood

7-00899-26 2026830__

name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties

include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone

numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges and current judicial assistants; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges and current judicial assistants; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges and of current judicial assistants are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.01; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the

children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical

technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this

sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(27).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

v. The home addresses, telephone numbers, dates of birth, and photographs of current or former inspectors or investigators of the Department of Agriculture and Consumer Services; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former inspectors or investigators; and the names and locations of schools and day care facilities attended by the children of current or former inspectors or investigators are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

w. The home addresses, telephone numbers, dates of birth, and photographs of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys; and the names and locations of schools and day care facilities attended by the children of current county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a

county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

x. The home addresses, telephone numbers, dates of birth, and photographs of current or former commissioners of the Florida Gaming Control Commission; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of such current or former commissioners; and the names and locations of schools and day care facilities attended by the children of such current or former commissioners are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

y. The home addresses, telephone numbers, dates of birth, and photographs of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current clerks of the circuit court, deputy clerks of the circuit court, and clerk of the circuit court personnel; and the names and locations of schools and day care facilities attended by the children of current clerks of the circuit court, deputy

clerks of the circuit court, and clerk of the circuit court personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

z.(I) As used in this sub-subparagraph, the term:

(A) "Congressional member" means a person who is elected to serve as a member of the United States House of Representatives or is elected or appointed to serve as a member of the United States Senate.

(B) "Partial home address" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the partial home address, except for the city and zip code.

(C) "Public officer" means a person who holds one of the following offices: Governor, Lieutenant Governor, Chief Financial Officer, Attorney General, Agriculture Commissioner, state representative, state senator, property appraiser, supervisor of elections, school superintendent, school board member, mayor, city commissioner, or county commissioner.

(II) The following information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(A) The partial home addresses of a current congressional member or public officer and his or her spouse or adult child.

(B) The telephone numbers of a current congressional member

or public officer and his or her spouse or adult child.

(C) The name, home addresses, telephone numbers, and date of birth of a minor child of a current congressional member or public officer and the name and location of the school or day care facility attended by the minor child.

(III) This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

aa. The home addresses, telephone numbers, and dates of birth of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

3.a. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the

officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

b. An agency that is the custodian of information specified in sub-subparagraph 2.z. and that is not the employer of the congressional member, public officer, or other person specified in sub-subparagraph 2.z. must maintain the exempt status of that information only if an individual requests the maintenance of an exemption pursuant to sub-subparagraph 2.z. on the basis of eligibility as a current congressional member or public officer and his or her spouse or child submits, as part of the written and notarized request required by sub-subparagraph a., the date of the congressional member's or public officer's election or appointment to public office, the date on which that office is next subject to election, and, if applicable, the date on which the current congressional member's or public officer's minor child reaches the age of majority. The custodian must maintain an exemption granted pursuant to sub-subparagraph 2.z. until the qualifying conditions for the exemption no longer apply to the person subject to the exemption.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for

maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected

party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, and dates of birth of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such identifying and location information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, or familial information, the release of which could cause great financial or professional harm to the individual. In the course of performing their managerial functions, current county administrators, deputy county administrators, assistant county administrators,

city managers, deputy city managers, and assistant city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children targets for acts of revenge. If such identifying and location information is released, the safety of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and children could be seriously jeopardized. For these reasons, the Legislature finds that it is a public necessity that such information be made exempt from public records requirements.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill #830,** relating to Public Records/County Administrators and City Managers, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB 830
Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone 727 637-4081

Address 100 S Monroe
Street

Email jscala@fl-counties.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Association of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26	SB 830
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Jorge Chamizo

Phone (850) 681-0024

Address 108 S Monroe St
Street

Email jorge@flapartners.com

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Broward County

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 878
INTRODUCER:	Senators Yarborough and Avila
SUBJECT:	Clinical Laboratory Personnel
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Favorable**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Smith	Kruse	RC	**Favorable**

I. Summary:

SB 878 specifies that applicants for clinical laboratory technologist and technician licensure who meet certain federal requirements are deemed to have satisfied Florida's minimum licensure qualifications for performing high complexity or moderate complexity testing. This eliminates state specific regulations for various specialty licensure categories and may result in greater interstate mobility for technologists and technicians.

The bill has a significant, negative fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Florida Regulation of Clinical Laboratory Personnel

A clinical laboratory is a facility in which human specimen is tested to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the identification or assessment of a medical or physical condition. Services performed in clinical labs include the examination of:

- Fluids or other materials taken from the human body;
- Tissue taken from the human body; and
- Cells from individual tissues or fluid taken from the human body.[1]

[1] Section 483.803(2), F.S.

The Department of Health (DOH), through the Division of Medical Quality Assurance, and the Board of Clinical Laboratory Personnel (Board), regulates clinical laboratory personnel, trainees, and training programs under part I of ch. 483, F.S., ch. 456, F.S., and ch. 64B3, F.A.C.

Florida licensure for clinical laboratory personnel is subdivided by both level of licensure and specialty of practice. Individuals may be licensed as a director, supervisor, technologist, technician, or public health laboratory scientist. In Fiscal Year 2024-2025, Florida had 21,549 licensed clinical laboratory personnel, including 12,683 licensed technologists and 2,031 licensed technicians.[2] At each level, a licensee may hold one or more specialty licenses as provided in Rule 64B3-5, F.A.C.

Pursuant to ss. 483.809 and 483.823, F.S., the Board has adopted the minimum education, training, experience, and examination requirements for each level of licensure and for each specialty sought. Each licensure pathway requires national certification appropriate to the level of licensure and specialty areas of practice. The Board recognizes more than 40 certification types issued by 16 national certifying bodies.[3]

Florida is one of 10 states that require state licensure for clinical laboratory personnel.[4] In the remaining states, personnel qualifications are generally determined by the laboratory director in accordance with federal Clinical Laboratory Improvement Amendments (CLIA) requirements or, when applicable, a state laboratory licensure program.

Rule 64B3-5.003(2), F.A.C., requires applicants for clinical laboratory technologist licensure to meet CLIA personnel qualification standards for high complexity testing. Rule 64B3-5.004(2), F.A.C., requires applicants for clinical laboratory technician licensure to meet CLIA personnel qualification standards for moderate complexity testing; however, the rule also permits technicians who meet CLIA standards for high complexity testing to perform high complexity testing. The DOH does not track which technician licensees are authorized to perform high complexity testing. The Agency for Health Care Administration (AHCA) surveys federally certified clinical laboratories and verifies that personnel licensure is appropriate for the testing performed.[5]

Federal CLIA Oversight and Personnel Qualifications

The U.S. Centers for Medicare & Medicaid Services (CMS) regulates human laboratory testing, other than research testing, through the CLIA certification program. Federal personnel standards applicable to individuals working in CLIA-certified laboratories are set forth in 42 C.F.R. part 493, subpart M.

Newly amended CLIA personnel standards that took effect in 2024[6] provide that an individual performing high complexity testing, regardless of specialty, is deemed qualified if the individual

[2] Department of Health, *Senate Bill 878 Bill Analysis* (Dec. 15, 2025) (on file with the Senate Committee on Health Policy).
[3] *Id.*
[4] *Id*.
[5] *Id*.
[6] Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories, 88 Fed. Reg. 89,976 (Dec. 28, 2023) (final rule) (effective Jan. 27, 2024).

meets one of several specified pathways, including being a licensed allopathic, osteopathic, or podiatric physician (M.D., D.O., or D.P.M.); holding a doctoral, master's, or bachelor's degree in chemical, biological, clinical, or medical laboratory science, or medical technology, from an accredited institution; holding an associate degree in laboratory science or medical laboratory technology from an accredited institution; completing an official U.S. military medical laboratory procedures training course of at least 50 weeks and holding the enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician); or completing at least 60 semester hours (or equivalent) from an accredited institution with specified coursework in chemistry, biology, and laboratory sciences, together with completion of a laboratory training program and at least three months of work experience.[7]

With respect to moderate complexity testing, the amended regulations provide that an individual is deemed qualified if the individual meets the qualifications for high complexity testing; or has a high school diploma (or equivalent) and has successfully completed an official U.S. military medical laboratory procedures training course of at least 50 weeks and held the enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician); or has a high school diploma (or equivalent) and documentation of laboratory training appropriate for the testing performed.

Florida licensure requirements exceed the federal CLIA baseline by basing qualifications on the specialty of testing performed, requiring national certification, and requiring applicants to have completed an approved training program or to demonstrate a specified amount of pertinent experience in one or more specialties.

III. Effect of Proposed Changes:

Section 1 amends s. 483.815, F.S., to require an applicant who qualifies for licensure under Section 2 of the bill to provide proof of qualification, submit to the existing background screening requirement in s. 456.0135, F.S., and pay the fees already required under s. 483.807, F.S., to be eligible for licensure.

Section 2 amends s. 483.823, F.S., to revise the licensure requirements for clinical laboratory personnel. Under the bill:

- A technologist or technician applicant who satisfies 42 C.F.R. s. 493.1489 is deemed to have satisfied Florida's minimum qualifications to perform high complexity testing as a technologist or technician.
- A technician applicant who satisfies 42 C.F.R. s. 493.1423 is deemed to have satisfied Florida's minimum qualifications to perform moderate complexity testing as a technician.

Beginning July 1, 2026, new applicants would only need to demonstrate compliance with the applicable Clinical Laboratory Improvement Amendments (CLIA) personnel standards to qualify for Florida licensure as a technologist or technician. Currently licensed technologists and technicians would be considered qualified under federal regulations because Florida licensure requirements already exceed the federal CLIA baseline.

[7] Department of Health, *Senate Bill 878 Bill Analysis* (Dec. 15, 2025) (on file with the Senate Committee on Health Policy).

The Board of Clinical Laboratory Personnel will need to update multiple rules to implement the bill using existing rulemaking authority under s. 483.805(4), F.S.

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:

According to the Department of Health (DOH) the bill has a negative fiscal impact of $55,680 in nonrecurring contracted services funding to update the Licensing and Enforcement Information Database System and Online Service Portal (Versa Online) to modify the processing of all clinical laboratory applications.[8]

VI. Technical Deficiencies:

None.

[8] Department of Health, *Senate Bill 878 Bill Analysis* (Dec. 15, 2025) (on file with the Senate Committee on Health Policy).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 483.815 and 483.823.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Yarborough

4-01276-26 2026878__

A bill to be entitled

An act relating to clinical laboratory personnel; amending s. 483.815, F.S.; requiring that an applicant who qualifies for licensure under specified provisions provide proof of such qualification and pay the required fees to be eligible for licensure; amending s. 483.823, F.S.; requiring that applicants for licensure as a technologist or technician who meet specified criteria be deemed to have satisfied minimum qualifications for licensure to perform high or moderate complexity testing as a technologist or technician, as applicable; providing an effective date.

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

Section 1. Section 483.815, Florida Statutes, is amended to read:

483.815 Application for clinical laboratory personnel license.—

(1) An application for a clinical laboratory personnel license must ~~shall~~ be made under oath on forms provided by the department and must ~~shall~~ be accompanied by payment of fees as provided by this part. Applicants for licensure must also submit to background screening in accordance with s. 456.0135. A license may be issued authorizing the performance of procedures of one or more categories.

(2) An applicant who qualifies for licensure under s. 483.823(3) or (4) must provide proof of such qualification, submit to background screening in accordance with s. 456.0135, and pay the fees required under s. 483.807 to be eligible for licensure.

Section 2. Subsections (3) and (4) are added to section 483.823, Florida Statutes, to read:

483.823 Qualifications of clinical laboratory personnel.—

(3) Except as otherwise provided in s. 483.812, a technologist or technician applicant for licensure who satisfies the requirements in 42 C.F.R. s. 493.1489 to perform high complexity testing is deemed to have satisfied the minimum qualifications for licensure under this part to perform high complexity testing as a technologist or technician in this state.

(4) Except as otherwise provided in s. 483.812, a technician applicant for licensure who satisfies the requirements in 42 C.F.R. s. 493.1423 to perform moderate complexity testing is deemed to have satisfied the minimum qualifications for licensure under this part to perform moderate complexity testing as a technician in this state.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #878**, relating to Clinical Laboratory Personnel, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Clay Yarborough

Senator Clay Yarborough
Florida Senate, District 4

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

RULES
Committee

SB 878
Bill Number or Topic

Amendment Barcode (if applicable)

Name DOUG RUSSELL

Phone 850.445.0206

Address 9024 SHOAL CREEK DR.
Street

Email DRUSSELLTALLY@GMAIL.COM

TALL. FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
QUEST DIAGNOSTICS LAB

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 902
INTRODUCER:	Rules Committee; Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Garcia
SUBJECT:	Department of Health
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke/Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Looke/Smith	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 902 revises several sections of law related to the Department of Health (DOH). The bill:

- Revises the definition of "low-THC cannabis."
- Creates the Neurofibromatosis Disease Grant Program within the DOH.
- Amends the newborn screening program to require the DOH to create an evidence-based pamphlet on the nutritional needs of preterm infants which must be provided to parents and guardians of an infant who is receiving care in a hospital's neonatal intensive care unit (NICU).
- Clarifies that certain qualified physicians and medical marijuana treatment center (MMTC) medical directors must renew their medical marijuana certifications biennially.
- Restricts new MMTC facilities from being located within 500 feet of a park, childcare facility, or early learning facility and provides a definition of "park" specific to this restriction.
- Authorizes the DOH to suspend the license of any health care practitioner who is arrested for committing, or attempting, soliciting, or conspiring to commit murder.
- Allows a registered nurse to delegate the administration of a Schedule IV controlled substance prescribed for the emergency treatment of an active seizure to a home health aide for medically fragile children.
- Postpones the sunset date from September 1, 2027, to September 1, 2032, of a provision that authorizes graduates from an unaccredited program to obtain licensure as a marriage and

family therapist if other requirements are met, such as the passage of a licensure exam and satisfactory background screening.
- Updates the duties of the DOH in administering the Early Steps program, Florida's early intervention program for infants and toddlers with developmental delays and disabilities.
- Requires the University of Florida's Center for Autism and Neurodevelopment's autism micro-credential to be available to Early Steps early intervention service providers.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

The Florida Department of Health (DOH)

The DOH is the state's primary public health agency, responsible for safeguarding the health and well-being of residents and visitors. Established in 1996, the DOH operates under the leadership of the State Surgeon General and encompasses various divisions, including Administration, Emergency Preparedness and Community Support, Disease Control and Health Protection, Community Health Promotion, and Medical Quality Assurance (MQA).[1] The DOH comprises a state health office (central office) in Tallahassee, with statewide responsibilities; Florida's 67 county health departments (CHD); eight Children's Medical Services (CMS) area offices; 12 Medical Quality Assurance (MQA) regional offices; nine Disability Determinations regional offices; and three public health laboratories.[2]

Licensure and Regulation of Health Care Practitioners

The Division of Medical Quality Assurance (MQA), within the DOH, has general regulatory authority over health care practitioners.[3] The MQA works in conjunction with 22 regulatory boards and four councils to license and regulate over 1.5 million health care practitioners.[4] Professions are generally regulated by individual practice acts and by ch. 456, F.S., which provides regulatory and licensure authority for the MQA. The MQA is statutorily responsible for the following boards and professions established within the division:[5]
- The Board of Acupuncture, created under ch. 457, F.S.;
- The Board of Medicine, created under ch. 458, F.S.;
- The Board of Osteopathic Medicine, created under ch. 459, F.S.;

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[1] Section 20.43, F.S.
[2] Florida Department of Health, *About Us*, available at https://www.floridahealth.gov/about-us/ (last visited Feb. 9, 2026).
[3] Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dieticians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, genic counselors, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.
[4] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2024-2025*, https://mqawebteam.com/annualreports/2425/ (last visited Feb. 9, 2026).
[5] Section 456.001(4), F.S.

- The Board of Chiropractic Medicine, created under ch. 460, F.S.;
- The Board of Podiatric Medicine, created under ch. 461, F.S.;
- Naturopathy, as provided under ch. 462, F.S.;
- The Board of Optometry, created under ch. 463, F.S.;
- The Board of Nursing, created under part I of ch. 464, F.S.;
- Nursing assistants, as provided under part II of ch. 464, F.S.;
- The Board of Pharmacy, created under ch. 465, F.S.;
- The Board of Dentistry, created under ch. 466, F.S.;
- Midwifery, as provided under ch. 467, F.S.;
- The Board of Speech-Language Pathology and Audiology, created under part I of ch. 468, F.S.;
- The Board of Nursing Home Administrators, created under part II of ch. 468, F.S.;
- The Board of Occupational Therapy, created under part III of ch. 468, F.S.;
- Respiratory therapy, as provided under part V of ch. 468, F.S.;
- Dietetics and nutrition practice, as provided under part X of ch. 468, F.S.;
- The Board of Athletic Training, created under part XIII of ch. 468, F.S.;
- The Board of Orthotists and Prosthetists, created under part XIV of ch. 468, F.S.;
- Electrolysis, as provided under ch. 478, F.S.;
- The Board of Massage Therapy, created under ch. 480, F.S.;
- The Board of Clinical Laboratory Personnel, created under part I of ch. 483, F.S.;
- Medical physicists, as provided under part II of ch. 483, F.S.;
- Genetic Counselors as provided under part III of ch. 483, F.S.;
- The Board of Opticianry, created under part I of ch. 484, F.S.;
- The Board of Hearing Aid Specialists, created under part II of ch. 484, F.S.;
- The Board of Physical Therapy Practice, created under ch. 486, F.S.;
- The Board of Psychology, created under ch. 490, F.S.;
- School psychologists, as provided under ch. 490, F.S.;
- The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under ch. 491, F.S.; and
- Emergency medical technicians and paramedics, as provided under part III of ch. 401, F.S.

The DOH and the practitioner boards have different roles in the regulatory system. Boards establish practice standards by rule, pursuant to statutory authority and directives. The DOH receives and investigates complaints about practitioners and prosecutes cases for disciplinary action against practitioners.

The DOH, on behalf of the professional boards, investigates complaints against practitioners.[6] Once an investigation is complete, the DOH presents the investigatory findings to the boards. The DOH recommends a course of action to the appropriate board's probable cause panel, which may include:[7]

- Issuing an Emergency Order;
- Having the file reviewed by an expert;

[6] Department of Health, *Investigative Services,* available at https://www.floridahealth.gov/licensing-regulations/complaints-enforcement/complaint-forms/investigative-services/ (last visited Feb. 9, 2026).
[7] *Id.*

- Issuing a closing order; or
- Filing an administrative complaint.

The boards determine the course of action and any disciplinary action to take against a practitioner under the respective practice act.[8] For professions for which there is no board, the DOH determines the action and discipline to take against a practitioner and issues the final order.[9] The DOH is responsible for ensuring that licensees comply with the terms and penalties imposed by the boards.[10] If a case is appealed, DOH attorneys defend the final action of the board before the appropriate appellate court.[11]

In extreme circumstances, pursuant to s. 120.60, F.S., the DOH may issue an emergency order suspending the license of a health care practitioner if necessary to protect the public health, safety, or welfare. If a health care practitioner pleads guilty to, is convicted or found guilty of, enters a plea of nolo contendere to, or is arrested for certain acts or offenses pursuant to s. 456.074, F.S., the DOH is required to immediately suspend the practitioner's license.

Medical Marijuana

Low-THC Cannabis

Section 381.986(1)(f), F.S., defines "Low-THC cannabis" to mean plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol (THC) and more than 10 percent of cannabidiol (CBD) weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

Each medical marijuana treatment center (MMTC) is required to produce and make available at least one low-THC cannabis product.[12] Prior to the implementation of the DOH's seed-to-sale tracking (seed-to-sale) system in 2024, MMTCs were self-reporting low-THC cannabis dispensations through the Medical Marijuana Use Registry. After implementation, the seed-to-sale system indicated a 67 percent decrease in the number of low-THC cannabis products dispensed during state fiscal year 2024-2025.

Since existing regulations only require products to be tested after processing, the determination of whether a product meets the definition of low-THC cannabis is tied to the potency of the final product rather than to the potency of the low-THC whole flower. The seed-to-sale system currently captures the THC-to-CBD ratio of each final product as reported on the Certificate of Analysis. The system will not recognize a dispensation as "low-THC cannabis" unless the final product being dispensed meets the current statutory definition. The current definition, which ties

[8] Section 456.072(2), F.S.
[9] Professions which do not have a board include naturopathy, nursing assistants, midwifery, respiratory therapy, dietetics and nutrition, electrolysis, medical physicists, genetic counselors, and school psychologists.
[10] Section 20.43, F.S.
[11] *Id.*
[12] Section 381.986(8)(e)7., F.S.

the concentrations of THC and CBD to the dried flower before processing, presents enforcement challenges for the DOH Office of Medical Marijuana Use (OMMU).[13]

MMTC Locations

Section 381.986(11), F.S., prohibits MMTC cultivation, processing, and dispensing facilities from being located within 500 feet of a public or private elementary school, middle school, or secondary school. However, s. 381.986(11)(c), F.S., permits a county or municipality to approve a dispensing facility that is located within 500 feet of a public or private elementary school, middle school, or secondary school through a formal proceeding that is open to the public where that county or municipality determines that the location promotes the public health, safety, and general welfare of the community. Additionally, a county or municipality may, by ordinance, ban MMTC dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities may not place specific limits, by ordinance, on the number of dispensing facilities that may be located within that county or municipality. Existing law does not impose site restrictions on MMTC facilities operating near a park, childcare facility, or early learning facility. Approximately 193 MMTC facilities are currently operating within 500 feet of such locations.[14]

Rare Diseases

In the United States, a rare disease is any condition that nationally affects fewer than 200,000 people. There may be as many as 10,000[15] rare diseases impacting the lives of 25 to 30 million Americans and their families.[16] While individual diseases may be rare, the total number of people impacted by a rare disease is large.

Rare diseases include genetic disorders, infectious diseases, cancers, and various other pediatric and adult conditions. A rare disease can affect anyone at any point in their life and can be acute or chronic. It is estimated that 80 percent or more of rare diseases are genetic. For rare genetic diseases, genetic testing is often the only way to make a definitive diagnosis.[17]

[13] Department of Health, Senate Bill 902 Legislative Analysis, Jan. 5, 2026 (on file with the Senate Committee on Health Policy).
[14] Department of Health, Senate Bill 902 Legislative Analysis, Jan. 5, 2026 (on file with the Senate Committee on Health Policy).
[15] National Center for Advancing Translational Sciences, Our Impact on Rare Diseases, National Institute of Health, available at https://ncats.nih.gov/research/our-impact/our-impact-rare-diseases (last visited February 18, 2026).
[16] National Organization for Rare Diseases, Rare Disease Day: Frequently Asked Questions. Available at https://rarediseases.org/wp-content/uploads/2023/04/Rare-Disease-Fact-Sheet.pdf (last visited February 18, 2026).
[17] Department of Health, Rare Disease Advisory Council: Legislative Report, Fiscal Year 2023-2024 (2024), p. 6-7, Available at https://www.floridahealth.gov/wp-content/uploads/2025/08/2024-rdac-annual-report.pdf (last visited February 18, 2026).

Neurofibromatosis

Neurofibromatosis (NF) refers to a group of genetic conditions that cause tumors to form on nerves throughout the body, including those in the brain, spinal cord, and nervous system.[18] There are an estimated 4 million people worldwide living with Neurofibromatosis.[19]

NF is not a single disorder and includes Neurofibromatosis type 1 (NF1), and all types of Schwannomatosis (SWN), including NF2-related schwannomatosis (NF2-SWN). NF1, is the most common, occurring in approximately 1 in 2,500 births. NF2-related schwannomatosis (NF2-SWN) is significantly less common, affecting about 1 in 25,000 births, and the other forms of schwannomatosis occur in roughly 1 in 70,000 births.[20]

Treating Neurofibromatosis

Currently, there is no cure for neurofibromatosis, but treatments are available to help manage symptoms and other conditions that may develop. People with neurofibromatosis are recommended to get regular screenings through routine eye and physical exams and be seen regularly by a specialist.[21]

Children with NF1 have a higher risk for learning disabilities and are recommended to undergo neuropsychological assessments, and for individuals with NF2-SWN, cochlear implants, hearing aids, auditory brain stem implants, mobility devices, and corrective eyewear may help manage hearing, movement, and vision problems.[22]

Florida Rare Disease Advisory Council (RDAC)

The establishment of RDACs across the country is an initiative spearheaded by the National Organization for Rare Disorders (NORD), a national nonprofit group advocating for individuals and families affected by rare diseases.[23] The Legislature established the Florida Rare Disease Advisory Council (RDAC) in 2021 to assist DOH in providing recommendations to improve health outcomes for individuals with rare diseases residing in the state.[24]

Florida's RDAC is required to:[25]

- Consult with experts on rare diseases and solicit public comments to assist in developing recommendations on improving the treatment of rare diseases in Florida.
- Develop recommended strategies for academic research institutions in Florida to facilitate continued research on rare diseases.

[18] National Institute of Neurological Disorders & Stroke, Neurofibromatosis, National Institute of Health, available at https://www.ninds.nih.gov/health-information/disorders/neurofibromatosis (last visited February 18, 2026).
[19] Children's Tumor Foundation, Understanding NF, available at https://www.ctf.org/about-nf/ (last visited February18, 2026).
[20] Children's Tumor Foundation, Understanding NF, available at https://www.ctf.org/about-nf/ (last visited February18, 2026).
[21] National Institute of Neurological Disorders & Stroke, Neurofibromatosis, National Institute of Health, available at https://www.ninds.nih.gov/health-information/disorders/neurofibromatosis (last visited February 18, 2026)
[22] *Id.*
[23] National Organization for Rare Disorders (NORD), About Us, Available at https://rarediseases.org/about-us/ (last visited February 18, 2026).
[24] Chapter 2021-122, Laws of Florida.
[25] Section 381.99, F.S.

- Develop recommended strategies for health care providers to be informed on how to more efficiently recognize and diagnose rare diseases in order to effectively treat patients; and
- Provide input and feedback in writing to DOH, the Medicaid program, and other state agencies on matters that affect people who have been diagnosed with rare diseases.

Florida's Newborn Screening Program

Established in s. 383.14, F.S., Florida's Newborn Screening Program requires the DOH to promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the DOH. The primary method of screening is a blood sample which is collected on a specimen card and submitted to the State Public Health Laboratory for testing.[26] The State Public Health Laboratory is required to send a written report with the results of the newborn screening to the submitting entity within five calendar days after receipt of the specimen.[27] Currently, the screening program screens for 37 core conditions and may detect an additional 23 secondary conditions.[28]

Federal Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA)[29] is the main federal statute governing special education and early intervention services for children with disabilities from birth through age 21. The IDEA makes available a free, appropriate public education (FAPE) to eligible children with disabilities and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than eight million (as of school year 2022-23) eligible infants, toddlers, children, and youth with disabilities.[30]

The Grants for Infants and Families Program (Part C of IDEA)

The Grants for Infants and Families program, also known as part C of the IDEA, awards grants to assist states in implementing statewide systems of coordinated, comprehensive, multidisciplinary, interagency programs and making early intervention services (EIS) available to children with disabilities, aged birth through two, and their families,[31] usually as provided pursuant to an individualized family support or service plan (IFSP).

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[26] Rule 64C-7.002, F.A.C.
[27] Rule 64C-7.005, F.A.C.
[28] For a full list of conditions, see https://floridanewbornscreening.com/conditions/core-secondary-conditions/, (last visited Feb. 25, 2026).
[29] The Education for All Handicapped Children Act became law in 1975 and was reauthorized as the Individuals with Disabilities Education Act.
[30] Individuals with Disabilities Education Act, *About IDEA, History of the IDEA, available at* https://sites.ed.gov/idea/about-idea/#IDEA-History (last visited Feb. 6, 2026).
[31] U.S. Department of Education, *Early Intervention Program for Infants and Toddlers with Disabilities, Purpose, available at* https://www2.ed.gov/programs/osepeip/index.html (last visited Feb. 9, 2026).

EIS provides for the early identification and treatment of recipients under the age of three years (36 months), who are at-risk[32] of having, or who have, developmental delays or related conditions.[33] The IDEA requires that EIS be provided, to the maximum extent appropriate, in natural environments. These services can be provided in another setting only when EIS cannot be achieved satisfactorily for the infant or toddler in a natural environment. The natural environment includes the home and community settings where children would be participating if they did not have a disability.[34]

An IFSP is a document or written plan that contains information on the child's present level of development in all areas, outcomes for the child and family, and services the child and family will receive to help them achieve the outcomes.

State agencies identified as the lead agency for the part C program may apply for grant funds.[35] Funds allocated under part C can be used to:[36]

- Maintain and implement a state's EIS system;
- Fund direct EIS for infants and toddlers with disabilities and their families that are not otherwise provided by other public or private sources;
- Expand and improve services that are otherwise available;
- Provide a FAPE to children with disabilities from their third birthday to the beginning of the following school year;
- Continue to provide EIS to children with disabilities from their third birthday until such children enter or are eligible to enter kindergarten or elementary school; and
- Initiate, expand, or improve collaborative efforts related to identifying, evaluating, referring, and following up on at-risk infants and toddlers in states that do not provide direct services for these children.

Part C Extended Option

The IDEA gives states the discretion to provide an option for eligible children with disabilities to continue to receive part C services after the child ages-out or turns three years old. The child must be enrolled in part C and deemed eligible for services under part B of the IDEA. The state has the flexibility to extend part C services until the child enters or is eligible under state law to enter kindergarten or elementary school, as appropriate.[37]

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[32] 34 C.F.R. s. 303.5.
[33] Agency for Health Care Administration, *Florida Medicaid Early Intervention Services Coverage Policy, available at* https://ahca.myflorida.com/content/download/5946/file/59G-4.085_EIS_Coverage_Policy_9.22.2023.pdf (last visited Feb. 9, 2026).
[34] U.S. Department of Education, Early Intervention Program for Infants and Toddlers with Disabilities, Purpose, available at https://www2.ed.gov/programs/osepeip/index.html (last visited Feb. 9, 2026).
[35] Individuals with Disabilities Education Act, *Section 1437, available at* https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1437 (last visited Feb. 9, 2026).
[36] U.S. Department of Education, Early Intervention Program for Infants and Toddlers with Disabilities, Purpose, available at https://www2.ed.gov/programs/osepeip/index.html (last visited Feb. 9, 2026).
[37] U.S. Department of Education, Early Intervention Program for Infants and Toddlers with Disabilities, Purpose, available at https://www2.ed.gov/programs/osepeip/index.html

Florida's Early Steps Program and Part C Implementation

Florida's Early Steps Program,[38] administered by the DOH,[39] under the Division of Children's Medical Services (CMS),[40] provides free,[41] individual and group therapies and services needed to enhance the growth and development and family functioning of infants and toddlers from birth until three years of age who have or are at risk of developmental delays or disabilities. For purposes of the Early Steps Program, the state of Florida defines "developmental disability" to mean a condition, identified and measured through appropriate instruments and procedures, which may impair physical, cognitive, communication, social or emotional, or adaptive development.[42]

Children can be referred to the Early Steps Program in various ways. Referrals can be submitted by anyone involved in the care of the child, including parents, caregivers, and physicians. To be enrolled in the Early Steps Program, a child must first be found eligible.[43]

Children with an established condition that places them at-risk of developmental delay, as well as children with certain documented physical or mental at-risk conditions, may be eligible for services through the Early Steps Program.[44]

If a child has no diagnosed condition but there are concerns about potential developmental delay, a team of early intervention professionals will collaborate to screen, evaluate, and assess the child in the following areas:[45]

- Physical: health, hearing, vision.
- Cognitive: thinking, learning, problem-solving.
- Gross and Fine Motor Skills: moving, walking, grasping, coordination.
- Communication: babbling, languages, speech, conversation.
- Social and Emotional: playing and interacting with others; and
- Adaptive Development: self-help skills (feeding, toileting, dressing).

If a child is determined eligible, Early Steps Program staff will put together a team to address the child's needs and develop an IFSP. The IFSP team includes the family, a service coordinator, and at least two professionals from two different disciplines that have been or are currently involved in the assessment and provision of the child's services. Specialists are also available to address the child's individualized needs.[46]

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[38] Section 391.308, F.S.
[39] Section 381.001, F.S.
[40] Department of Health, *Division of Children's Medical Services, available at* https://www.floridahealth.gov/individual-family-health/child-infant-youth/special-health-care-needs/cms/ (last visited Feb. 9, 2026).
[41] Department of Health, Early Steps, *Milestone Development Guide, available at* https://floridaearlysteps.com/wp-content/uploads/2022/04/ES_MilestoneDevelopmentGuide_English_sm.pdf (last visited Feb. 9, 2026).
[42] Section 391.302, F.S.
[43] Florida Early Steps, *Eligibility and Screening, available at* https://floridaearlysteps.com/eligibility-and-screening/ (last visited Feb. 9, 2026).
[44] *Id*.
[45] *Florida Early Steps, Eligibility and Screening, available at https://floridaearlysteps.com/eligibility-and-screening/ (last visited Feb. 9, 2026).*
[46] *Id*.

The Early Steps Program provides the following services, working closely with families to understand their child's needs to help them succeed:[47]

- Developmental monitoring, screening, and evaluation.
- Professional support and service coordination.
- Individualized early intervention sessions.
- Occupational, physical, and speech therapies.
- Hearing and vision services; and
- Assistive technology.

In 2025, the Legislature enacted CS/CS/SB 112, an act relating to Children with Developmental Disabilities, which took effect upon becoming a law on May 27, 2025.[48] The bill requires the DOH to submit an application for federal approval to extend eligibility for services and implementing the Early Steps Extended Option under part C of the IDEA no later than July 1, 2026. The Early Steps Extended Option would allow eligible children to continue receiving services through the Early Steps Program until the beginning of the school year following their fourth birthday, contingent on obtaining legislative funding, but not contingent on receiving federal funding.

Home Health Aide for Medically Fragile Children Program

The Home Health Aide for Medically Fragile Children (HHAMFC) Program was created by the Legislature in 2023, in response to the national health care provider shortage and its impact on medically fragile children and their family caregivers, to provide an opportunity for family caregivers to receive training and gainful employment.[49] While other Medicaid programs exist that compensate a family member who provides home health services to a Medicaid enrollee, the HHAMFC Program is the only one that compensates a family member who is not a licensed nurse, specifically for the provision of home health services to a medically fragile child.

The program allows a family caregiver to be reimbursed by Medicaid as an HHAMFC. To qualify, the care must be provided to a relative who is 21 years old or younger with an underlying physical, mental, or cognitive impairment that prevents him or her from safely living independently. The relative must also be eligible to receive skilled care or respite care services under the Medicaid program.[50] The family caregiver must be at least 18 years old, demonstrate a minimum ability to read and write, and successfully pass background screening requirements. The family caregiver must also complete an approved training program or have graduated from an accredited prelicensure nursing education program and be waiting to take the state licensing exam.[51] The required training includes 40 hours of home health aide training, 20 hours of training specific to the eligible relative's needs, at least 16 hours of clinical training under the

[47] Florida Early Steps, *About Early Steps, available at* https://floridaearlysteps.com/about/ (last visited Feb. 9, 2026).
[48] Chapter 2025-95, Laws of Fla.
[49] Chapter 2023-183, Laws of Fla.
[50] Section 400.462(12), F.S.
[51] Section 400.4765(2), F.S.

direct supervision of a registered nurse (RN) specific to the needs of the eligible relative, and training on HIV/AIDS[52] and CPR.[53, 54]

Delegation of Medication Administration

Section 464.0156, F.S., allows an RN to delegate certain duties to a certified nursing assistant, home health aide, or HHAMFC, including the administration of medications, except that s. 464.0156(2)(c), F.S., prohibits an RN from delegating the administration of any controlled substance listed in Schedules II through IV.[55] However, s. 464.022(1), F.S., provides that nothing in the nurse practice act may be construed to prohibit the care of the sick by friends or members of the family without compensation. Currently, even though a HHAMFC provides care exclusively to an eligible relative, since the HHAMFC is reimbursed for the care provided, he or she would likely not fall under the exception in s. 464.022(1), F.S. when acting within the scope of his or her duties as a HHAMFC.

Autism Micro-Credential[56]

The University of Florida Center for Autism and Neurodevelopment provides a micro-credential to provide specialized training in supporting students with autism. The micro-credential is currently available to instructional personnel, prekindergarten instructors, and child care professionals.as defined in s. 1012.01(2), F.S. This training equips instructional and child care personnel with skills in identifying autism-related behaviors, supporting the classroom environment, using assistive technologies, and applying evidence-based practices.

Currently, Early Steps Program service providers are not eligible to receive this micro-credential. With the passage of CS/CS/SB 112 in 2025, Early Steps Program providers must include an educational component for children choosing to remain in Early Steps for the Extended Option to the IFSP, and this micro-credential provides personnel with training related to that new educational component requirement.

III. Effect of Proposed Changes:

Section 1 amends s. 381.986, F.S., to:

- Apply the tetrahydrocannabinol (THC) and cannabidiol (CBD) concentration requirements for low-THC cannabis to the final product, rather than to the flower from which the product was derived.
- Lower the required concentration of CBD to meet the definition of low-THC cannabis from 10 percent to more than two percent.
- Require qualified physicians and marijuana treatment center (MMTC) medical directors to renew their medical marijuana training course and exam certification biennially rather than "before each licensure renewal" to provide flexibility for when the physician takes the course rather than tying it to his or her licensure renewal.

[52] Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome.
[53] Cardio Pulmonary Resuscitation
[54] Section 400.4765(3), F.S.
[55] With an exception for certain prefilled insulin syringes.
[56] Department of Health, Senate Bill 902 Legislative Analysis, Jan. 5, 2026 (on file with the Senate Committee on Health Policy).

- Restrict MMTC facilities from being located within 500 feet of a park, child care facility, or early learning facility. The bill exempts facilities that were approved prior to July 1, 2026, from the new restriction and specifies that any park, child care facility, early learning facility, or school that is established after the approval of the MMTC facility does not affect its continued operation.
- For the purposes of the above restrictions, define "park" to mean any public or private property, excluding private residences, which has equipment specifically installed for children's athletic, recreational, or leisure activities, including, but not limited to, playgrounds and athletic playing fields. The term does not include conservation and recreation lands acquired in accordance with chapter 259, F.S., or conservation and recreation lands designated by a local government, unless such lands contain equipment installed for children's athletic, recreational, or leisure activities.
- Remove obsolete references to former s. 381.986, F.S., (2016) and the compassionate use registry.

Sections 2 creates s. 381.994, F.S., to establish the Neurofibromatosis Disease Grant Program (Program) within the Department of Health (DOH) with the purpose of advancing the progress of research and cures for neurofibromatosis. Subject to appropriation, the DOH, in consultation with the Rare Disease Advisory Council (RDAC), must award grants through a competitive, peer-reviewed process to eligible institutions.[57] Grants must be awarded, based on scientific merit, to further the search for new diagnostics, treatments, and cures for neurofibromatosis. The following types of grants may be considered for funding:

- Investigator-initated research grants.
- Institutional research grants.
- Collaborative research grants, including those that advance the finding of treatment and cures through basic or applied research.

The bill requires DOH to appoint peer review panels of independent, scientifically qualified individuals to review the scientific merit of each proposal and establish its priority score. The DOH must provide the priority score to the RDAC which must consider the priority score in its recommendations for funding.

The bill requires the RDAC and peer-review panels to establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy regarding conflicts of interest.

The bill authorizes the unexpended balance of any funds appropriated to the Program to carried forward for up to five years.

Section 3 amends s. 383.14, F.S., to require the DOH to create an evidence-based educational pamphlet on the nutritional needs of preterm infants to be provided to parents and guardians of infants receiving care in a NICU. By January 1, 2027, the DOH must make the pamphlet available electronically to hospitals licensed to provide NICU services. The pamphlet must include, but need not be limited to, the following information:

- The specific nutritional needs of preterm infants;

[57] Under the bill, eligible institutions include any university or established research institute in Florida.

- The health risks associated with nutritional deficits and the potential need for nutritional supplementation.
- Different nutritional sources for infants, including maternal breast milk, pasteurized human donor milk, infant formula, human-milk-derived fortifiers, and bovine-milk-derived fortifiers and the recommended uses for each type of nutritional source;
- The importance of maternal breast milk for meeting the nutritional and developmental needs of infants, and the alternative of pasteurized human donor milk if maternal breast milk is not available;
- The potential risks associated with the use of infant formula, including preterm infant formula, as a sole or primary nutrition source; and
- Necrotizing enterocolitis, the risk factors for necrotizing enterocolitis, and the potential for a human-milk-based diet, including maternal and pasteurized donor breast milk and human-milk-derived infant fortifiers, to reduce the risk of necrotizing enterocolitis.

Section 4 amends s. 391.308, F.S., to delete Florida-specific language directing the Department of Health (DOH) to provide mediation and, if necessary, an appeals process for applicants found ineligible for developmental evaluation or early intervention services or denied financial support. The bill instead requires the DOH to establish procedures for dispute resolution and mediation as outlined in part C of the federal Individuals with Disabilities Education Act (IDEA).

Sections 4 and 5 amend ss. 391.308 and 391.3081, F.S., respectively, to replace detailed, locally-executed transition directives with a requirement that the DOH "establish statewide uniform protocols and procedures" for transition to a school district program or another program as part of the individual family support plan (IFSP) pursuant to IDEA part C. In doing so, the bill deletes statutory requirement that at least 90 days before the child turns three years old, or four years old for a child in the Extended Option, the local program office must notify the local school district and the Department of Education (subject to opt-out) and, with parental approval, convene a transition conference with school district participation. The DOH reports that the deletions will allow greater programmatic flexibility within federal guidelines.[58]

Section 6 amends s. 456.074(5), F.S., to require the DOH to issue an emergency order suspending the license of a health care practitioner upon arrest[59] for committing (or attempting, soliciting, or conspiring to commit) murder (s. 782.04, F.S.) in this state or a similar offense in another jurisdiction.

Section 7 amends s. 464.0156, F.S., to allow a registered nurse (RN) to delegate the administration of a Schedule IV controlled substance prescribed for the emergency treatment of an active seizure to a home health aide for medically fragile children.

Section 8 amends s. 491.005, F.S., to postpone the sunset date from Sept. 1, 2027, to Sept. 1, 2032, of a provision that authorizes graduates from an unaccredited program to obtain licensure

[58] Department of Health, *Senate Bill 902 Legislative Analysis*, Jan. 5, 2026 (on file with the Senate Committee on Health Policy).

[59] A warrantless arrest is reasonable when the officer has probable cause to believe the suspect committed a crime in the officer's presence. *Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001). Probable cause "requires only a probability or substantial chance of criminal activity, not an actual showing of such activity." *Illinois v. Gates*, 462 U.S. 213, 243–44 n.13 (1983). In other words, probable cause "is not a high bar." *Kaley v. United States*, 571 U.S. 320, 338 (2014).

as a marriage and family therapist if other requirements are met, such as the passage of a licensure exam and satisfactory background screening.

Section 9 amends s. 1004.551, F.S., to add Early Steps-credentialed early intervention service providers to the list of individuals eligible for the University of Florida Center for Autism and Neurodevelopment's autism micro-credential.

Section 10 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None identified.

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:

The bill provides that a health care practitioner who is arrested[60] for murder will have his or her license suspended. Florida Constitution (Art. I, § 9) provides that "[n]o person shall be deprived of life, liberty or property without due process of law," which means the state must use fair procedures before taking away a protected interest such as a professional license. Likewise, the U.S. Constitution's Fourteenth Amendment bars any state from depriving a person of "life, liberty, or property, without due process of law." If there's an immediate danger, due process usually allows the state to act first (e.g., an emergency/summary suspension) without a full pre-suspension hearing, as long as the procedure is "fair under the circumstances" and the licensee gets a prompt post-deprivation opportunity to challenge it.

> "… an emergency order issued prior to a hearing must set forth facts sufficient to demonstrate immediate danger, necessity, and procedural fairness.. Fairness requires that the order provide a remedy that is tailored to address the harm and provide for an administrative hearing. Section

[60] A warrantless arrest is reasonable when the officer has probable cause to believe the suspect committed a crime in the officer's presence. Atwater v. City of Lago Vista, 532 U.S. 318, 354 (2001). Probable cause "requires only a probability or substantial chance of criminal activity, not an actual showing of such activity." Illinois v. Gates, 462 U.S. 213, 243–44 n.13 (1983). In other words, probable cause "is not a high bar." Kaley v. United States, 571 U.S. 320, 338 (2014).

> 120.60(6)(c) requires, in cases of summary suspension, that the Department promptly institute a formal suspension or revocation proceeding...[61]

The Department of Health (DOH) must ensure that each licensee whose license is suspended through an emergency order promptly receives a formal proceeding at which the health care practitioner can dispute the factual matters in the arrest that were relied on by the DOH.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

Any impact that this bill may have on the private sector is indeterminate.

C. Government Sector Impact:

According to the Department of Health (DOH), the bill does not have a fiscal impact on state expenditures. The Neurofibromatosis Grant Program (Program) is subject to an appropriation. The Senate General Appropriations Bill SB 2500, Specific Appropriation 524) provides $5,000,000 nonrecurring general revenue funds to implement the Program. The DOH notes that the bill may have a minimal workload impact related to updating technology systems, but this impact be absorbed within existing resources.[62]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates section 381.944 of the Florida Statutes.

The bill substantially amends the following sections of the Florida Statutes: 381.986, 383.14, 391.308, 391.3081, 456.074, 464.0156, 491.005, and 1004.551.

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[61] *Field v. State, Dep't of Health*, 902 So. 2d 893, 895 (Fla. Dist. Ct. App. 2005). *See Witmer v. Dep't of Bus. and Prof'l Regulation,* 631 So.2d 338 (Fla. 4th DCA 1994) *See Daube v. Dep't of Health,* 897 So.2d 493 (Fla. 1st DCA 2005); *Premier Travel Int'l, Inc. v. Dep't of Agric.,* 849 So.2d 1132, 1137 (Fla. 1st DCA 2003); *White Constr. Co., Inc. v. State, Dep't of Transp.,* 651 So.2d 1302, 1305 (Fla. 1st DCA 1995).

[62] Department of Health, Senate Bill 902 Legislative Analysis, Jan. 5, 2026 (on file with the Senate Committee on Health Policy).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS/CS by Rules on February 24, 2026:
The CS defines the term "park" specific to restrictions on the placement of MMTC facilities and amends the newborn screening program to require the DOH to create an evidence-based pamphlet on the nutritional needs of preterm infants which must be provided to parents and guardians of an infant who is receiving care in a hospital's NICU.

CS/CS by Appropriations Committee on Health and Human Services on February 18, 2026:
The committee substitute:

- Creates the Neurofibromatosis Disease Grant Program within the Department of Health.
- Postpones the sunset date from Sept. 1, 2027, to Sept. 1, 2032, of a provision that authorizes graduates from an unaccredited program to obtain licensure as a marriage and family therapist if other requirements are met, such as the passage of a licensure exam and satisfactory background screening.

CS by Health Policy on February 11, 2026:
The CS removes provisions related to the Dental Student Loan Repayment Program from the underlying bill and adds a provision allowing an RN to delegate the administration of a Schedule IV controlled substance prescribed for the emergency treatment of an active seizure to a HHAMFC.

B. Amendments:

None.

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

399010

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 229
and insert:

Section 1. Present paragraphs (a) through (d) of subsection (11) of section 381.986, Florida Statutes, are redesignated as paragraphs (b) through (e), a new paragraph (a) is added to that subsection, and paragraph (f) of subsection (1), paragraphs (a) and (c) of subsection (3), paragraph (h) of subsection (4), paragraph (a) of subsection (8), and present paragraphs (a) and (c) of subsection (11) of that section are amended, to read:

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381.986 Medical use of marijuana.—

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

(f) "Low-THC cannabis" means a plant of the genus *Cannabis*, whether growing or not ~~the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight~~; the seeds thereof; the resin extracted from any part of such plant; and every ~~or any~~ compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin, excluding edibles; which contains 0.8 percent or less of tetrahydrocannabinol and more than 2 percent of cannabidiol, weight for weight, which ~~that~~ is dispensed from a medical marijuana treatment center.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician ~~and before each license renewal~~, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. Qualified physicians must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(c) Before being employed as a medical director ~~and before each license renewal~~, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this

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section and any rules adopted hereunder. Medical directors must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(4) PHYSICIAN CERTIFICATION.—

~~(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.~~

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and

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cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, ~~which were entered into the compassionate use registry before July 1, 2017,~~ and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of

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subparagraph (b)2. An applicant that applies for licensure under this sub-subparagraph, pays its initial application fee, is determined by the department through the application process to qualify as a recognized class member, and is not awarded a license under this sub-subparagraph may transfer its initial application fee to one subsequent opportunity to apply for licensure under subparagraph 4.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) As used in this subsection, the term "park" means any public or private property, excluding private residences, which has equipment specifically installed for children's athletic, recreational, or leisure activities, including, but not limited to, playgrounds and athletic playing fields. The term does not include conservation and recreation lands acquired in accordance with chapter 259 or conservation and recreation lands designated by a local government, unless such lands contain equipment installed for children's athletic, recreational, or leisure activities.

(b) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a park, a child care facility as defined in s. 402.302, a facility that provides early learning services as specified in s. 1000.04(1), or a public or private elementary school, middle school, or secondary school. The subsequent establishment of any such park, child care facility, early learning facility, or school after the approval of the medical marijuana treatment center cultivating or processing facility does not affect the continued operation or location of the approved cultivating or processing facility. A medical marijuana treatment center cultivating or processing facility that was approved by the department before July 1, 2026, is exempt from the distance restrictions relating to parks, child care facilities, and early learning facilities.

(d) ~~(c)~~ A medical marijuana treatment center dispensing

399010

facility may not be located within 500 feet of the real property that comprises a park, a child care facility as defined in s. 402.302, a facility that provides early learning services as specified in s. 1000.04(1), or a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community. The subsequent establishment of any such park, child care facility, early learning facility, or school after the approval of the medical marijuana treatment center dispensing facility does not affect the continued operation or location of the approved dispensing facility. A medical marijuana treatment center dispensing facility that was approved by the department before July 1, 2026, is exempt from the distance restrictions relating to parks, child care facilities, and early learning facilities.

========== 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:

centers; deleting obsolete language; defining the term "park"; prohibiting

154638

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2026	.	
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The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 369 and 370
insert:

Section 5. Paragraph (t) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(t) Failing to identify through written notice, which may

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include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must include the full legal name of the practitioner and identify the type of license and license number the practitioner holds. For purposes of this paragraph, the term "advertisement" includes, but is not limited to, promotional materials, websites, and social media. This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 394, chapter 395, chapter 400, or chapter 429. Each board, or the department where there is no board, is authorized by rule to determine how its practitioners may comply with this disclosure requirement.

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

And the title is amended as follows:

Between lines 54 and 55

insert:

amending s. 456.072, F.S.; revising grounds for disciplinary action against health care practitioners; defining the term "advertisement";

401870

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 287 and 288
insert:

Section 3. Paragraph (i) is added to subsection (3) of section 383.14, Florida Statutes, to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.—The department shall administer and provide certain services to implement the provisions of this section and shall:

401870

(i) Create an evidence-based educational pamphlet on the nutritional needs of preterm infants to be provided to parents and guardians of infants receiving care in a neonatal intensive care unit. By January 1, 2027, the department shall make the pamphlet available electronically to hospitals licensed under chapter 395 to provide neonatal intensive care services. The pamphlet must include, but need not be limited to, information on preterm infants relating to all of the following:

1. The specific nutritional needs of preterm infants;

2. The health risks associated with nutritional deficits and the potential need for nutritional supplementation;

3. Different nutritional sources for infants, including maternal breast milk, pasteurized human donor milk, infant formula, human-milk-derived fortifiers, and bovine-milk-derived fortifiers and the recommended uses for each type of nutritional source;

4. The importance of maternal breast milk for meeting the nutritional and developmental needs of infants, and the alternative of pasteurized human donor milk if maternal breast milk is not available;

5. The potential risks associated with the use of infant formula, including preterm infant formula, as a sole or primary nutrition source; and

6. Necrotizing enterocolitis, the risk factors for necrotizing enterocolitis, and the potential for a human-milk-based diet, including maternal and pasteurized donor breast milk and human-milk-derived infant fortifiers, to reduce the risk of necrotizing enterocolitis.

401870

All provisions of this subsection must be coordinated with the provisions and plans established under this chapter, chapter 411, and Pub. L. No. 99-457.

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

And the title is amended as follows:

Delete line 48

and insert:

circumstances; amending s. 383.14, F.S.; requiring the department to create an evidence-based educational pamphlet on the nutritional needs of preterm infants for a specified purpose; requiring the department to make the pamphlet available electronically to certain hospitals by a specified date; specifying requirements for the pamphlet; amending s. 391.308, F.S.; revising

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senator Garcia

603-02959-26 2026902c2

A bill to be entitled

An act relating to the Department of Health; amending s. 381.986, F.S.; revising the definition of the term "low-THC cannabis"; revising requirements for department approval of qualified physicians and medical directors of medical marijuana treatment centers; deleting obsolete language; prohibiting medical marijuana treatment center cultivating, processing, or dispensing facilities from being located within a specified distance of parks, child care facilities, or facilities providing early learning services; authorizing counties and municipalities to approve a dispensing facility within such distance under certain circumstances; providing that the subsequent establishment of any park, child care facility, early learning facility, or school after the approval of a medical marijuana treatment center's cultivating, processing, or dispensing facility does not affect the continued operation or location of the approved cultivating, processing, or dispensing facility; exempting cultivating, processing, or dispensing facilities approved before a specified date from such distance requirements; creating s. 381.994, F.S.; creating the Neurofibromatosis Disease Grant Program within the department; providing the purpose of the program; providing that, subject to legislative appropriation, the program award grants for certain purposes; specifying entities that are eligible to apply for

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

Florida Senate - 2026 CS for CS for SB 902

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grants under the program; allowing certain grant proposals to receive preference in the awarding of grants; requiring the department to award grants after consulting with the Rare Disease Advisory Council; specifying the types of applications that may be considered for grant funding; requiring the department to appoint peer review panels to review the scientific merit of grant applications and establish their priority scores; requiring the council to consider the priority scores in determining which proposals are recommended for grant funding under the program; requiring the council and peer review panels to establish and follow certain guidelines when performing their duties under the program; prohibiting members of the council or peer review panels from participating in discussions or decisions if there are certain conflicts of interest; authorizing certain appropriated funds to be carried forward under certain circumstances; amending s. 391.308, F.S.; revising duties of the department in administering the Early Steps Program; revising provisions related to transitioning children from the Early Steps Program to school district programs; amending s. 391.3081, F.S.; revising provisions relating to the Early Steps Extended Option to conform to changes made by the act; amending s. 456.074, F.S.; requiring the department to issue an emergency order suspending the license of a health care practitioner arrested for committing or attempting, soliciting, or conspiring to commit murder

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in this state or another jurisdiction; amending s. 464.0156, F.S.; authorizing a registered nurse to delegate the administration of certain controlled substances to a home health aide for medically fragile children under certain circumstances; amending s. 491.005, F.S.; revising licensure requirements for marriage and family therapists; amending s. 1004.551, F.S.; revising requirements for the micro-credential component of specialized training provided by the University of Florida Center for Autism and Neurodevelopment; providing an effective date.

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

Section 1. Paragraph (f) of subsection (1), paragraphs (a) and (c) of subsection (3), paragraph (h) of subsection (4), paragraph (a) of subsection (8), and paragraphs (a) and (c) of subsection (11) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

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

(f) "Low-THC cannabis" means a plant of the genus *Cannabis*, whether growing or not ~~the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight~~; the seeds thereof; the resin extracted from any part of such plant; and every ~~or any~~ compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin, excluding edibles; which contains 0.8 percent or less of tetrahydrocannabinol and 2

percent cannabidiol, weight for weight, which ~~that~~ is dispensed from a medical marijuana treatment center.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician ~~and before each license renewal~~, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. Qualified physicians must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(c) Before being employed as a medical director ~~and before each license renewal~~, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. Medical directors must renew the course certification biennially. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(4) PHYSICIAN CERTIFICATION.—

~~(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before~~

~~June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.~~

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, ~~which were entered into the compassionate use registry before July 1, 2017,~~ and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2. An applicant that applies for licensure under this sub-subparagraph, pays its initial application fee, is determined by the department through the application process to qualify as a recognized class member, and is not awarded a license under this sub-subparagraph may transfer its initial application fee to one subsequent opportunity to apply for licensure under subparagraph 4.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in

10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a park as defined in s. 775.215(1), a child care facility as defined in s. 402.302, a facility that provides early learning services as specified in s. 1000.04(1), or a public or private elementary school, middle school, or secondary school. The subsequent establishment of any such park,

child care facility, early learning facility, or school after the approval of the medical marijuana treatment center cultivating or processing facility does not affect the continued operation or location of the approved cultivating or processing facility. A medical marijuana treatment center cultivating or processing facility that was approved by the department before July 1, 2026, is exempt from the distance restrictions from a park, child care facility, or early learning facility.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a park as defined in s. 775.215(1), a child care facility as defined in s. 402.302, a facility that provides early learning services as specified in s. 1000.04(1), or a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community. The subsequent establishment of any such park, child care facility, early learning facility, or school after the approval of the medical marijuana treatment center dispensing facility does not affect the continued operation or location of the approved dispensing facility. A medical marijuana treatment center dispensing facility that was approved by the department before July 1, 2026, is exempt from the distance restrictions from a park, child care facility, or early learning facility.

Section 2. Section 381.994, Florida Statutes, is created to read:

381.994 Neurofibromatosis Disease Grant Program.—

(1)(a) There is created within the Department of Health the Neurofibromatosis Disease Grant Program. The purpose of the program is to advance the progress of research and cures for neurofibromatosis by awarding grants through a competitive, peer-reviewed process.

(b) Subject to legislative appropriation, the program shall award grants for scientific and clinical research to further the search for new diagnostics, treatments, and cures for neurofibromatosis.

(2)(a) Applications for grants for neurofibromatosis disease research may be submitted by any university or established research institute in this state. All qualified investigators in this state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Preference may be given to grant proposals that foster collaboration among institutions, researchers, and community practitioners, as such proposals support the advancement of treatments and cures of neurofibromatosis through basic or applied research. Grants shall be awarded by the department, after consultation with the Rare Disease Advisory Council under s. 381.99, on the basis of scientific merit, as determined by the competitive, peer-reviewed process to ensure objectivity, consistency, and high quality. The following types of applications may be considered for funding:

1. Investigator-initiated research grants.

2. Institutional research grants.

3. Collaborative research grants, including those that advance the finding of treatment and cures through basic or

applied research.

(b) To ensure appropriate and fair evaluation of grant applications based on scientific merit, the department shall appoint peer review panels of independent, scientifically qualified individuals to review the scientific merit of each proposal and establish its priority score. The priority scores shall be forwarded to the council, and the council must consider priority scores in determining which proposals are recommended for funding.

(3) For purposes of performing their duties under this section, the Rare Disease Advisory Council and the peer review panels shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision of the council or panel with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.

(4) Notwithstanding s. 216.301 and pursuant to s. 216.351, the balance of any appropriation from the General Revenue Fund for the Neurofibromatosis Disease Grant Program which is not disbursed but is obligated pursuant to contract or committed to be expended by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 3. Paragraphs (a) and (j) of subsection (2) and paragraphs (a) and (b) of subsection (7) of section 391.308, Florida Statutes, are amended to read:

391.308 Early Steps Program.—The department shall implement and administer part C of the federal Individuals with Disabilities Education Act (IDEA), which shall be known as the "Early Steps Program."

(2) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Annually prepare a grant application to the Federal Government requesting ~~the United States Department of Education for~~ funding for early intervention services for infants and toddlers with disabilities and their families pursuant to part C of the federal Individuals with Disabilities Education Act.

(j) Establish procedures for dispute resolution and mediation as outlined in part C of the federal Individuals with Disabilities Education Act ~~Provide a mediation process and if necessary, an appeals process for applicants found ineligible for developmental evaluation or early intervention services or denied financial support for such services~~.

(7) TRANSITION TO EDUCATION.—

(a) The department shall establish statewide uniform protocols and procedures for transition to a school district program for children with disabilities or to another program as part of an individual family support plan pursuant to part C of the federal Individuals with Disabilities Education Act ~~At least 90 days before a child reaches 3 years of age, the local program office shall initiate transition planning to ensure the child's successful transition from the Early Steps Program to a school district program for children with disabilities or to another program as part of an individual family support plan.~~

~~(b) At least 90 days before a child reaches 3 years of age, the local program office shall:~~

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

~~1. Notify the local school district in which the child resides and the Department of Education that the child may be eligible for special education or related services as determined by the local school district pursuant to ss. 1003.21 and 1003.57, unless the child's parent or legal guardian has opted out of such notification; and~~

~~2. Upon approval by the child's parent or legal guardian, convene a transition conference that includes participation of a local school district representative and the parent or legal guardian to discuss options for and availability of services~~.

Section 4. Subsection (5) of section 391.3081, Florida Statutes, is amended to read:

391.3081 Early Steps Extended Option.—

(5) TRANSITION TO EDUCATION.—The department shall establish statewide uniform protocols and procedures for transition to a school district program for children with disabilities or to another program as part of an individual family support plan pursuant to part C of the federal Individuals with Disabilities Education Act.

~~(a) At least 90 days before the beginning of the school year following the fourth birthday of a child enrolled in the Early Steps Extended Option, the local program office shall initiate transition planning to ensure the child's successful transition from the Early Steps Extended Option to a school district program under part B of the federal Individuals with Disabilities Education Act or to another program as part of an individual family support plan. Specifically, the local program office shall:~~

~~1. Notify the Department of Education and the local school~~

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

~~district in which the child resides that the eligible child is exiting the Early Steps Extended Option, unless the child's parent or legal guardian has opted out of such notification; and~~

~~2. Upon approval by the child's parent or legal guardian, convene a transition conference that includes participation of a local school district representative and the parent or legal guardian to discuss options for and availability of services.~~

~~(b) The local program office, in conjunction with the local school district, shall modify a child's individual family support plan, or, if applicable, the local school district shall develop or review an individual education plan for the child pursuant to ss. 1003.57, 1003.571, and 1003.5715 which identifies special education or related services that the child will receive and the providers or agencies that will provide such services.~~

~~(c) If a child is found to be no longer eligible for part B of the federal Individuals with Disabilities Education Act during the review of an individual education plan, the local program office and the local school district must provide the child's parent or legal guardian with written information on other available services or community resources.~~

Section 5. Present paragraphs (d) through (hh) of subsection (5) of section 456.074, Florida Statutes, are redesignated as paragraphs (e) through (ii), respectively, and a new paragraph (d) is added to that subsection, to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(5) The department shall issue an emergency order suspending the license of any health care practitioner who is

arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of any of the following criminal offenses in this state or similar offenses in another jurisdiction:

(d) Section 782.04, relating to murder.

Section 6. Paragraph (c) of subsection (2) of section 464.0156, Florida Statutes, is amended to read:

464.0156 Delegation of duties.—

(2)

(c) A registered nurse may not delegate the administration of any controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s. 812, except that a registered nurse may delegate:

1. ~~For~~ The administration of an insulin syringe that is prefilled with the proper dosage by a pharmacist or an insulin pen that is prefilled by the manufacturer; and

2. To a home health aide for medically fragile children as defined in s. 400.462 the administration of a Schedule IV controlled substance prescribed for the emergency treatment of an active seizure.

Section 7. Paragraph (c) of subsection (3) of section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, the department shall issue a license as a marriage and family therapist to an applicant whom the board certifies has met all of the following criteria:

(c)1. Attained one of the following:

a. A minimum of a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

b. A minimum of a master's degree with a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the Council on Accreditation of Counseling and Related Educational Programs and graduate courses approved by the board.

c. A minimum of a master's degree with an emphasis in marriage and family therapy or a closely related field, with a degree conferred before September 1, 2032 ~~2027~~, from an institutionally accredited college or university and graduate courses approved by the board.

2. If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant provided additional documentation, including, but not limited to, a syllabus or catalog description published for the course. The required master's degree must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or was a member in good standing with Universities Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by an institutional accrediting body recognized by

the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure may not exceed those stated in this subsection.

Section 8. Paragraph (f) of subsection (1) of section 1004.551, Florida Statutes, is amended to read:

1004.551 University of Florida Center for Autism and Neurodevelopment.—There is created at the University of Florida the Center for Autism and Neurodevelopment.

(1) The center shall:

(f) Develop an autism micro-credential to provide specialized training in supporting students with autism.

1. The micro-credential must be stackable with the autism endorsement and be available to:

a. Instructional personnel as defined in s. 1012.01(2);

b. Prekindergarten instructors as specified in ss. 1002.55, 1002.61, and 1002.63; and

c. Child care personnel as defined in ss. 402.302(3) and 1002.88(1)(e).

d. Early intervention service providers credentialed through the Early Steps Program.

2. The micro-credential must require participants to demonstrate competency in:

a. Identifying behaviors associated with autism.

b. Supporting the learning environment in both general and specialized classroom settings.

c. Promoting the use of assistive technologies.

d. Applying evidence-based instructional practices.

3. The micro-credential must:

a. Be provided at no cost to eligible participants.

b. Be competency-based, allowing participants to complete the credentialing process either in person or online.

c. Permit participants to receive the micro-credential at any time during training once competency is demonstrated.

4. Individuals eligible under subparagraph 1. who complete the micro-credential are eligible for a one-time stipend, as determined in the General Appropriations Act. The center shall administer stipends for the micro-credential.

Section 9. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #902**, relating to Department of Health, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ileana Garcia
Florida Senate, District 36

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

2/24/24
Meeting Date

Rules
Committee

902
Bill Number or Topic

399010
Amendment Barcode (if applicable)

Name Melissa Villar

Phone (850) 354-1636

Address PO Box 11254
Street

Email melissa@thcc.fsu.org

TLH FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:
The Holistic Cannabis Community

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB 902
Bill Number or Topic

Amendment Barcode (if applicable)

Name J.P. Bell

Phone 850-524-9435

Address
Street

Email

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:
DOH

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 914
INTRODUCER:	Health Policy Committee and Senator Calatayud
SUBJECT:	Dry Needling
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Smith	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 914 authorizes occupational therapists to perform dry needling and directs the Board of Occupational Therapy Practice to adopt minimum training, supervision, consent, and documentation standards for the performance of dry needling.

The bill also requires the Department of Health (DOH) to produce a report by December 31, 2028, on workforce trends and adverse incidents related to occupational therapists performing dry needling.

The bill has an insignificant, negative fiscal impact on the DOH, which can likely be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Occupational Therapy

Occupational therapy is the therapeutic use of occupations (meaningful daily activities) through habilitation, rehabilitation, and the promotion of health and wellness to support participation and function in home, school, work, and community settings.[1] Occupational therapy services are

[1] Section 468.203(4), F.S.

provided to clients who have, or are at risk of developing, an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction.[2]

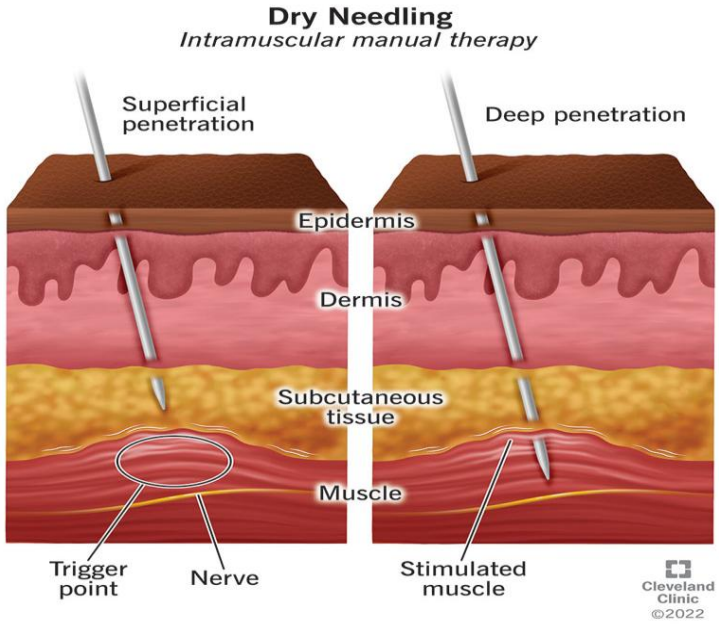
Occupational therapists are regulated under part III of ch. 468, F.S. They are licensed by the Department of Health (DOH) and regulated through the Board of Occupational Therapy Practice. The DOH recently reported that Florida regulates approximately 13,712 occupational therapists.[3]

To become initially licensed as an occupational therapist in Florida, an applicant must:[4]

- Graduate from an occupational therapy program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education;
- Complete a minimum of six months of supervised fieldwork within that program; and
- Pass the examination administered by the National Board for Certification in Occupational Therapy.[5]

Dry Needling[6]

Dry needling is a method for treating muskoskeletal pain and movement issues, typically used as part of a larger pain management plan which may include exercise, stretching, massage, and other techniques. During a dry needling treatment, a provider inserts thin sharp needles through the skin to treat underlying myofascial trigger points. Dry needling can decrease tightness,



[2] *Id.*
[3] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2024-25*, at 27, available at https://mqawebteam.com/annualreports/2425/2/ (last visited Jan. 28, 2025).
[4] Section 468.209, F.S.
[5] Department of Health. *Senate Bill 914 Legislative Analysis* (Dec. 17, 2025) (on file with the Senate Committee on Health Policy).
[6] Cleveland Clinic, *Dry Needling*, (last reviewed Feb. 20, 2023) *available at* https://my.clevelandclinic.org/health/treatments/16542-dry-needling (last visited Jan. 29, 2026).

increase blood flow, and reduce local and referred pain. The needles are "dry" because they don't contain any medication and nothing is injected through the skin. Dry needling may include superficial and deep penetration.

According to the DOH, the following professions may perform dry needling in Florida according to their respective practice acts: physicians, osteopathic physicians, physical therapists,[7] licensed acupuncturists, chiropractic physicians,[8] and athletic trainers.[9]

Acupuncture and dry needling use the same type of needles, but they're based on different approaches and goals. Acupuncture is performed by acupuncturists and comes from Eastern medicine, treating not only musculoskeletal pain but also other body systems, while dry needling is rooted in Western medicine, uses assessment of pain and movement patterns, and targets muscle tissue to reduce pain, release trigger points, and improve movement often as part of a larger pain management plan.

III. Effect of Proposed Changes:

Section 1 amends s. 468.203, F.S., to define terms for the Occupational Therapy Practice Act within part III of ch. 468, F.S.:

- "Dry needing" is defined as a skilled intervention, based on Western medicine, that uses filiform needles and other apparatus or equipment to stimulate a myofascial trigger point for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disabilities.
- "Myofascial trigger point" is defined as "an irritable section of soft tissue often associated with palpable nodules in taut bands of muscle fibers."

Section 2 creates s. 468.222, F.S., within the Occupational Therapy Practice Act, to authorize dry needling within the practice and to establish related standards and requirements.

The bill requires the Board of Occupational Therapy Practice (Board) to adopt minimum standards of practice for an occupational therapist to perform dry needling. At a minimum, the standards must require:

- At least two years of licensed practice as an occupational therapist;
- Completion of 50 hours of face-to-face continuing education on dry needling from an entity approved by the Board, including instruction in dry needling theory, needle selection and handling (including biohazardous waste handling), indications and contraindications, psychomotor skills, and postintervention care (including adverse response care, adverse incident recordkeeping, and any reporting obligations); and
- Demonstration of requisite psychomotor skills, as determined by the continuing education instructor.

The bill also requires the Board to establish supervision and training standards for clinical experience before independently performing dry needling. Specifically, an occupational therapist

[7] Section 486.117, F.S.
[8] Section 460.4085, F.S.
[9] Department of Health. *Senate Bill 914 Legislative Analysis* (Dec. 17, 2025) (on file with the Senate Committee on Health Policy).

must complete at least 25 patient sessions of dry needling performed under supervision, with documentation by the supervising practitioner that the supervised occupational therapist has met the Board's supervision and competency requirements, which must be adopted by rule, and does not require additional supervised sessions. The bill authorizes supervision by an occupational therapist, a physical therapist, or a chiropractic physician who holds an active license to practice in any state of the District of Columbia and has actively performed dry needling for at least one year. Alternatively, the bill allows satisfaction of the 25-session requirement through dry needling patient sessions performed while licensed in another state or while serving in the U.S. Armed Forces.

The bill requires that dry needling be performed only with patient consent and only when it is part of the patient's documented plan of care. The bill prohibits delegation of dry needling to any person other than an occupational therapist who is authorized to engage in dry needling under part III of ch. 468, F.S.

The bill authorizes the Board to impose additional supervision and training requirements before an occupational therapist may perform dry needling on the head, neck, or torso, if the Board deems such requirements necessary for patient safety.

The bill requires the Department of Health (DOH), within existing resources, to submit a report to the President of the Senate and the Speaker of the House of Representatives by December 31, 2028. The report must detail:

- The total number of occupational therapists licensed in Florida;
- The number who perform dry needling;
- Geographic increases or decreases in occupational therapists; and
- The number of adverse medical incidents, as defined by board rule, involving occupational therapists performing dry needling in this state.

Finally, the bill provides that the performance of dry needling in occupational therapy may not be construed to limit the scope of practice of other licensed health care practitioners not governed by ch. 468, F.S.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have an indeterminate, negative fiscal impact on occupational therapists who choose to perform dry needling and who will be required to cover the cost of the continuing education required under the bill.

C. Government Sector Impact:

The bill has an insignificant, negative fiscal impact that can be absorbed within existing resources. The Department of Health (DOH) will be required to update technology systems to reflect the new regulatory standards and estimates 464 non-recurring staff augmentation contracted hours at $120 per hour for a total cost of $55,680 in the contracted services category.[10] These costs can likely be absorbed within existing resources.

The DOH also anticipates an increase in enforcement activity, such as reviewing adverse incident reports and completing investigations, and an increase in reporting requirements, both of which can be absorbed within existing resources.[11]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 468.203 of the Florida Statutes.

[10] Department of Health. *Senate Bill 914 Legislative Analysis* (Dec. 17, 2025) (on file with the Senate Committee on Health Policy).
[11] *Id.*

This bill creates section 468.222 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Health Policy on February 2, 2026:
The CS requires the Board of Occupational Therapy to approve continuing education courses on dry needling, which would be completed by occupational therapists seeking to practice dry needling. It also broadens the pool of practitioners who may supervise the occupational therapist's 25 patient sessions of dry needling to include certain physical therapists and chiropractic physicians, in addition to occupational therapists as provided in the underlying bill.

B. Amendments:

None.

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

By the Committee on Health Policy; and Senator Calatayud

588-02423-26 2026914c1

A bill to be entitled

An act relating to dry needling; amending s. 468.203, F.S.; defining the terms "dry needling" and "myofascial trigger point"; creating s. 468.222, F.S.; requiring the Board of Occupational Therapy to establish minimum standards of practice for the performance of dry needling by occupational therapists, including specified standards; requiring the board, if it deems it necessary for patient safety, to adopt additional supervision and training requirements for occupational therapists to perform dry needling on specified areas; requiring the Department of Health to submit a report of specified information to the Legislature by a specified date; providing construction; providing an effective date.

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

Section 1. Present subsections (3) through (8) of section 468.203, Florida Statutes, are redesignated as subsections (5) through (10), respectively, and new subsections (3) and (4) are added to that section, to read:

468.203 Definitions.—As used in this act, the term:

(3) "Dry needling" means a skilled intervention, based on Western medicine, that uses filiform needles and other apparatus or equipment to stimulate a myofascial trigger point for the evaluation and management of neuromusculoskeletal conditions, pain, movement impairments, and disabilities.

(4) "Myofascial trigger point" means an irritable section

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

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of soft tissue often associated with palpable nodules in taut bands of muscle fibers.

Section 2. Section 468.222, Florida Statutes, is created to read:

468.222 Dry needling.—

(1) The board shall establish minimum standards of practice for the performance of dry needling by occupational therapists, including, at a minimum, all of the following:

(a) Completion of 2 years of licensed practice as an occupational therapist.

(b) Completion of 50 hours of face-to-face continuing education from an entity approved by the board on the topic of dry needling. To satisfy this requirement, the instructor of the continuing education must make a determination that the occupational therapist demonstrates the requisite psychomotor skills to safely perform dry needling. The continuing education must include instruction in all of the following areas:

1. Theory of dry needling.

2. Selection and safe handling of needles and other apparatus or equipment used in dry needling, including instruction on the proper handling of biohazardous waste.

3. Indications and contraindications for dry needling.

4. Psychomotor skills needed to safely perform dry needling.

5. Postintervention care, including care for adverse responses, adverse incident recordkeeping, and any reporting obligations.

(c)1. Completion of at least 25 patient sessions of dry needling performed under the supervision of an occupational

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

therapist, a physical therapist, or a chiropractic physician who holds an active license to practice in any state or the District of Columbia and has actively performed dry needling for at least 1 year. The supervising practitioner must document that the occupational therapist under his or her supervision has met the supervision and competency requirements specified by board rule and does not need additional supervised sessions to safely perform dry needling; or

2. Completion of 25 patient sessions of dry needling performed as an occupational therapist, physical therapist, or chiropractic physician licensed in another state or in the United States Armed Forces.

(d) A requirement that dry needling be performed only if the patient consents to the treatment and it is part of the patient's documented plan of care.

(e) A requirement prohibiting the delegation of dry needling to any person other than an occupational therapist who is authorized to perform dry needling under this part.

(2) The board shall establish additional supervision and training requirements that an occupational therapist must meet before performing dry needling on the head, neck, or torso if the board deems such requirements necessary for patient safety.

(3) The Department of Health shall, within existing resources, submit a report to the President of the Senate and the Speaker of the House of Representatives on or before December 31, 2028, detailing the total number of occupational therapists licensed in this state, the number of occupational therapists who perform dry needling in this state, any increases or decreases in the number of occupational therapists in this

state by geographic area, and the number of any adverse incidents, as defined by board rule, involving the performance of dry needling by occupational therapists in this state.

(4) The performance of dry needling in the practice of occupational therapy may not be construed to limit the scope of practice of other licensed health care practitioners not governed by this chapter.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #914**, relating to Dry Needling, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 928
INTRODUCER:	Rules Committee; Criminal Justice Committee, and Senator Martin
SUBJECT:	Dangerous Crimes
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Fav/CS**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Parker	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 928 creates s. 903.0472, F.S., to require the court to remand a person to custody immediately if the person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a dangerous crime. The person must remain in custody pending sentencing without the possibility of release on bond.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal, however it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

This section may not be construed to allow the remand of a person to custody if such person has served the maximum statutory sentence the offense.

The bill amends s. 907.041, F.S., to revise the definition of "dangerous crimes" for purposes of pretrial detention to include computer pornography and child exploitation.

The bill does not have a fiscal impact on state revenues or expenditures but may have a positive jail bed impact to local detention facilities. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Post Conviction Relief

A person in custody may seek relief if they believe their judgment of conviction or sentence was imposed in violation of the U.S. Constitution or the laws of Florida. Either the defendant or the state may seek review in the next higher state court of a trial court's ruling on a collateral relief motion, and in non-capital cases there is no right to appointed counsel for such proceedings.[1]

The procedural framework for post-conviction relief is governed largely by the Florida Rules of Criminal Procedure which permits motions to vacate, set aside, or correct a sentence on constitutional or legal grounds and generally must be filed within two years after the judgment and sentence become final.[2] This combination of statute and rules forms the core mechanism by which convicted persons in Florida can pursue collateral challenges to their convictions and sentences after direct appeal.

Bail on appeal – Supersedeas bond

In Florida, there is no general statutory right to bail or bond simply because a person has filed a post-conviction relief motion (e.g., a Rule 3.850 motion or similar collateral challenge); post-conviction motions themselves do not automatically entitle a convicted person to release on bond while the motion or appeal is pending.[3]

No person may be admitted to bail upon appeal from a conviction of a felony unless the defendant establishes that the appeal is taken in good faith, on grounds fairly debatable, and not frivolous. In no case will bail be granted if such person has previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and such person's civil rights have not been restored or if other felony charges are pending against the person and probable cause has been found that the person has committed the felony or felonies at the time the request for bail is made.[4]

In no case may an original appearance bond be continued for the appeal. To reflect the increased risk and probability of longer time considerations, there shall be a new undertaking of a bond for the appeal.[5]

If a person admitted to bail on appeal commits and is convicted of a separate felony while free on appeal, the bail on appeal must be revoked and the defendant committed.[6]

[1] Section 924.066, F.S.
[2] Fla. R. Crim. P. 3.850
[3] Fla. R. Crim. P. 3.850
[4] Section 903.132(1), F.S.
[5] Section 903.132(3), F.S.
[6] Section 903.131, F.S.

A trial or appellate court has the discretion to release a defendant who has been adjudicated guilty, for any non-capital offense, pending review of the conviction. A defendant may only be granted bail on appeal from a felony conviction if the defendant establishes the appeal is taken in good faith, on grounds fairly debatable, and not frivolous. A defendant is not eligible for bail if the defendant has:

- Previously been convicted of a felony, the commission of which occurred prior to the commission of the subsequent felony, and the person's civil rights have not been restored.
- Other pending felony charges and probable cause has been found that the person committed the felony or felonies at the time the request for bail was made. [7]

Pretrial Release

Bail and Surety Bond

The purpose of a bail determination in criminal proceedings is to ensure the appearance of a defendant at subsequent proceedings and to protect the community against unreasonable danger from the defendant.[8] For the defendant to be released from jail, a court may require bail by a defendant to provide security, such as cash or a bond to ensure that he or she will return for trial and any other required court appearances.[9]

As an alternative to posting the entire bail amount, a defendant may provide a criminal surety bail bond[10] executed by a bail bond agent. A cash bond is paid directly to the court for the total amount of the bond, in cash. If the arrestee does not appear after posting a cash bond, the money will be forfeited. After the final disposition of the case, bond money will be refunded, minus any unpaid court fees, costs, and criminal penalties.[11]

Bail determination – Pretrial Release

When determining whether to release a defendant on bail or other conditions and what that bail or those conditions may be, the court shall consider:[12]

- The nature and circumstances of the offense charged.
- The weight of the evidence against the defendant.
- The defendant's family ties, length of residence in the community, immigration status, employment history, financial resources, and mental condition.
- The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution or failure to appear at court proceedings.
- The nature and probability of danger which the defendant's release poses to the community.
- The source of funds used to post bail or procure an appearance bond, particularly whether the proffered funds, real property, property, or any proposed collateral or bond premium may be

[7] Fla. R. Crim. P. 3.691; See also *Younghans v. State*, 90 So. 2d 308 (Fla. 1956) ("All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great.").
[8] Section 903.046(1), F.S.
[9] *Universal Bail Bonds v. State*, 929 So.2d 697, 699 (Fla. 3d DCA 2006).
[10] Sections 903.011 and 903.105, F.S.
[11] Office of Program Policy Analysis and Government Accountability, County Pretrial Release Programs: Calendar Year 2021, Report No. 22-09 at 2 (December 2022) available at https://oppaga.fl.gov/Documents/Reports/22-09.pdf (last visited February 13, 2026).
[12] Section 903.046, F.S.

linked to or derived from the crime alleged to have been committed or from any other criminal or illicit activities. The burden of establishing the noninvolvement in or nonderivative from criminal or other illicit activity of such proffered funds, real property, property, or any proposed collateral or bond premium falls upon the defendant or other person proffering them to obtain the defendant's release.

- Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence.
- The street value of any drug or controlled substance connected to or involved in the criminal charge.
- The nature and probability of intimidation and danger to victims.
- Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.
- Whether the crime charged is a violation of ch. 874, F.S.,[13] or alleged to be subject to enhanced punishment under ch. 874, F.S., or reclassification under s. 843.22, F.S.[14]
- Whether the defendant, other than a defendant whose only criminal charge is a misdemeanor offense under ch. 316, F.S, is required to register as a sexual offender or a sexual predator.[15]
- Any other facts that the court considers relevant.[16]

The Legislature has created a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. A "dangerous crime" means any of the following:[17]

- Arson.
- Aggravated assault.
- Aggravated battery.
- Illegal use of explosives.
- Child abuse or aggravated child abuse.
- Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult.
- Aircraft piracy.
- Kidnapping.
- Homicide.
- Manslaughter.
- Sexual battery.
- Robbery.
- Carjacking.
- Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years.

[13] Chapter 874, F.S., refers to gang-related offenses and criminal gang activity.
[14] Section 903.046(2)(l), F.S., If any such violation is charged against a defendant or if the defendant is charged with a crime that is alleged to be subject to such enhancement or reclassification, he or she is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.
[15] Section 903.046(2)(m), F.S. Such offender is not eligible for release on bail or surety bond until the first appearance on the case in order to ensure the full participation of the prosecutor and the protection of the public.
[16] Section 903.046(2)(a)-(m), F.S.
[17] Section 907.041, F.S.

- Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority.
- Burglary of a dwelling.
- Stalking and aggravated stalking.
- Acts of domestic violence.
- Home invasion robbery.
- Act of terrorism.
- Manufacturing any substances.
- Attempting or conspiring to commit any such crime.
- Human trafficking.
- Trafficking in controlled substances.
- Extortion.
- Written threats to kill.

Computer Pornography

A person commits the offense of computer pornography, a third degree felony,[18] who:
- Knowingly compiles, enters into, or transmits by use of computer;[19]
- Makes, prints, publishes, or reproduces by other computerized means;[20]
- Knowingly causes or allows to be entered into or transmitted by use of computer;[21] or
- Buys, sells, receives, exchanges, or disseminates any notice, statement, or advertisement of any minor's name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for purposes of facilitating, encouraging, offering, or soliciting sexual conduct of or with a minor, or the visual depiction of such conduct.[22]

Any person commits a third degree felony if he or she knowingly uses a computer online service, internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to:
- Seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child or another person believed to be a child, to commit any specified illegal act, or otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child;[23] or
- Solicit, lure, or entice, or attempt to solicit, lure, or entice a parent, legal guardian, or custodian of a child or a person believed to be a parent, legal guardian, or custodian of a child to consent to the participation of such child in any act of sexual battery, lewdness or abuse of children, or to otherwise engage in any sexual conduct.[24]

[18] A third degree felony is generally punishable by a term of imprisonment of 5 years and a $5,000 fine as provided in ss. 775.082, 775.083 and 775.084, F.S.
[19] Section 847.0135(2)(a), F.S.
[20] Section 847.0135(2)(b), F.S.
[21] Section 847.0135(2)(c), F.S.
[22] Section 847.0135(2)(d), F.S.
[23] Section 847.0135(3)(a), F.S.
[24] Section 847.0135(3)(b), F.S.

A person who:

- Intentionally masturbates;[25]
- Intentionally exposes the genitals in a lewd or lascivious manner;[26] or
- Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity

live over a computer online service, internet service, or local bulletin board service and who knows, should know, or has reason to believe that the transmission is viewed on a computer or television monitor by a victim who is less than 16 years of age, commits lewd or lascivious exhibition.[27]

An offender 18 years of age or older who commits a lewd or lascivious exhibition using a computer commits a second degree felony.[28, 29]

An offender less than 18 years of age who commits a lewd or lascivious exhibition using a computer commits a third degree felony.[30]

III. Effect of Proposed Changes:

The bill names the Act "Missy's Law."

CS/CS/SB 928 creates s. 903.0472, F.S., to require the court to remand a person to custody immediately if the person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a dangerous crime. The person must remain in custody pending sentencing without the possibility of release on bond.

This provision applies regardless of whether the person intends to appeal or has filed a notice of appeal; however, it does not apply if the finding of guilt that formed the basis of the remand has been:

- Vacated;
- Reversed on appeal;
- Set aside by judgment of acquittal; or
- Otherwise nullified.

This section may not be construed to allow the remand of a person to custody if such person has served the maximum statutory sentence for the offense.

The bill amends s. 907.041, F.S., to revise the definition of "dangerous crimes" for purposes of pretrial detention, adding "any violation related to computer pornography or child exploitation" to the definition of enumerated offenses that constitute a dangerous crime.

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[25] Section 847.0135(5)(a)1., F.S.
[26] Section 847.0135(5)(a)2., F.S.
[27] Section 847.0135(5)(a)3., F.S.
[28] Section 847.0135(5)(b), F.S.
[29] A second degree felony is generally punishable by a term of imprisonment of not exceeding 15 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.
[30] Section 847.0135(5)(c), F.S.

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 Art. 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:

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 would not have an impact on the prison population. However, the bill denies bond or release for convicted felons prior to sentencing which lengthens their time served in jail thereby increasing jail bed demand within local detention facilities.[31]

[31] Office of Economic Development and Demographic Research, *CS/SB 928 - Mandatory Remand to Custody upon Conviction of Dangerous Crimes,* (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 creates section 903.0472 of the Florida Statutes.

The bill substantially amends section 907.041 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/CS by Rules on February 24, 2026:
The committee substitute:

- Provides that a remand for a dangerous crime applies to a person who enters a plea or is found guilty at trial, regardless of adjudication.
- Adds a provision to ensure that a person is not remanded if he or she has already served the maximum statutory sentence.

CS by Criminal Justice on January 20, 2026:
The committee substitute:

- Revises the definition of "dangerous crimes" for purposes of pretrial detention to include any violation related to computer pornography or child exploitation.

B. Amendments:

None.

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

622412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as "Missy's Law."

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Mandatory remand to custody upon conviction of dangerous crimes.—

(1) Notwithstanding any provision in this chapter or chapter 924 to the contrary, the court shall remand a person to

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custody immediately, and the person shall remain in custody pending sentencing without the possibility of release on bond, if the person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a dangerous crime as defined in s. 907.041(5)(a).

(2) This section applies regardless of whether the person intends to appeal or has filed a notice of appeal.

(3) This section does not apply if the plea or finding of guilt that required the person to be remanded to custody under subsection (1) has been:

(a) Vacated;

(b) Reversed on appeal;

(c) Set aside by judgment of acquittal; or

(d) Otherwise nullified.

(4) This section may not be construed to allow the remand of a person to custody if such person has served the maximum statutory sentence for the offense.

Section 3. Paragraph (a) of subsection (5) of section 907.041, Florida Statutes, is amended to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;

2. Aggravated assault;

3. Aggravated battery;

4. Illegal use of explosives;

5. Child abuse or aggravated child abuse;

6. Abuse of an elderly person or disabled adult, or

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aggravated abuse of an elderly person or disabled adult;

7. Aircraft piracy;

8. Kidnapping;

9. Homicide;

10. Manslaughter, including DUI manslaughter and BUI manslaughter;

11. Sexual battery;

12. Robbery;

13. Carjacking;

14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;

15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;

16. Burglary of a dwelling;

17. Stalking and aggravated stalking;

18. Act of domestic violence as defined in s. 741.28;

19. Home invasion robbery;

20. Act of terrorism as defined in s. 775.30;

21. Manufacturing any substances in violation of chapter 893;

~~22. Attempting or conspiring to commit any such crime;~~

22.~~23.~~ Human trafficking;

23.~~24.~~ Trafficking in any controlled substance described in s. 893.135(1)(c)4.;

24.~~25.~~ Extortion in violation of s. 836.05; ~~and~~

25.~~26.~~ Written threats to kill in violation of s. 836.10;

26. Any violation related to computer pornography or child exploitation as described in s. 847.0135; and

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27. Attempting or conspiring to commit any such crime.

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 dangerous crimes; providing a short title; creating s. 903.0472, F.S.; requiring a court to remand to custody immediately a person who pleads guilty or nolo contendere to, or is found guilty of, a dangerous crime; requiring such person to remain in custody pending sentencing without the possibility of release on bond; providing applicability; providing construction; amending s. 907.041, F.S.; revising the definition of the term "dangerous crime"; providing an effective date.

By the Committee on Criminal Justice; and Senator Martin

591-02057-26 2026928c1

A bill to be entitled

An act relating to mandatory remand to custody upon conviction of dangerous crimes; providing a short title; creating s. 903.0472, F.S.; requiring a court to remand a person found guilty of a dangerous crime to custody immediately; requiring such person to remain in custody pending sentencing or further proceedings without the possibility of release on bond; prohibiting a court from granting postconviction bond or other release for a person found guilty of a dangerous crime; providing applicability; amending s. 907.041, F.S.; revising the definition of "dangerous crime" for purposes of pretrial detention; providing an effective date.

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

Section 1. This act may be cited as "Missy's Law."

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Mandatory remand to custody upon conviction of dangerous crimes.—

(1) Notwithstanding any provision in this chapter to the contrary, upon a finding of guilt of any person of a dangerous crime as defined in s. 907.041(5)(a), the court shall remand the person to custody immediately, and the person shall remain in custody pending sentencing or further proceedings without the possibility of release on bond.

(2) A court may not grant postconviction bond or other

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release for a person who has been found guilty of, or who has entered a plea of guilty or nolo contendere to, a dangerous crime as defined in s. 907.041(5)(a).

(3) This section applies regardless of whether the person intends to appeal or has filed a notice of appeal.

(4) This section does not apply if the finding of guilt that formed the basis of the remand has been:

(a) Vacated;

(b) Reversed on appeal;

(c) Set aside by judgment of acquittal; or

(d) Otherwise nullified.

Section 3. Paragraph (a) of subsection (5) of section 907.041, Florida Statutes, is amended to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;

2. Aggravated assault;

3. Aggravated battery;

4. Illegal use of explosives;

5. Child abuse or aggravated child abuse;

6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;

7. Aircraft piracy;

8. Kidnapping;

9. Homicide;

10. Manslaughter, including DUI manslaughter and BUI manslaughter;

11. Sexual battery;

12. Robbery;

13. Carjacking;

14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;

15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;

16. Burglary of a dwelling;

17. Stalking and aggravated stalking;

18. Act of domestic violence as defined in s. 741.28;

19. Home invasion robbery;

20. Act of terrorism as defined in s. 775.30;

21. Manufacturing any substances in violation of chapter 893;

22. ~~Attempting or conspiring to commit any such crime;~~

~~23.~~ Human trafficking;

23.~~24~~. Trafficking in any controlled substance described in s. 893.135(1)(c)4.;

24.~~25~~. Extortion in violation of s. 836.05; ~~and~~

25.~~26.~~ Written threats to kill in violation of s. 836.10;

26. Any violation related to computer pornography or child exploitation as described in s. 847.0135; and

27. Attempting or conspiring to commit any such crime.

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

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

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

928
Bill Number or Topic

622412
Amendment Barcode (if applicable)

Name Jack Campbell - 2ND SA Phone 850-606-6000

Address 301 S. Monroe St Email
Street

TLH FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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2/24/26
Meeting Date

928
Bill Number or Topic

RULES
Committee

Amendment Barcode (if applicable)

Name AARON WAYT FL ASSN OF CRIM DEF LAWYERS

Phone (407) 435-3194

Address

Email AARON@DONPMPHREY.COM

Street

TLH FL

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-24-2026
Meeting Date

Rules
Committee

928
Bill Number or Topic

Amendment Barcode (if applicable)

Name PEPPER L. Mogle

Phone 850-631-0934

Address 19 Arapaho Trl.
Street

Email armywife9801@gmail.com

Crawfordville, Fla. 32327
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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February 24, 2026
Meeting Date

Rules
Committee

928
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Smart Justice Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-24-2026
Meeting Date

Rules
Committee

928
Bill Number or Topic

Amendment Barcode (if applicable)

Name Charles A. Mogle

Phone 850-631-1891

Address 19 Arapaho Trl.
Street

Email

Crawfordville Fla. 32327
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

RULES
Committee

928
Bill Number or Topic

Amendment Barcode (if applicable)

Name LIBBY GUZZO

Phone 850-245-0155

Address CAPITOL PL-01
Street

Email LIBBY.GUZZO@MYFLORIDALEGAL.COM

TLH FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
ATTORNEY GENERALS OFFICE

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/24/2026
Meeting Date

Rules
Committee

SB 928
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson

Phone (386) 214-5536

Address 123 W. Indiana Ave
Street

Email mhudson@volusiasheriff.gov

Deland fl. 32720
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Volusia Sheriff's Office

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 964
INTRODUCER:	Senator Wright
SUBJECT:	Financial Disclosures
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cleary	Roberts	EE	**Favorable**
2.	McVaney	McVaney	GO	**Favorable**
3.	Cleary	Kruse	RC	**Favorable**

I. Summary:

SB 964 revises requirements for reporting of certain gifts and honoraria.

Current law requires individuals who must file a financial disclosure under the Code of Ethics, as well as procurement employees, to report certain gifts and honoraria in conjunction with the annual financial disclosure.

To clarify requirements for reporting of such gifts and honoraria, the bill:

- Decouples the annual reporting requirement for certain gifts from the filing of the required annual financial disclosure.
- Changes the entity with whom reporting individuals who have left office or employment must file the annual report to the Commission on Ethics, instead of at the same location as their financial disclosure statement.
- Changes the entity with whom reporting individuals must disclose specified information regarding honorarium expenses to the Commission on Ethics, instead of with the entity with whom the required financial disclosure statement is filed.

The bill is not expected to impact state and local government revenues and expenditures.

This bill takes effect upon becoming law.

II. Present Situation:

The Code of Ethics for Public Officers and Employees

The Code of Ethics for Public Officers and Employees (Code of Ethics)[1] 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.[2] 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.[3]

Disclosure of Financial Interests

Full and Public Disclosure (CE 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.[4] 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.[5] Pursuant to general law, the Commission on Ethics has created by rule CE Form 6 (Form 6), which is used to make the required full and public financial disclosure.[6] Reporting individuals are required to electronically file a form 6 annually with the Commission on Ethics by July 1 through the Commission's electronic filing system.[7]

Statement of Financial Interests (CE Form 1)

In addition to provisions governing the Form 6, current law provides for a less detailed disclosure of financial interests using the Commission's CE Form 1 (Form 1).[8] Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment.[9] Thereafter, each state or local officer, and each specified state employee shall file a statement of financial interests by July 1st each year in which they hold their positions.[10] State officers and specified state employees must file their statements of financial interests with the Commission on Ethics through the Commission's electronic filing system.[11] A candidate not subject to an annual filling requirement does not file with the Commission on Ethics, but may complete and print a statement of financial interests to file with the officer before whom he or she qualifies.[12]

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[1] *See* pt. III. Ch. 112, F.S.
[2] 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 January 12, 2026).
[3] *See* pt. III. Ch. 112, F.S.
[4] Section 8(a), art. II, Fla. Const.; *see* ss. 112.3144(1)(b), 112.3145, F.S.
[5] *Id.*
[6] Section 112.3144(8), F.S.; *see* R. 34-8.002, F.A.C.
[7] Section (8)(j)(1), art. II, Fla. Const.; *see* s. 112.3144(2), F.S.
[8] *See* s. 112.3145, F.S.; R. 34-8.202, F.A.C.
[9] Section 112.3145(2)(b), F.S.
[10] *Id.*
[11] Section 112.3145(2)(d), F.S.
[12] Section 112.3145(2)(d), F.S.

Final Statement of Financial Interests (CE Form 1F)[13] and (CE Form 6F)[14]

Each person required to file full and public disclosure of financial interests (Form 6) shall file a final disclosure statement CE Form 6F (Form 6F) and each state officer, local officer, and specified state employee required to file a statement of financial interests (Form 1) shall file a final statement of financial interests CE Form 1F (Form 1F) within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period.[15]

Electronic Filing of Disclosure of Financial Interests with the Commission on Ethics

Beginning January 1, 2023, statements of full and public disclosure of financial interests (Form 6), a final statement of full and public disclosure (Form 6F) and any amendments thereto, or any other form required under s. 112.3144, F.S, except specifically excluded, must be filed electronically through the Florida Commission on Ethics electronic filing system.[16]

Also, beginning January 1, 2024, a statement of financial interests (Form 1), a final statement of financial interests (Form 1F) and any amendments thereto, or any other form required under s. 112.3145, F.S., except any statement of a candidate who is not subject to an annual filing requirement, must be filed electronically through the Florida Commission on Ethics electronic filing system.[17]

Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses (CE Form 10)

Who Must File a Form 10

State law requires qualifying individuals to make an annual disclosure to the Commission on Ethics of gifts from governmental entities and direct support organizations, as well as honorarium event-related expenses on CE Form 10 (Form 10).[18]

All persons required to file a Form 1[19] (Statement of Financial Interests) and all persons required to file a Form 6[20] (Full and Public Disclosure of Financial Interests), including candidates, must

[13] *See* CE Form 1F – Effective January 1, 2026, incorporated by reference in Rules 34-8.001 and 34-8.208, F.A.C.
[14] *See* CE Form 6F – Effective January 1, 2026, incorporated by reference in Rules 34-8.001 and 34-8.008, F.A.C.
[15] *See* ss. 112.3144(10), 112.3145(2)(b), F.S.
[16] *See* ss. 112.3144(8)(b), 112.31446, F.S.
[17] *See* ss. 112.3145(2)(e) and 112.31446, F.S.
[18] CE Form 10 – Effective January 1, 2007, incorporated by reference in Rule 34-7.010(1)(h), F.A.C., Revised 10/2015, https://ethics.state.fl.us/Documents/Forms/Form%2010.PDF?cp=202618.
[19] *See* s. 112.3145, F.S. (Qualifying local/officers/employees, state officers, and specified state employees must file within 30 days of their appointment or the beginning of employment. Candidate must file at the same time they file their qualifying papers. Thereafter, electronically file their Form 1 via the Florida Commission on Ethics Electronic Financial Disclosure Management System by July 1 following each calendar year in which they hold their positions).
[20] *See* s. 112.3144, F.S. (Qualifying officers are required to electronically file their Form 6 via Florida Commission on Ethics Electronic Financial Disclosure Management System, no lather July 1, 2026. Qualifying candidates required to file a Form 6, must file during the qualifying period).

file a Form 10 annually with their Form 1 or Form 6 financial disclosures.[21] In addition, state "procurement employees"[22] are required to file a Form 10, as well as former reporting individuals and procurement employees who left office or employment during the calendar year covered by the report.[23]

When and Where to File the Form 10

The Form 10 is required to be submitted by July 1 of the year following the year covered by the Form 10 the individual is submitting.

Individuals who are required to file a Form 1 or Form 6 are required to file the Form 10 with their Form 1 or Form 6.[24] State procurement employees file their Form 10 with the Commission on Ethics.[25]

Form 10: Gifts From Governmental Entities [Sec. 112.3148, Fla. Stat.]

Entities of the legislative or judicial branches, departments and commissions of the executive branch, counties, municipalities, airport authorities, school boards, water management districts created by 373.069, F.S., and the South Florida Regional Transportation Authority may give, either directly or indirectly, a gift worth over $100 to persons who file Form 1 or Form 6 or to state procurement employees if a public purpose can be shown for the gift.[26]

The governmental entity giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year.[27] The officer or employee then must disclose this information by filing a statement (Form 10) by July 1 with his or her annual financial disclosure (Form 1 or Form 6) that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year.[28] State procurement employees file their statements (Form 10) with the Commission on Ethics.[29]

Form 10: Gifts from Direct Support Organizations [Sec. 112.3148, Fla. Stat.]

Direct support organizations specifically authorized by law to support a governmental entity may give a gift worth over $100 to a person who files Form 1 or Form 6 or to a state procurement employee if the person or employee is an officer or employee of that governmental entity.[30]

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[21] Section 112.3148(6)(d), F.S.
[22] Section 112.3148(2)(e), F.S. ("Procurement employee: "means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed $10,000 in any fiscal year").
[23] Section 112.3148(6)(d), F.S.
[24] Section 112.3148((6)(d), F.S.
[25] *Id.*
[26] Section 112.3148(6)(b), F.S.
[27] Section 112.3148(6(c), F.S.
[28] Section 112.3148(6)(d), F.S.
[29] *Id.*
[30] Section 112.3148(6)(b), F.S.

The direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year.[31] The officer or employee then must disclose the information by filing a statement (Form 10) by July 1 with his or her annual financial disclosure (Form 1 or Form 6) that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year.[32] State procurement employees file their statements with the Commission on Ethics.[33]

Honorarium Event Related Expenses [Sec. 112.3149, Fla. Stat]

Reporting individuals who file Form 1 and Form 6 and state procurement employees are prohibited from accepting an honorarium (a payment in exchange for a speech, oral presentation, writing, and the like) from a political committee, from a lobbyist who lobbies them or their public agency (or has done so within the previous 12 months), and from the employer, principal partner, or firm of such a lobbyist.[34] However, these persons and entities may pay or provide a reporting individual or procurement employee and his or her spouse for actual and reasonable transportation, lodging, event or meeting registration fee, and food and beverage expenses related to an event at which speech, presentation, or writing will be made by the public officer or employee.[35]

Reporting individuals and state procurement employees must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on a Form 10 by July 1, for expenses received during the previous calendar year.[36] The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of honorarium event.[37] State procurement employees file their statements with the Commission on Ethics.[38]

Issue with the Current Statutory Language Relating to the Filing of the Form 10

Current law provides that reporting individuals must file their Form 10s with their annual financial disclosure statement (the Form 1 or the Form 6). Since the Commission on Ethics moved to e-filing for the Form 1 and Form 6, the Commission has identified that the move to e-filing has caused confusion for filers of Form 10 for two reasons:[39]

- When Form 1 and Form 6 were in paper form, some Form 1 filers were required to file with their local supervisors of elections, rather than with the Commission on Ethics. Therefore, those filers also filed their Form 10s with their local supervisors of elections. The financial disclosure statutes were recently amended to require all reporting individuals to e-file their Form 1 or Form 6 with the Commission on Ethics. However, the Form 10 requirements are

[31] Section 112.3148(6)(c), F.S.
[32] Section 112.3148(6)(d), F.S.
[33] *Id.*
[34] Section 112.3149(4), F.S.
[35] Section 112.3149(5), F.S.
[36] Section 112.3149(6), F.S.
[37] Section 112.3149(6), F.S.
[38] *Id.*
[39] See Commission on Ethics, Senate Bill 964 Agency Analysis (Jan 13, 2026) (on file with the Senate Committee on Ethics and Elections).

found in the gift statutes[40] and thus did not change when the financial disclosure statutes were amended to provide e-filing.
- Unlike Form 1 and Form 6, Form 10 is not available for e-filing; it is a paper form. Therefore, it is now impossible to file a Form 10 "with" a Form 1 or Form 6.

The Commission on Ethics in its 2026 Legislative Recommendations[41] proposed a solution to resolve the confusion by requiring all reporting individuals and procurement employees to file their Form 10s with the Commission on Ethics.

III. Effect of Proposed Changes:

The bill implements the Commission on Ethics' recommendation by clearly mandating that reporting individuals file paper Form 10s with the Commission on Ethics, rather than electronically with their Form 1s or Form 6s.[42]

This is accomplished by deleting the current statutory language that requires that the Form 10s to be filed with the individuals' financial disclosures. Specifically:
- **Section 1** amends s. 112.3148, F.S., to require reporting individuals and procurement employees to file their Form 10s listing certain gifts with the Commission on Ethics by paper form, instead of with either their annual[43] or final[44] financial disclosure statements.
- **Section 2** amends s. 112.3149, F.S., to require reporting individuals and procurement employees to file with the Commission on Ethics. Because the electronic filing system does not accommodate the filing of these forms nor is there a statutory requirement for filing electronically, the Form 10s will be filed in paper form disclosing the name, address, and affiliation of a person providing specified honorarium expenses instead of with the required annual or final financial disclosure statements.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

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[40] *See* ss. 112.3148 and 112.3149 F.S.
[41] Consideration of *Legislative Plan and Recommendations for 2026*, Commission on Ethics (August 28, 2025) available at https://ethics.state.fl.us/Documents/Ethics/MeetingAgendas/Sep25Materials/LegislativeRecs.pdf.
[42] *See* Commission on Ethics, *Senate Bill 964 Agency Analysis* (Jan 13, 2026) (on file with the Senate Committee on Ethics and Elections).
[43] Form 1 or Form 6.
[44] Form 1F or Form 6F.

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 Commission on Ethics bill analysis states that this bill will not have a fiscal impact to the commission because the Form 10 is already filed with the commission, and this bill clarifies that in the ethics statutes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections112.3148 and 112.3149 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Wright

8-00912-26 2026964__

A bill to be entitled

An act relating to financial disclosures; amending s. 112.3148, F.S.; requiring reporting individuals and procurement employees to file annual reports listing certain gifts with the Commission on Ethics instead of with the required financial disclosure statement; requiring such individuals and employees who have left office or employment within a specified timeframe to file the annual report with the commission instead of at the same location as their financial disclosure statement; amending s. 112.3149, F.S.; requiring reporting individuals and procurement employees to disclose the name, address, and affiliation of a person providing specified honorarium expenses with the commission instead of with the required financial disclosure statement; requiring such individuals and employees who have left office or employment within a specified timeframe to file the annual statement with the commission instead of at the same location as their financial disclosure statement; providing an effective date.

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

Section 1. Paragraph (d) of subsection (6) of section 112.3148, Florida Statutes, is amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

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

8-00912-26 2026964__

(6)

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of $100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to the statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report ~~filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee~~ shall be filed with the Commission on Ethics. The report filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the report shall be filed with the Commission on Ethics by July 1 of the year after leaving office or employment ~~at the same location as his or her final financial disclosure statement or, in the~~

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

~~case of a former procurement employee, with the Commission on Ethics~~.

Section 2. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for those expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. The attached statement shall become a public record upon the filing of the annual report. The annual statement ~~of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement~~

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~~employee~~ shall be filed with the Commission on Ethics. The statement filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the statement shall be filed with the Commission on Ethics by July 1 of the year after leaving office or employment ~~at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics~~.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill 964**, relating to Financial Disclosures, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Thank you for your consideration of this request.

Tom A. Wright

Senator Tom A. Wright
Florida Senate, District 8

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

February 24, 2022
Meeting Date

Rules
Committee

SB 964
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kerrie Stillman

Phone 850-488-7864

Address 325 John Knox Rd, Bldg E, Ste 200
Street

Email stillman.kerrie@leg.state.fl.us

Tallahassee, FL 32303
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Florida Commission on Ethics

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 990
INTRODUCER:	Senator Leek
SUBJECT:	Protected Cell Captive Insurance Companies
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Thomas	Knudson	BI	**Favorable**
2.	Sanders	Betta	AEG	**Favorable**
3.	Thomas	Kruse	RC	**Favorable**

I. Summary:

SB 990 authorizes the creation of a specific type of captive insurance company in Florida – Protected Cell Captive Insurance Companies. Captive insurance is a specialized form of self-insurance allowing a business to create its own insurance company to cover specific types of risk; an insurance company that is owned and controlled by the business it insures.

A "protected cell" captive insurance company (PCC) is a single legal insurance entity that allows legally segregated companies to effectively receive the benefits of the captive insurance model without the costs of the full set-up of a standalone captive insurance company. The business joins the PCC but its assets are kept in its own walled-off cell. The assets in one participant's account may not be used to pay liabilities in another unless the respective participants have entered into an agreement to do so. Each cell functions like a separate company protecting its finances from other cells and the core's general business.

The bill has an indeterminate impact on state expenditures. *See* **Section V., Fiscal Impact Statement**.

The bill's effective date is July 1, 2026.

II. Present Situation:

The Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.[1] As part of their regulatory oversight, the OIR may suspend

[1] Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for

or revoke an insurer's certificate of authority (COA) under certain conditions.[2] The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a COA to transact insurance business in Florida.[3] As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.[4] The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Florida Insurance Code.[5]

Insurance companies that transact insurance in Florida or that have offices located in the state are required to obtain a COA issued by the OIR pursuant to s. 624.401, F.S. These companies, referred to as authorized or admitted insurers,[6] are broadly regulated by the OIR under the Insurance Code as to reserves, surplus as to policyholders, solvency, rates and forms, market conduct, permissible investments, and affiliate relationships.[7] Authorized insurers are also required to participate in a variety of government mandated insurance programs and pay assessments levied by state guaranty funds in the event of insurer insolvencies.[8]

Captive Insurance Companies

Captive insurance is a specialized form of self-insurance allowing a business to create its own insurance company to cover specific types of risk; an insurance company that is owned and controlled by the business it insures. Rather than purchasing coverage from a traditional insurance company, the business establishes a "captive" insurance company to underwrite its own risks. The captive insurer operates by having its owner pay premiums to cover specific risks. The captive insurer then underwrites policies, invests the premiums, and manages claims. Profits can be returned to the owner as dividends, reinvested to build surplus, used to reduce future premiums, expand coverage, or fund risk management initiatives that help mitigate future losses.[9]

Captive insurers cover a wide range of risks, including both traditional and non-traditional ones, for their parent company or related entities. This includes property and casualty, liability, and workers' compensation, as well as evolving risks like cyber security, credit risk, and terrorism. Captives can also cover unique risks that are difficult to insure in the conventional market and can provide employee benefits coverage like healthcare. A captive insurer is an insurance company that is wholly owned and controlled by its insureds; its primary purpose is to insure the

purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.

[2] Section 624.418, F.S.

[3] Section 624.316(1)(a), F.S.

[4] Section 624.318(2), F.S.

[5] Section 624.3161, F.S.

[6] An "authorized" or "admitted" insurer is one duly authorized by a COA to transact insurance in this state.

[7] The Insurance Code consists of chs. 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S.

[8] For example, Florida licensed direct writers of property and casualty insurance must be members of the Florida Insurance Guaranty Association, which handles the claims of insolvent insurers under part II of ch. 631, F.S., and insurers offering workers' compensation coverage in Florida must be members of the Florida Workers' Compensation Insurance Guaranty Association, which provides payment of covered claims for insurers that are declared insolvent under part V of ch. 631, F.S.

[9] *See generally* https://www.captive.com/news/the-expanding-role-of-captives-in-todays-changing-risk-market (last visited February 10, 2026).

risks of its owners, and its insureds benefit from the captive insurer's underwriting profits.[10] In addition to many countries outside of the United States, 34 states and the District of Columbia authorize the creation and the regulation of captive insurance companies.[11]

Florida, as one of the states that authorize and regulate captive insurance companies, defines a captive insurance company as:

> [A] domestic insurer established under this part. A captive insurance company includes a pure captive insurance company, special purpose captive insurance company, or industrial insured captive insurance company formed and licensed under this part.[12]

Presently, there are three domestic captive insurers authorized to do business in Florda, two of which became authorized since the beginning of 2025.[13] Minimum unimpaired capital requirements for a Florida authorized captive insurer are:

- Pure captive insurance company, at least $100,000.
- Industrial insured captive insurance company incorporated as a stock insurer, at least $200,000.
- Special purpose captive insurance company, an amount determined by the OIR after giving due consideration to the company's business plan, feasibility study, and pro forma financial statements and projections, including the nature of the risks to be insured.[14]

Minimum maintained unrestricted net asset requirements for a Florida authorized captive insurer incorporated as a nonprofit corporation are:

- Pure captive insurance company, at least $250,000.
- A special purpose captive insurance company, an amount determined by the OIR after giving due consideration to the company's business plan, feasibility study, and pro forma financial statements and projections, including the nature of the risks to be insured.[15]

Protected Cell Captive Insurance Companies

A "protected cell" captive insurance company (PCC) is an alternative to conventional commercial insurance and offers benefits similar to those available through traditional single-parent captives. A PCC is a single legal insurance entity that allows legally segregated companies to effectively receive the benefits of the captive insurance model without the costs of the full set-up of a standalone captive insurance company. The business joins the PCC but its assets are kept in its own walled-off cell. The assets in one participant's account may not be used to pay liabilities in another unless the respective participants have entered into an agreement to do so. Each cell functions like a separate company protecting its finances from other cells and

[10] https://www.vermontcaptive.com/captive/ (last visited January 14, 2026).
[11] Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia.
[12] Section 628.901(2), F.S.
[13] Florida Office of Insurance Regulation, *Active Company Search*, https://companysearch.floir.gov/ (last visited February 10, 2026).
[14] Section 628.907(1), F.S.
[15] Section 628.907(2), F.S.

the core's general business.[16] While Florida does not presently authorize the creation of PCCs, 21 of the states, and the District of Columbia, that authorize the creation of captive insurance companies allow for the creation of PCCs.[17]

III. Effect of Proposed Changes:

Section 1 amends s. 628.901, F.S., to provide definitions of "general account," "participant," "participant contract," "protected cell," "protected cell assets," "protected cell captive insurance company," "protected cell liabilities," and "sponsor."

Section 2 amends s. 628.905, F.S., to authorize a captive insurance company to apply to the Office of Insurance Regulation (OIR) as a protected cell captive insurance company.

Section 3 amends s. 628.907, F.S., to require

- A protected cell captive insurance company to possess, and thereafter maintain, unimpaired paid-in capital of at least $100,000.
- A protected cell captive insurance company incorporated as a nonprofit corporation to possess, and thereafter maintain, unrestricted net assets of at least $100,000.

Section 4 amends s. 628.908, F.S., to require a protected cell captive insurance company to possess and thereafter maintain unimpaired surplus of at least $100,000.

Section 5 amends s. 628.909, F.S., to provide that the Florida Insurance Code does not apply to protected cell captive insurance companies except as specifically provided therein.

Section 6 creates s. 628.921, F.S., to provide for the regulation of protected cell captive insurance companies (PCC). The bill provides that one or more sponsors may form a PCC and that the company must be incorporated as a stock insurer with its capital divided into shares and held by the stockholders, as a mutual corporation, as a nonprofit corporation with one or more members, or as a limited liability company.

Each applicant for a PCC must provide all the following information to the OIR:

- Materials demonstrating how the applicant will account for the loss and expense experience of each protected cell at a level of detail found to be sufficient by the OIR, and how it will report such experience to the OIR.
- A statement acknowledging that all financial records of the applicant, including records pertaining to any protected cells, must be made available for inspection or examination by the OIR or the OIR's designated agent.
- All contracts or sample contracts between the applicant and any participants.
- Evidence that expenses will be allocated to each protected cell in a fair and equitable manner.

[16] Captive.com, *What is a Protected or Segregated Cell Captive?* (June 4, 2024), https://www.captive.com/articles/what-is-a-protected-or-segregated-cell-captive (last visited February 10, 2026).
[17] Alaska, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, New Hampshire, North Carolina, North Dakota, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wisconsin.

The bill provides that a PCC may establish and maintain one or more incorporated or unincorporated protected cells, to insure risks of one or more participants, subject to all of the following conditions:

- A PCC may establish one or more protected cells if the OIR has approved in writing a plan of operation or amendments to a plan of operation submitted by the PCC with respect to each protected cell. A plan of operation must include the specific business objectives and investment guidelines of the protected cell. The OIR may require additional information in the plan of operation and may make the approval of a plan effective as of any date on or before the date the approval is signed so long as the effective date is no earlier than the date on which the plan of operation or amendments to the plan of operation were filed with the OIR.
- Upon the OIR's written approval of the plan of operation, the PCC, in accordance with the approved plan of operation, may attribute insurance obligations with respect to its insurance business to the protected cell.
- A protected cell must have its own distinct name or designation, which must include the words "protected cell" or "incorporated cell." Such names or designations may also be reasonably abbreviated.
- The PCC must transfer all assets attributable to a protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell. Protected cell assets must be held in the protected cell accounts for the purpose of satisfying the obligations of that protected cell.
- An incorporated protected cell may be organized and operated in any form of business organization authorized by the OIR, including, but not limited to, an individual series of a limited liability company under ch. 605, F.S. Each incorporated protected cell of a PCC must be treated as a captive insurer for purposes of Part V of ch. 628, F.S., and has the power to enter into contracts, including an individual series of a limited liability company. Unless otherwise permitted by the organizational documents of a PCC, each incorporated protected cell of the PCC must have the same directors, secretary, and registered office as the PCC.
- All attributions of assets and liabilities between a protected cell and the general account must be in accordance with the plan of operation and participant contracts approved by the OIR. A PCC may not make other attributions of assets or liabilities between the PCC's general account and its protected cells. Any attribution of assets and liabilities between the general account and a protected cell must be in cash or in readily marketable securities with established market values.

The bill provides that the creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the PCC unless the protected cell is an incorporated cell. Amounts attributed to a protected cell, including assets transferred to a protected cell account, are owned by the protected cell. A PCC may not act as, or hold itself out to be, a trustee of the protected cell assets of the protected cell account, however, a PCC may permit a security interest to attach to the assets of a protected cell assets or a protected cell account if the security interest is in favor of a creditor of that protected cell and is otherwise authorized by applicable law.

The bill provides that the new provisions may not be construed to prohibit the PCC from contracting with or arranging for an investment advisor, commodity trading advisor, or other third party to manage the protected cell assets of a protected cell provided all remuneration,

expenses, and other compensation of the third-party advisor or manager are payable from the protected cell assets of that protected cell and not from the protected cell assets of other protected cells or the assets of the protected cell captive insurance company's general account.

The bill requires a PCC to establish administrative and accounting procedures necessary to properly identify the one or more protected cells of the PCC and the protected cell assets and protected cell liabilities attributable to the protected cells. The directors of a PCC must keep protected cell assets and protected cell liabilities:

- Separate and separately identifiable from the assets and liabilities of the PCC's general account; and
- Attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

Upon a violation, the remedy of tracing applies to protected cell assets that have been commingled with the protected cell assets of other protected cells or with the assets of the PCC's general account. The remedy of tracing may not be construed as exclusive.

The bill provides that when establishing a protected cell, the PCC must attribute to the protected cell assets a value at least equal to the reserves and other insurance liabilities attributed to that protected cell. Each protected cell must be accounted for separately on the books and records of the PCC to reflect the financial condition and results of operations of such protected cell, net income or loss, dividends or other distributions to participants, and such other factors as may be provided in the participant contract or required by the OIR. An asset of a protected cell may not be charged with, or otherwise made liable for, any liability arising out of insurance business conducted by the PCC on behalf of any other protected cell or its general account.

A PCC may not sell, exchange, or otherwise transfer assets between or among any of its protected cells without the consent of such protected cells. A PCC may not sell, exchange, transfer, or otherwise distribute assets, or pay any dividend or distribution, from a protected cell to the company or to a participant without the approval of the OIR. The OIR may not approve any sale, exchange, transfer, dividend, or distribution that would result in the insolvency or impairment of a protected cell.

All attributions of assets and liabilities to the protected cells and the general account must be in accordance with the plan of operation. A PCC may not attribute assets or liabilities between its general account and any protected cell, or between any protected cells. The PCC must attribute all insurance obligations, assets, and liabilities relating to a reinsurance contract entered into with respect to a protected cell to such protected cell. The performance under such reinsurance contract and any tax benefits, losses, refunds, or credits allocated pursuant to a tax allocation agreement to which the PCC is a party, including any payments made by or due to be made to the PCC pursuant to the terms of such agreement, must reflect the insurance obligations, assets, and liabilities relating to the reinsurance contract which are attributed to such protected cell.

In connection with the conservation, rehabilitation, or liquidation of a PCC, the assets and liabilities of a protected cell must, to the extent the OIR determines they are separable, at all times be kept separate from, and may not be commingled with, those of other protected cells and the PCC.

Each PCC must annually file with the OIR such financial reports as required by the OIR. Any such financial report must include, without limitation, accounting statements detailing the financial experience of each protected cell. Each PCC must notify the OIR in writing within 10 business days of any protected cell that is insolvent or otherwise unable to meet its claim or expense obligations.

A participant contract may not take effect without the OIR's prior written approval. The addition of each new protected cell, the withdrawal of any participant, or the termination of any existing protected cell constitutes a change in the plan of operation requiring the OIR's prior written approval.

The business written by a PCC, with respect to each protected cell, must be:

- Fronted by an insurance company licensed under the laws of any state;
- Reinsured by a reinsurer authorized or approved by this state; or
- Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the OIR. The amount of security provided may not be less than the reserves associated with those liabilities which are neither fronted nor reinsured, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums for business written through the participant's protected cell. The OIR may require the PCC to increase the funding of any security arrangement established under this paragraph. If the form of security is a letter of credit, the letter of credit must be issued or confirmed by a bank approved by the OIR. A trust maintained pursuant to this requirement must be established in a form and upon such terms as approved by the OIR.

In the event of an insolvency of a PCC where the OIR determines that one or more protected cells remain solvent, the OIR may separate such cells from the PCC and may allow, on application of the PCC, for the conversion of such protected cells into one or more new or existing PCCs, or one or more other captive insurance companies, pursuant to such plan of operation as the OIR deems acceptable.

Biographical affidavits are not required for participants in unincorporated cells. However, biographical affidavits are required for owners of incorporated cells, including series members of a series limited liability company. A PCC may establish and operate both unincorporated and incorporated protected cells.

The assets of two or more protected cells may be combined for purposes of investment, and such combination may not be construed as defeating the segregation of such assets for accounting or other purposes. Notwithstanding any other provision of the insurance code, the OIR may approve the use of alternative reliable methods for the valuation of protected cell assets and liabilities and for the rating of risks attributable to a protected cell.

Upon any order of supervision, rehabilitation, or liquidation of a PCC, the receiver shall manage the assets and liabilities of the PCC pursuant to part V. of ch. 628, F.S.

Assets of a protected cell may not be used to pay any expenses or claims other than those attributable to such protected cell. A PCC's capital and surplus must at all times be available to pay any expenses of or claims against the PCC.

The pleadings in any legal action brought by or against a PCC must specify which protected cell or cells are or should be named a party to the suit. If the general account is party to the suit, such account must be separately identified in the pleadings as if it were a protected cell. A legal action brought against a PCC which does not specify one or more protected cells shall be deemed to have been brought against the general account only. Any protected cell that is not named in the pleadings of the legal action may not be deemed to be a party to the legal action. Any protected cell that is erroneously named as a party or named without proper cause is entitled to prompt dismissal from the legal action. Unless specified by the plan of operation, participant contract, or other prior contractual agreement, the assets of one protected cell may not be encumbered or seized to satisfy the obligations of or a judgment against any other protected cell. A protected cell does not have a duty to defend the rights and obligations of any other protected cell. In any legal action involving a PCC or a protected cell, any papers, documents, or property of a nonparty protected cell must be afforded the same status during discovery as the documents or property of any other unrelated third party. A nonparty protected cell has standing to appear and petition for any appropriate relief to protect the confidentiality of its papers or documents.

Upon the application of a PCC, one of its protected cells may be converted to any authorized of captive insurance company with the consent of the OIR. The OIR may issue to the converting protected cell a certificate of authority with an effective date of its original date of formation as a protected cell. If the converting protected cell is a series of a limited liability company, the protected cell must file organizational documents with the Secretary of State which comply with part V. of ch. 628, F.S. The organizational documents must include the date of formation as a series of a limited liability company. Upon conversion, the formation date of the series shall be deemed the formation date of the converted protected cell. The converted protected cell shall possess all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor series.

If the converting protected cell is any other type of incorporated protected cell entity, the converting protected cell must submit amended organizational documents to the Secretary of State. If the converting protected cell is neither a series of a limited liability company nor an incorporated protected cell, the protected cell must file organizational documents with the Secretary of State. The organizational documents must include the date of formation as a protected cell. Upon conversion, the formation date of the protected cell is the formation date of the converted protected cell. The converted protected cell shall possess all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor cell.

A captive insurance company may apply to the OIR for conversion to become a PCC under any authorized form. Upon compliance, approval by the OIR, and the filing of amended organizational documents with the Secretary of State, the captive insurance company must be issued a revised certificate of authority. The effective date of the revised PCC's certificate of authority shall remain the same as the effective date of the prior captive insurance company.

With the consent of both the affected PCCs and the OIR, an individual protected cell of a captive insurance company may disaffiliate from one PCC and affiliate with another PCC. The OIR may require the affected PCC and the individual protected cell to make necessary changes to their business plans, organizational documents, participation contracts, or other governing documents before approving the change in affiliation. The formation date of a protected cell that affiliates with another PCC shall be the date of its original formation with the prior PCC. A protected cell shall maintain and carry over all assets and liabilities, including outstanding insurance liabilities, to the new PCC.

With the consent of the affected PCC insurance company or companies, the owners or the participants of the protected cells, and the OIR, an individual protected cell of a captive insurance company may merge or otherwise combine assets and liabilities with another individual protected cell of a PCC. The OIR may require the affected PCCs and the individual protected cells to make necessary changes to their business plans, organizational documents, participation contracts, or other governing documents before approving the change in affiliation. The formation date of a protected cell that merges or otherwise combines assets and liabilities with another PCC is the date of the original formation of the surviving protected cell. The surviving protected cell must acquire all of the assets and liabilities, including outstanding insurance liabilities, of the merging protected cell. A hearing is not required for mergers of protected cells effectuated under this section.

Solely for the purposes of annual reports, inspections, examinations, and taxation, the date of final conversion or disaffiliation of a protected cell shall be deemed a termination of that cell from the prior entity. The prior entity shall be responsible for the accounting, oversight, and premium tax on any transactions prior to the date of final conversion or disaffiliation. The successor entity shall be responsible for the accounting, oversight, and premium tax on any transactions on or after the date of final conversion or disaffiliation.

Section 7 provides that 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 is intended to create more commercial insurance options for Florida businesses.

C. Government Sector Impact:

The bill has an indeterminate impact on state revenues and expenditures. Depending on the number of insurance companies which choose this model, the implementation of the bill may affect the Office of Insurance Regulation. However, such impact can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 628.901, 628.905, 628.907, 628.908, and 628.909.

This bill creates section 628.921 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 Leek

7-01128-26 2026990__

A bill to be entitled

An act relating to protected cell captive insurance companies; amending s. 628.901, F.S.; revising the definitions of the terms "captive insurance company" and "special purpose captive insurance company"; defining terms; amending s. 628.905, F.S.; specifying that a protected cell captive insurance company may only insure certain risks; amending s. 628.907, F.S.; revising the unimpaired paid-in capital requirements for captive insurance companies; revising the unrestricted net asset requirements for captive insurance companies incorporated as nonprofit corporations; amending s. 628.908, F.S.; revising the unimpaired surplus requirements for captive insurance companies; amending s. 628.909, F.S.; revising applicability; creating s. 628.921, F.S.; authorizing one or more sponsors to form a protected cell captive insurance company; requiring protected cell captive insurance companies to be incorporated in a specified manner; requiring applicant protected cell captive insurance companies to file certain information with the Office of Insurance Regulation; authorizing protected cell captive insurance companies to establish and maintain certain protected cells, subject to certain approvals granted by the office; specifying conditions on protected cell establishment and maintenance; providing construction; specifying requirements regarding protected cells' assets and liabilities and their attribution; requiring protected

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cell captive insurance companies to file annual reports, as required by the office, and to notify the office when any protected cell is insolvent or unable to meet its obligations; requiring the office's approval before a participant contract may take effect; specifying requirements for any insurance business written by a protected cell captive insurance company and the security arrangements that must be established; authorizing the office to take certain actions in the event of an insolvency of a protected cell captive insurance company; requiring certain affidavits for owners of incorporated protected cells; authorizing the assets of two or more protected cells to be combined for a specified purpose; specifying that such combination may not be construed in a certain manner; authorizing the office to approve the use of certain methods for valuation of certain assets and liabilities and rating the risk attributable to a protected cell; requiring a receiver to manage the assets and liabilities of protected cell captive insurance companies under certain circumstances; prohibiting assets of protected cells from being used to pay certain expenses and claims; requiring that protected cell captive insurance companies' capital and surplus be available to pay certain expenses or claims; specifying requirements in actions brought by or against protected cell captive insurance companies; specifying that certain legal actions are deemed to be brought against the general account only; specifying

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that protected cells not named in an action are not deemed to be a party to the action and are entitled to dismissal under certain circumstances; prohibiting the assets of protected cells from being encumbered or seized under certain circumstances; specifying that protected cells do not have a duty to defend the rights and obligations or other protected cells; requiring protected cell captive insurance companies and protected cells to be afforded a certain status during discovery; specifying that nonparty protected cells have standing under certain circumstances; authorizing protected cells to be converted to any authorized form of captive insurance company; authorizing the office to issue a specified certificate of authority; requiring converting protected cells to file certain organizational documents; specifying requirements for such documents; specifying the formation date upon conversion; requiring converted protected cells to possess certain assets and liabilities; requiring the converting protected cell to submit amended organizational documents under certain circumstances; authorizing captive insurance companies to apply to the office for conversion to protected cell captive insurance companies; requiring captive insurance companies to be issued a revised certificate of authority under certain circumstances; specifying the effective date of such certificate; authorizing protected cells of a captive insurance company to disaffiliate and to

affiliate with another protected cell captive insurance company under certain circumstances; authorizing the office to require changes to certain documents under certain circumstances; specifying the formation date of protected cells that affiliate with another protected cell captive insurance company; requiring such protected cells to maintain and carry over certain assets and liabilities; authorizing an individual protected cell to merge or otherwise combine assets and liabilities with another individual protected cell, subject to certain requirements; specifying that a hearing is not required for certain mergers; specifying the date of final conversion or disaffiliation of a protected cell for certain purposes; specifying that the prior entity and successor entities are responsible for certain tasks; providing an effective date.

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

Section 1. Present subsections (8) through (11), (12) through (14), and (15) of section 628.901, Florida Statutes, are redesignated as subsections (9) through (12), (19) through (21), and (23), respectively, new subsections (8) and (13) through (15) and subsections (16) through (18) and (22) are added to that section, and subsection (2) and present subsection (14) of that section are amended, to read:

628.901 Definitions.—As used in this part, the term:

(2) "Captive insurance company" means a domestic insurer

established under this part. A captive insurance company includes a protected cell captive insurance company, pure captive insurance company, special purpose captive insurance company, or industrial insured captive insurance company formed and licensed under this part.

(8) "General account" means all assets and liabilities of a protected cell captive insurance company not attributable to a protected cell.

(13) "Participant" means a person or an entity, and any affiliate of such person or entity, which is insured by a protected cell captive insurance company, if the losses of the participant are limited through a participant contract.

(14) "Participant contract" means a contract by which a protected cell captive insurance company insures the risks of a participant and limits the losses of each such participant to its pro rata share of the assets of one or more protected cells identified in such contract.

(15) "Protected cell" means a separate account established by a protected cell captive insurance company formed or licensed under this part, in which account an identified pool of assets and liabilities is segregated and insulated by means of this part from the remainder of the protected cell captive insurance company's assets and liabilities in accordance with the terms of one or more participant contracts to fund the liabilities of the protected cell captive insurance company with respect to the participants as set forth in the participant contracts.

(16) "Protected cell assets" means all assets, contract rights, and general intangibles identified with and attributable to a specific protected cell of a protected cell captive

insurance company.

(17) "Protected cell captive insurance company" means a captive insurance company:

(a) In which the minimum capital and surplus required by this part are provided by one or more sponsors;

(b) That is formed or licensed under this part;

(c) That insures the risks of separate participants through participant contracts; and

(d) That funds its liability to each participant through one or more protected cells and segregates the assets of each protected cell from the assets of other protected cells and from the assets of the protected cell captive insurance company's general account.

(18) "Protected cell liabilities" means all liabilities and other obligations identified with and attributed to a specific protected cell of a protected cell captive insurance company.

(21)~~(14)~~ "Special purpose captive insurance company" means a captive insurance company that is formed or licensed under this part which ~~chapter that~~ does not meet the definition of any other type of captive insurance company defined in this section.

(22) "Sponsor" means any person or entity that is approved by the office to provide all or part of the capital and surplus required by this part and to organize and operate a protected cell captive insurance company.

Section 2. Paragraph (f) is added to subsection (1) of section 628.905, Florida Statutes, to read:

628.905 Licensing; authority.—

(1) A captive insurance company, if permitted by its charter or articles of incorporation, may apply to the office

for a license to do any and all insurance authorized under the insurance code, other than workers' compensation and employer's liability, life, health, personal motor vehicle, and personal residential property insurance, except that:

(f) A protected cell captive insurance company may only insure the risks of its protected cell participants.

Section 3. Subsections (1) and (2) of section 628.907, Florida Statutes, are amended to read:

628.907 Minimum capital and net assets requirements; restriction on payment of dividends.—

(1) A captive insurance company may not be issued a license unless it possesses and thereafter maintains the following applicable unimpaired paid-in capital requirements ~~of~~:

(a) In the case of a protected cell captive insurance company, at least $100,000.

(b) In the case of a pure captive insurance company, at least $100,000.~~;~~

(c)~~(b)~~ In the case of an industrial insured captive insurance company incorporated as a stock insurer, at least $200,000.~~; and~~

(d)~~(c)~~ In the case of a special purpose captive insurance company, an amount determined by the office after giving due consideration to the company's business plan, feasibility study, and pro forma financial statements and projections, including the nature of the risks to be insured.

(2) The office may not issue a license to a captive insurance company incorporated as a nonprofit corporation unless the company possesses and maintains the following applicable unrestricted net assets requirements ~~of~~:

(a) In the case of a protected cell captive insurance company, at least $100,000.

(b) In the case of a pure captive insurance company, at least $250,000.

(c)~~(b)~~ In the case of a special purpose captive insurance company, an amount determined by the office after giving due consideration to the company's business plan, feasibility study, and pro forma financial statements and projections, including the nature of the risks to be insured.

Section 4. Subsection (1) of section 628.908, Florida Statutes, is amended to read:

628.908 Surplus requirements; restriction on payment of dividends.—

(1) The office may not issue a license to a captive insurance company unless the company possesses and maintains the following applicable unimpaired surplus requirements ~~of~~:

(a) In the case of a pure captive insurance company, at least $150,000.

(b) In the case of a protected cell captive insurance company, at least $100,000.

(c) In the case of an industrial insured captive insurance company incorporated as a stock insurer, at least $300,000.

(d)~~(c)~~ In the case of an industrial insured captive insurance company incorporated as a mutual insurer, at least $500,000.

(e)~~(d)~~ In the case of a special purpose captive insurance company, an amount determined by the office after giving due consideration to the company's business plan, feasibility study, and pro forma financial statements and projections, including

the nature of the risks to be insured.

Section 5. Subsection (1) of section 628.909, Florida Statutes, is amended to read:

628.909 Applicability of other laws.—

(1) The Florida Insurance Code does not apply to captive insurance companies, protected cell captive insurance companies, or industrial insured captive insurance companies except as provided in this part and subsections (2) and (3).

Section 6. Section 628.921, Florida Statutes, is created to read:

628.921 Protected cell captive insurance companies.—

(1) One or more sponsors may form a protected cell captive insurance company under this part.

(2) A protected cell captive insurance company must be incorporated as a stock insurer with its capital divided into shares and held by the stockholders, as a mutual corporation, as a nonprofit corporation with one or more members, or as a limited liability company.

(3) In addition to the information required by chapter 624, each applicant protected cell captive insurance company must file all of the following information with the office:

(a) Materials demonstrating how the applicant will account for the loss and expense experience of each protected cell at a level of detail found to be sufficient by the office, and how it will report such experience to the office.

(b) A statement acknowledging that all financial records of the applicant, including records pertaining to any protected cells, must be made available for inspection or examination by the office or the office's designated agent.

(c) All contracts or sample contracts between the applicant and any participants.

(d) Evidence that expenses will be allocated to each protected cell in a fair and equitable manner.

(4) A protected cell captive insurance company formed or licensed under this part may establish and maintain one or more incorporated or unincorporated protected cells, to insure risks of one or more participants, subject to all of the following conditions:

(a)1. A protected cell captive insurance company may establish one or more protected cells if the office has approved in writing a plan of operation or amendments to a plan of operation submitted by the protected cell captive insurance company with respect to each protected cell. A plan of operation must include, but is not limited to, the specific business objectives and investment guidelines of the protected cell. However, the office may require additional information in the plan of operation. The office may make the approval of a plan of operation or amendments to a plan of operation effective as of any date on or before the date the approval is signed so long as the effective date is no earlier than the date on which the plan of operation or amendments to the plan of operation were filed with the office.

2. Upon the office's written approval of the plan of operation, the protected cell captive insurance company, in accordance with the approved plan of operation, may attribute insurance obligations with respect to its insurance business to the protected cell.

3. A protected cell must have its own distinct name or

designation, which must include the words "protected cell" or "incorporated cell." Such names or designations may also be reasonably abbreviated, including, without limitation, PC or P.C. for "protected cell"; IC, I.C., IPC, or I.P.C. for "incorporated cell"; and SC, S.C., SPC, or S.P.C. for "series cell."

4. The protected cell captive insurance company shall transfer all assets attributable to a protected cell to one or more separately established and identified protected cell accounts bearing the name or designation of that protected cell. Protected cell assets must be held in the protected cell accounts for the purpose of satisfying the obligations of that protected cell.

5. An incorporated protected cell may be organized and operated in any form of business organization authorized by the office, including, but not limited to, an individual series of a limited liability company under chapter 605. Each incorporated protected cell of a protected cell captive insurance company must be treated as a captive insurer for purposes of this part and has the power to enter into contracts, including an individual series of a limited liability company. Unless otherwise permitted by the organizational documents of a protected cell captive insurance company, each incorporated protected cell of the protected cell captive insurance company must have the same directors, secretary, and registered office as the protected cell captive insurance company.

6. All attributions of assets and liabilities between a protected cell and the general account must be in accordance with the plan of operation and participant contracts approved by

the office. A protected cell captive insurance company may not make other attributions of assets or liabilities between the protected cell captive insurance company's general account and its protected cells. Any attribution of assets and liabilities between the general account and a protected cell must be in cash or in readily marketable securities with established market values.

(b) The creation of a protected cell does not create, with respect to that protected cell, a legal person separate from the protected cell captive insurance company unless the protected cell is an incorporated cell. Amounts attributed to a protected cell under this part, including assets transferred to a protected cell account, are owned by the protected cell. A protected cell captive insurance company may not act as, or hold itself out to be, a trustee of the protected cell assets of the protected cell account. Notwithstanding this subsection, a protected cell captive insurance company may permit a security interest to attach to the assets of a protected cell assets or a protected cell account if the security interest is in favor of a creditor of that protected cell and is otherwise authorized by applicable law.

(c) This subsection may not be construed to prohibit the protected cell captive insurance company from contracting with or arranging for an investment advisor, commodity trading advisor, or other third party to manage the protected cell assets of a protected cell if all remuneration, expenses, and other compensation of the third-party advisor or manager are payable from the protected cell assets of that protected cell and not from the protected cell assets of other protected cells

or the assets of the protected cell captive insurance company's general account.

(d)1. A protected cell captive insurance company must establish administrative and accounting procedures necessary to properly identify the one or more protected cells of the protected cell captive insurance company and the protected cell assets and protected cell liabilities attributable to the protected cells. The directors of a protected cell captive insurance company must keep protected cell assets and protected cell liabilities:

a. Separate and separately identifiable from the assets and liabilities of the protected cell captive insurance company's general account; and

b. Attributable to one protected cell separate and separately identifiable from protected cell assets and protected cell liabilities attributable to other protected cells.

2. If subparagraph 1. is violated, the remedy of tracing applies to protected cell assets that have been commingled with the protected cell assets of other protected cells or with the assets of the protected cell captive insurance company's general account. The remedy of tracing may not be construed as exclusive.

(e) When establishing a protected cell, the protected cell captive insurance company must attribute to the protected cell assets a value at least equal to the reserves and other insurance liabilities attributed to that protected cell.

(f) Each protected cell must be accounted for separately on the books and records of the protected cell captive insurance company to reflect the financial condition and results of

operations of such protected cell, net income or loss, dividends or other distributions to participants, and such other factors as may be provided in the participant contract or required by the office.

(g) An asset of a protected cell may not be charged with, or otherwise made liable for, any liability arising out of insurance business conducted by the protected cell captive insurance company on behalf of any other protected cell or its general account.

(h) A protected cell captive insurance company may not sell, exchange, or otherwise transfer assets between or among any of its protected cells without the consent of such protected cells.

(i) A protected cell captive insurance company may not sell, exchange, transfer, or otherwise distribute assets, or pay any dividend or distribution, from a protected cell to the company or to a participant without the approval of the office. The office may not approve any sale, exchange, transfer, dividend, or distribution that would result in the insolvency or impairment of a protected cell.

(j) All attributions of assets and liabilities to the protected cells and the general account must be in accordance with the plan of operation approved by the office. A protected cell captive insurance company may not attribute assets or liabilities between its general account and any protected cell, or between any protected cells. The protected cell captive insurance company must attribute all insurance obligations, assets, and liabilities relating to a reinsurance contract entered into with respect to a protected cell to such protected

cell. The performance under such reinsurance contract and any tax benefits, losses, refunds, or credits allocated pursuant to a tax allocation agreement to which the protected cell captive insurance company is a party, including any payments made by or due to be made to the protected cell captive insurance company pursuant to the terms of such agreement, must reflect the insurance obligations, assets, and liabilities relating to the reinsurance contract which are attributed to such protected cell.

(k) In connection with the conservation, rehabilitation, or liquidation of a protected cell captive insurance company, the assets and liabilities of a protected cell must, to the extent the office determines they are separable, at all times be kept separate from, and may not be commingled with, those of other protected cells and the protected cell captive insurance company.

(l) Each protected cell captive insurance company must annually file with the office such financial reports as required by the office. Any such financial report must include, without limitation, accounting statements detailing the financial experience of each protected cell.

(m) Each protected cell captive insurance company must notify the office in writing within 10 business days of any protected cell that is insolvent or otherwise unable to meet its claim or expense obligations.

(n) A participant contract may not take effect without the office's prior written approval. The addition of each new protected cell, the withdrawal of any participant, or the termination of any existing protected cell constitutes a change

in the plan of operation requiring the office's prior written approval.

(o) The business written by a protected cell captive insurance company, with respect to each protected cell, must be:

1. Fronted by an insurance company licensed under the laws of any state;

2. Reinsured by a reinsurer authorized or approved by this state; or

3. Secured by a trust fund in the United States for the benefit of policyholders and claimants or funded by an irrevocable letter of credit or other arrangement that is acceptable to the office. The amount of security provided may not be less than the reserves associated with those liabilities which are neither fronted nor reinsured, including reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums for business written through the participant's protected cell. The office may require the protected cell captive insurance company to increase the funding of any security arrangement established under this paragraph. If the form of security is a letter of credit, the letter of credit must be issued or confirmed by a bank approved by the office. A trust maintained pursuant to this paragraph must be established in a form and upon such terms as approved by the office.

(p) Notwithstanding this part or other laws of this state, and in addition to subsection (6), in the event of an insolvency of a protected cell captive insurance company where the office determines that one or more protected cells remain solvent, the office may separate such cells from the protected cell captive

insurance company and may allow, on application of the protected cell captive insurance company, for the conversion of such protected cells into one or more new or existing protected cell captive insurance companies, or one or more other captive insurance companies, pursuant to such plan of operation as the office deems acceptable.

(q) Biographical affidavits are not required for participants in unincorporated cells. However, biographical affidavits are required for owners of incorporated cells, including series members of a series limited liability company.

(r) A protected cell captive insurance company formed or licensed under this part may establish and operate both unincorporated and incorporated protected cells.

(5) Notwithstanding subsection (4), the assets of two or more protected cells may be combined for purposes of investment, and such combination may not be construed as defeating the segregation of such assets for accounting or other purposes. Notwithstanding any other provision of the insurance code, the office may approve the use of alternative reliable methods for the valuation of protected cell assets and liabilities and for the rating of risks attributable to a protected cell.

(6) Upon any order of supervision, rehabilitation, or liquidation of a protected cell captive insurance company, the receiver shall manage the assets and liabilities of the protected cell captive insurance company pursuant to this part.

(7)(a) Assets of a protected cell may not be used to pay any expenses or claims other than those attributable to such protected cell.

(b) A protected cell captive insurance company's capital

and surplus must at all times be available to pay any expenses of or claims against the protected cell captive insurance company.

(8)(a) The pleadings in any legal action brought by or against a protected cell captive insurance company must specify which protected cell or cells are or should be named a party to the suit. If the general account is party to the suit, such account must be separately identified in the pleadings as if it were a protected cell.

(b) A legal action brought against a protected cell captive insurance company which does not specify one or more protected cells shall be deemed to have been brought against the general account only.

(c) Any protected cell that is not named in the pleadings of the legal action may not be deemed to be a party to the legal action. Any protected cell that is erroneously named as a party or named without proper cause is entitled to prompt dismissal from the legal action.

(d) Unless specified by the plan of operation, participant contract, or other prior contractual agreement, the assets of one protected cell may not be encumbered or seized to satisfy the obligations of or a judgment against any other protected cell. A protected cell does not have a duty to defend the rights and obligations of any other protected cell.

(e) In any legal action involving a protected cell captive insurance company or a protected cell, any papers, documents, or property of a nonparty protected cell must be afforded the same status during discovery as the documents or property of any other unrelated third party. A nonparty protected cell has

standing to appear and petition for any appropriate relief to protect the confidentiality of its papers or documents.

(9)(a)1. Upon the application of a protected cell captive insurance company, one of its protected cells may be converted to any form of captive insurance company authorized pursuant to this part with the consent of the office. Upon compliance with this part, the office may issue to the converting protected cell a certificate of authority with an effective date of its original date of formation as a protected cell.

2. If the converting protected cell is a series of a limited liability company, the protected cell must file organizational documents with the Secretary of State which comply with this part. The organizational documents must include the date of formation as a series of a limited liability company. Upon conversion, the formation date of the series shall be deemed the formation date of the converted protected cell. The converted protected cell shall possess all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor series.

3. If the converting protected cell is any other type of incorporated protected cell entity, the converting protected cell must submit amended organizational documents to the Secretary of State which comply with this part.

4. If the converting protected cell is neither a series of a limited liability company nor an incorporated protected cell, the protected cell must file organizational documents with the Secretary of State which comply with this part. The organizational documents must include the date of formation as a protected cell. Upon conversion, the formation date of the

protected cell is the formation date of the converted protected cell. The converted protected cell shall possess all assets and liabilities, including outstanding insurance liabilities, owned by the predecessor cell.

(b) A captive insurance company may apply to the office for conversion to become a protected cell captive insurance company under any form permitted under this part. Upon compliance with this part, approval by the office, and the filing of amended organizational documents with the Secretary of State, the captive insurance company must be issued a revised certificate of authority. The effective date of the revised protected cell captive insurance company's certificate of authority shall remain the same as the effective date of the prior captive insurance company.

(c) With the consent of both the affected protected cell captive insurance companies and the office, an individual protected cell of a captive insurance company may disaffiliate from one protected cell captive insurance company and affiliate with another protected cell captive insurance company. The office may require the affected protected cell captive insurance companies and the individual protected cell to make necessary changes to their business plans, organizational documents, participation contracts, or other governing documents before approving the change in affiliation. The formation date of a protected cell that affiliates with another protected cell captive insurance company shall be the date of its original formation with the prior protected cell captive insurance company. A protected cell shall maintain and carry over all assets and liabilities, including outstanding insurance

liabilities, to the new protected cell captive insurance company.

(d) With the consent of the affected protected cell captive insurance company or companies, the owners or the participants of the protected cells, and the office, an individual protected cell of a captive insurance company may merge or otherwise combine assets and liabilities with another individual protected cell of a protected cell captive insurance company. The office may require the affected protected cell captive insurance companies and the individual protected cells to make necessary changes to their business plans, organizational documents, participation contracts, or other governing documents before approving the change in affiliation. The formation date of a protected cell that merges or otherwise combines assets and liabilities with another protected cell captive insurance company is the date of the original formation of the surviving protected cell. The surviving protected cell must acquire all of the assets and liabilities, including outstanding insurance liabilities, of the merging protected cell. A hearing is not required for mergers of protected cells effectuated under this section.

(e) Solely for the purposes of annual reports, inspections, examinations, and taxation, the date of final conversion or disaffiliation of a protected cell shall be deemed a termination of that cell from the prior entity. The prior entity shall be responsible for the accounting, oversight, and premium tax on any transactions prior to the date of final conversion or disaffiliation. The successor entity shall be responsible for the accounting, oversight, and premium tax on any transactions

on or after the date of final conversion or disaffiliation.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 19, 2026

I respectfully request that **Senate Bill # 990**, relating to Protected Cell Captive Insurance Companies, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Sincerely,

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

990
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ben Stearns, Secretary, Florida Captive Insurance Association Phone (850) 425-3383

Address 215 S. Monroe St., Suite 500 Email bstearns@carltonfields.com
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-24-26
Meeting Date

SB 990
Bill Number or Topic

SENATE RULES
Committee

THE FLORIDA RISK INSTITUTE
Amendment Barcode (if applicable)

Name WAYNE S. MATTHEWS

Phone 727 946 2233

Address 9095 EAGLES RIDGE DRIVE
Street

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TALLAHASSEE FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1002
INTRODUCER:	Children, Families, and Elder Affairs Committee and Senator Gaetz
SUBJECT:	Child Welfare
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fiore	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Favorable**
3.	Fiore	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1002 expands statutory definitions of "harm" and "neglect" to address parental substance abuse, with conforming reenactments across multiple sections of statute. The bill expands the definition of "harm" in chapter 39, Florida Statutes (F.S.), to expressly include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication compromises the parent's ability to guarantee and provide supervision and care for their child. It makes similar revisions to the definition of "neglect" to include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication results in an environment that causes the child's physical, mental, or emotional safety to be significantly impaired or to be in danger of being significantly impaired.

The bill reenacts and conforms numerous cross-referenced provisions in chapters 39, 61, 390, 744, 984, and 1001, F.S., including dependency dispositions, case plans, termination of parental rights, parenting and time-sharing determinations, guardians ad litem, guardianship eligibility, and school district parental-notification requirements.

This bill will have an insignificant negative fiscal impact on state expenditures that can be absorbed within existing resources. **See Section V., Fiscal Impact Statement**.

The bill takes effect July 1, 2026.

II. Present Situation:

Florida's Child Welfare System

Chapter 39, F.S., governs child welfare proceedings in Florida, including the prevention, identification, and remediation of child abuse, abandonment, and neglect. The Department of Children and Families (DCF) is responsible for investigating reports of child maltreatment accepted by the Florida Abuse Hotline (Hotline) and for providing services necessary to protect children from harm.[1] The DCF practice model is based on increasing the safety of the child using in-home services, such as parenting coaching and counseling, to maintain and strengthen the child's natural supports in the home environment.[2] These services are coordinated by DCF-contracted community-based care lead agencies (CBCs).[3]

When child welfare necessitates that the DCF remove a child from the home to ensure his or her safety, a series of dependency court proceedings must occur to place that child in out-of-home care, adjudicate the child dependent, and if necessary, terminate parental rights to allow for adoption. Steps in the dependency process usually include:

- A report to the Hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning for the parents to address the problems resulting in the child's dependency.
- Placement in out-of-home care, if necessary.
- Reunification with the child's parent or another option to establish permanency, such as adoption after termination of parental rights.[4]

Florida Abuse Hotline

The DCF is required to operate and maintain a Hotline[5] to receive reports of known or suspected instances of child abuse,[6] abandonment,[7] or neglect,[8] or instances when a child does not have a

[1] Sections 39.001 and 39.301, F.S.
[2] *See generally* The Florida Department of Children and Families (DCF), *Florida's Child Welfare Practice Model,* available at: https://www.myflfamilies.com/services/child-family/child-and-family-well-being/floridas-child-welfare-practice-model (last visited 1/27/26).
[3] Sections 409.986(3)(d) and 409.988, F.S.
[4] *See generally* ch. 39, F.S.
[5] Section 39.101, F.S.; and rule 65C-30.001(53), F.A.C.
[6] Section 39.01(2), F.S. defines "abuse" as any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.
[7] Section 39.01(1), F.S., defines "abandoned" or "abandonment" as a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, or both. "Establish or maintain a substantial and positive relationship" means, in part, frequent and regular contact with the child, and the exercise of parental rights and responsibilities.
[8] Section 39.01(53), F.S., states "neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired, except when such circumstances are caused primarily by financial inability unless services have been offered and rejected by such person.

parent, legal custodian, or adult relative available to provide supervision and care.[9] The Hotline must operate 24 hours a day, 7 days a week, and accept reports through a single statewide toll-free telephone number or through electronic reporting.[10]

If the Hotline determines a report meets the statutory criteria for child abuse, abandonment, or neglect, a DCF child protective investigator (CPI) must complete a child protective investigation.[11]

Child Maltreatment Index

The Child Maltreatment Index (Index) is utilized by Hotline counselors and CPIs to determine if a report of abuse, abandonment, or neglect meets the criteria for verifying child maltreatment.[12] The Index defines each maltreatment, factors to consider in the assessment of each maltreatment, and highlights frequently related findings of maltreatment.[13]

A report of abuse, abandonment, or neglect must contain at least one of the following types of maltreatment:

- Abandonment.
- Asphyxiation.
- Bizarre Punishment.
- Bone Fracture.
- Burns.
- Death.
- Environmental Hazards.
- Failure to Protect.
- Failure to Thrive/Malnutrition/Dehydration.
- Household Violence Threatens Child.
- Human Trafficking — Commercial Sexual Exploitation of a Child.
- Human Trafficking — Labor.
- Inadequate Supervision.
- Internal Injuries
- Intimate Partner Violence Threatens Child.
- Medical Neglect.
- Mental Injury.
- Physical Injury.
- Sexual Abuse: Sexual Battery.
- Sexual Abuse: Sexual Exploitation.
- Sexual Abuse: Sexual Molestation.
- Substance-Exposed Newborn.

[9] Section 39.201(1), F.S.
[10] Section 39.101(1), F.S.
[11] Section 39.301, F.S.
[12] DCF, *Children and Family Operating Procedures* (*CFOP) 170-4*, (Oct. 16, 2025) available at: https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-04,%20Child%20Maltreatment%20Index.pdf (last visited 1/27/26).
[13] *Id.* at Appendix A.

- Substance Misuse.
- Substance Misuse — Alcohol.
- Substance Misuse — Illicit Drugs.
- Substance Misuse — Prescription Drugs.
- Threatened Harm.[14]

Hotline counselors apply these maltreatment definitions to determine if the reported information meets the criteria to warrant a formal investigation or special conditions report.[15]

Child Protective Investigations

Child protective investigations consist of the following:

- A review of all relevant, available information specific to the child, family, and alleged maltreatment; family child welfare history; local, state, and federal criminal records check; and requests for law enforcement assistance provided by the Hotline.
  - Based on a review of available information, including the allegations in the current report, a determination shall be made as to whether immediate consultation should occur with law enforcement, the Child Protection Team, a domestic violence shelter or advocate, or a substance abuse or mental health professional.
- Face-to-face interviews with the child; other siblings, if any; and the parents, legal custodians, or caregivers.
- Assessment of the child's residence, including a determination of the composition of the family and household.
- Determine whether there is any indication that any child in the family or household has been abused, abandoned, or neglect; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, abandonment, or neglect.
- Documentation of the present and impending dangers to each child based on the identification of inadequate protective capacity through utilization of a standardized safety assessment instrument (i.e., the Index).[16]

Child Protection Investigators (CPIs) utilize the definitions of maltreatment types to make a determination regarding each of the alleged maltreatments and make one of the following findings:

- **"Verified":** when a preponderance of the credible evidence results in a determination of the specific harm or threat of harm was the result of abuse, abandonment, or neglect.
- **"Not Substantiated":** when there is credible evidence that does not meet the preponderance standard to support that the specific harm was the result of abuse, abandonment, or neglect.
- **"No Indicators":** when there is no credible evidence to support that the specific harm was the result of abuse, abandonment, or neglect.[17]

[14] *Id*. at pgs. 6-7.
[15] *Id.* at pg. 5.
[16] Section 39.301(9)(a), F.S.
[17] DCF, *CFOP 170-4* at pg. 6.

The findings of CPIs are used to determine the next course of action. If the CPI identifies present or impending danger, the CPI must implement a safety plan or take the child into custody. If impending danger is identified and the child is not removed, the CPI must create and implement a safety plan before leaving the home or location where there is present danger.[18] If the child cannot safely remain in the home with a safety plan, the DCF must file a petition with the court and remove the child from his or her current home and place them in out-of-home care.[19]

Adjudication and Court-Ordered Services

A child may be adjudicated dependent if the court finds that the child has been abused, abandoned, or neglected, or is at substantial risk of such harm.[20] Upon an adjudication of dependency, the court has broad authority to order supervision or out-of-home placement as well as require the parents or legal custodians of a dependent child to participate in professional counseling and treatment services that the court determines are necessary to rehabilitate the parent or the child.[21] For each child receiving services, the DCF is required to develop a court-approved case plan to address the issues that led to the child's removal.[22] Case plans must likewise include tasks and services tailored to address the conditions that gave rise to the finding of dependency, including substance abuse treatment when harm is linked to parental substance use.[23]

Definitions of Harm and Neglect

"Harm" to a child's health or welfare is defined to include a range of acts or omissions that adversely affect a child, including exposure to controlled substances or alcohol.[24] Exposure to a controlled substance or alcohol may be established by evidence of extensive, abusive, and chronic use of a controlled substance or alcohol by a parent to the extent that the parent's ability to provide supervision and care for the child has been or is likely to be severely compromised.[25] Controlled substances include prescription drugs not prescribed for the parent or not administered as prescribed, and drugs referenced as Schedule I and Schedule II substances under s. 893.03, F.S.[26] The statutory definition of harm plays a critical role throughout Ch. 39, F.S., as it informs dependency adjudications, case planning requirements, court-ordered services, and determinations regarding parental fitness.

"Neglect" is defined as a parent's or caregiver's failure to provide a child with necessary food, clothing, shelter, medical treatment, or supervision, or permitting a child to live in an environment that causes or threatens significant impairment to the child's physical, mental, or emotional health.[27] If the necessities of which the child is deprived is caused primarily by financial inability, the definition of neglect will be met only if actual services for relief have been

[18] Section 39.301(9)(a)6., F.S.
[19] *Id*.
[20] Sections 39.01(15), 39.013(2), 39.501(1)-(2), and 39.507, F.S.
[21] Section 39.521, F.S.
[22] Section 39.6011, F.S.
[23] Section 39.6012(1)(c), F.S.
[24] Section 39.01(37), F.S.
[25] Section 39.01(37)(g)2., F.S.
[26] Section 39.01(37)(g), F.S.
[27] Section 39.01(53), F.S.

offered to and rejected by the parent or caregiver.[28] While substance abuse may contribute to neglectful conditions, the law does not expressly identify ongoing threats posed by a parent's acute or chronic intoxication as a standalone basis for neglect, apart from general impairment standards.

Cross-References in Other Areas of Law

Definitions contained in s. 39.01, F.S., are expressly incorporated into numerous provisions in other chapters of the Florida Statutes. As a result, changes to the definitions of "harm" or "neglect" may have cascading legal effects across multiple statutory schemes. These include statutes governing parenting and time-sharing determinations in dissolution proceedings;[29] appointment and qualifications of guardians ad litem;[30] parental consent laws;[31] guardianship eligibility;[32] provisions governing children in need of services under the juvenile justice system;[33] and school district duties relating to student welfare and parental notification.[34]

III. Effect of Proposed Changes:

Section 1 amends ss. 39.01(37) and 39.01(53), F.S., to expand the definitions of harm and neglect, respectively.

Under the expanded definition of harm, exposure to a controlled substance or alcohol may be established not only through extensive, abusive, and chronic use, but also through evidence of acute or chronic substance use when the ongoing threat of future intoxication compromises a parent's ability to guarantee and provide supervision and care for the child.

Under the expanded definition of neglect, this section provides that neglect may be established through circumstances in which a parent's acute or chronic use of a controlled substance creates an environment that significantly impairs, or threatens to impair, a child's physical, mental, or emotional safety.

Sections 2 through 11 reenact ss. 39.521(1)(c), 39.6012(1)(c), 39.806(1)(k), 61.13(2)(c), 61.401, 61.402(3), 390.0111492)(b), 744.309(3), 984.03(24), and 1001.42(8)(c), F.S., relating to disposition hearings and powers of dispositions; case plan tasks and services, grounds for termination of parental rights; support of children, parenting and time-sharing, and powers of the court; appointment of guardian ad litem; qualifications of guardians ad litem; the Parental Notice of and Consent for Abortion Act; who may be appointed guardian of a resident ward; definitions; and powers and duties of district school boards; respectively, to incorporate the amendment to s. 39.01, F.S., relating to the definitions of the terms "harm" and "neglect." The reenactment of these sections applies the changes to such definitions in s. 39.01, F.S., to those sections reenacted.

[28] Section 39.01(53), F.S.
[29] Section 61.13, F.S.
[30] Sections 61.401 and 61.402, F.S.
[31] Section 390.01114, F.S.
[32] Section 744.309, F.S.
[33] Section 984.03, F.S.
[34] Section 1001.42, F.S.

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:

None.

C. Government Sector Impact:

This bill will have an insignificant negative fiscal impact on the Department of Children and Families (DCF) which can be absorbed within existing resources. While the DCF has yet to submit a bill analysis, the department has not indicated any potential fiscal impacts associated with the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.521, 39.6012, 39.806, 61.13, 61.401, 61.402, 390.01114, 744.309, 984.03, and 1001.42.

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 Children, Families, and Elder Affairs on January 27, 2026:
The CS retitles the bill and redrafts the bill in Ch. 39, instead of Ch. 751 to:

- Expand the definition of "harm" in Ch. 39, F.S., to expressly include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication compromises the parent's ability to guarantee and provide supervision and care for their child.
- Expand the definition of "neglect" in Ch. 39, F.S. to include evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication results in an environment that causes the child's physical, mental, or emotional safety to be significantly impaired or to be in danger of being significantly impaired.
- Reenact and conform numerous cross-referenced provisions in Chapters 39, 61, 390, 744, 984, and 1001, F.S., including dependency dispositions, case plans, termination of parental rights, parenting and time-sharing determinations, guardians ad litem, guardianship eligibility, and school district parental-notification requirements.

B. Amendments:

None.

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

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

586-02238-26 20261002c1

A bill to be entitled

An act relating to child welfare; amending s. 39.01, F.S.; revising the definition of the term "harm" to provide that exposure of a child to a controlled substance may be established by evidence of acute or chronic use of a controlled substance by a parent to a specified extent; revising the definition of the term "neglect" to provide that neglect occurs when there is evidence of acute or chronic use of a controlled substance by a parent to a specified extent; reenacting ss. 39.521(1)(c), 39.6012(1)(c), 39.806(1)(k), 61.13(2)(c), 61.401, 61.402(3), 390.01114(2)(b), 744.309(3), 984.03(24), and 1001.42(8)(c), F.S., relating to disposition hearings and powers of disposition; case plan tasks and services; grounds for termination of parental rights; support of children, parenting and time-sharing, and powers of the court; appointment of guardian ad litem; qualifications of guardians ad litem; the Parental Notice of and Consent for Abortion Act; who may be appointed guardian of a resident ward; definitions; and powers and duties of district school board, respectively, to incorporate the amendment made to s. 39.01, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (g) of subsection (37) and subsection

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

586-02238-26 20261002c1

(53) of section 39.01, Florida Statutes, are amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(37) "Harm" to a child's health or welfare can occur when any person:

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. A test, administered at birth, which indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant; ~~or~~

2. Evidence of extensive, abusive, and chronic use of a controlled substance or alcohol by a parent to the extent that the parent's ability to provide supervision and care for the child has been or is likely to be severely compromised; or

3. Evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication compromises the parent's ability to guarantee and provide supervision and care for the child.

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

(53) "Neglect" occurs when:

(a) A child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a

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

child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

1.~~(a)~~ Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or

2.~~(b)~~ Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

(b) There is evidence of acute or chronic use of a controlled substance by a parent to the extent that the ongoing threat of the parent's future intoxication results in an environment that causes the child's physical, mental, or emotional safety to be significantly impaired or to be in danger of being significantly impaired.

Neglect of a child includes acts or omissions.

Section 2. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 39.521, Florida Statutes, is reenacted to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(c) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal guardian or the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also

require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(37)(g) demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary. In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires mental health or substance abuse disorder treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department

in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, further judicial reviews are not required if permanency has been established for the child.

4. Determine whether the child has a strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.

Section 3. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 39.6012, Florida Statutes, is reenacted to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(c) If there is evidence of harm as defined in s.

39.01(37)(g), the case plan must include as a required task for the parent whose actions caused the harm that the parent submit to a substance abuse disorder assessment or evaluation and participate and comply with treatment and services identified in the assessment or evaluation as being necessary.

Section 4. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (k) of subsection (1) of section 39.806, Florida Statutes, is reenacted to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(k) A test administered at birth that indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant, and the biological mother of the child is the biological mother of at least one other child who was adjudicated dependent after a finding of harm to the child's health or welfare due to exposure to a controlled substance or alcohol as defined in s. 39.01, after which the biological mother had the opportunity to participate in substance abuse treatment.

Section 5. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 61.13, Florida Statutes, is reenacted to read:

61.13 Support of children; parenting and time-sharing; powers of court.—

(2)

(c) The court shall determine all matters relating to parenting and time-sharing of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act, except that modification of a parenting plan and time-sharing schedule requires a showing of a substantial and material change of circumstances.

1. It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child. To rebut this presumption, a party must prove by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child. Except when a time-sharing schedule is agreed to by the parties and approved by the court, the court must evaluate all of the factors set forth in subsection (3) and make specific written findings of fact when creating or modifying a time-sharing schedule.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. In determining detriment to the child, the court shall consider:

a. Evidence of domestic violence, as defined in s. 741.28;

b. Whether either parent has or has had reasonable cause to believe that he or she or his or her minor child or children are or have been in imminent danger of becoming victims of an act of domestic violence as defined in s. 741.28 or sexual violence as defined in s. 784.046(1)(c) by the other parent against the parent or against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court;

c. Whether either parent has or has had reasonable cause to believe that his or her minor child or children are or have been in imminent danger of becoming victims of an act of abuse, abandonment, or neglect, as those terms are defined in s. 39.01, by the other parent against the child or children whom the parents share in common regardless of whether a cause of action has been brought or is currently pending in the court; and

d. Any other relevant factors.

3. The following evidence creates a rebuttable presumption that shared parental responsibility is detrimental to the child:

a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;

b. A parent meets the criteria of s. 39.806(1)(d); or

c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense:

(I) The parent was 18 years of age or older.

(II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

If the presumption is not rebutted after the convicted parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support. If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence or child abuse or the existence of an injunction for protection against domestic violence, the court shall consider evidence of domestic violence or child abuse as evidence of detriment to the child.

4. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.

5. The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.

6. There is a rebuttable presumption against granting time-sharing with a minor child if a parent has been convicted of or had adjudication withheld for an offense enumerated in s.

943.0435(1)(h)1.a., and at the time of the offense:

a. The parent was 18 years of age or older.

b. The victim was under 18 years of age or the parent believed the victim to be under 18 years of age.

A parent may rebut the presumption upon a specific finding in writing by the court that the parent poses no significant risk of harm to the child and that time-sharing is in the best interests of the minor child. If the presumption is rebutted, the court must consider all time-sharing factors in subsection (3) when developing a time-sharing schedule.

7. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, may not be denied to either parent. Full rights under this subparagraph apply to either parent unless a court order specifically revokes these rights, including any restrictions on these rights as provided in a domestic violence injunction. A parent having rights under this subparagraph has the same rights upon request as to form, substance, and manner of access as are available to the other parent of a child, including, without limitation, the right to in-person communication with medical, dental, and education providers.

Section 6. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, section 61.401, Florida Statutes, is reenacted to read:

61.401 Appointment of guardian ad litem.—In an action for dissolution of marriage or for the creation, approval, or modification of a parenting plan, if the court finds it is in

the best interest of the child, the court may appoint a guardian ad litem to act as next friend of the child, investigator or evaluator, not as attorney or advocate. The court in its discretion may also appoint legal counsel for a child to act as attorney or advocate; however, the guardian and the legal counsel shall not be the same person. In such actions which involve an allegation of child abuse, abandonment, or neglect as defined in s. 39.01, which allegation is verified and determined by the court to be well-founded, the court shall appoint a guardian ad litem for the child. The guardian ad litem shall be a party to any judicial proceeding from the date of the appointment until the date of discharge.

Section 7. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, subsection (3) of section 61.402, Florida Statutes, is reenacted to read:

61.402 Qualifications of guardians ad litem.—

(3) Only a guardian ad litem who qualifies under paragraph (1)(a) or paragraph (1)(c) may be appointed to a case in which the court has determined that there are well-founded allegations of child abuse, abandonment, or neglect as defined in s. 39.01.

Section 8. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 390.01114, Florida Statutes, is reenacted to read:

390.01114 Parental Notice of and Consent for Abortion Act.—

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

(b) "Child abuse" means abandonment, abuse, harm, mental injury, neglect, physical injury, or sexual abuse of a child as

those terms are defined in ss. 39.01, 827.04, and 984.03.

Section 9. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, subsection (3) of section 744.309, Florida Statutes, is reenacted to read:

744.309 Who may be appointed guardian of a resident ward.—

(3) DISQUALIFIED PERSONS.—No person who has been convicted of a felony or who, from any incapacity or illness, is incapable of discharging the duties of a guardian, or who is otherwise unsuitable to perform the duties of a guardian, shall be appointed to act as guardian. Further, no person who has been judicially determined to have committed abuse, abandonment, or neglect against a child as defined in s. 39.01 or s. 984.03(1), (2), and (24), or who has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under s. 435.04 or similar statute of another jurisdiction, shall be appointed to act as a guardian. Except as provided in subsection (5) or subsection (6), a person who provides substantial services to the proposed ward in a professional or business capacity, or a creditor of the proposed ward, may not be appointed guardian and retain that previous professional or business relationship. A person may not be appointed a guardian if he or she is in the employ of any person, agency, government, or corporation that provides service to the proposed ward in a professional or business capacity, except that a person so employed may be appointed if he or she is the spouse, adult child, parent, or sibling of the proposed ward or the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly

be in the proposed ward's best interest. The court may not appoint a guardian in any other circumstance in which a conflict of interest may occur.

Section 10. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, subsection (24) of section 984.03, Florida Statutes, is reenacted to read:

984.03 Definitions.—When used in this chapter, the term:

(24) "Neglect" has the same meaning as in s. 39.01(53).

Section 11. For the purpose of incorporating the amendment made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 1001.42, Florida Statutes, is reenacted to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(8) STUDENT WELFARE.—

(c)1. In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit

parents from accessing any of their student's education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being. This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01.

3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(o)3. and 1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks established by the Department of Education.

5. At the beginning of the school year, each school district shall notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service in accordance with s. 1014.06. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this paragraph.

6. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the school district must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

7. Each school district shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns under this paragraph at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.

a. At a minimum, the procedures must require that within 30 days after notification by the parent that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.

b. If a concern is not resolved by the school district, a parent may:

(I) Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in

administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

c. Each school district shall adopt and post on its website policies to notify parents of the procedures required under this subparagraph.

d. Nothing contained in this subparagraph shall be construed to abridge or alter rights of action or remedies in equity already existing under the common law or general law.

Section 12. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill #1002**, relating to Temporary Custody of Minor Children, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

February 24, 2026
Meeting Date

Rules
Committee

1002
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1030
INTRODUCER:	Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senators Gruters and Rouson
SUBJECT:	Recovery Residences
DATE:	February 23, 2026 REVISED: 2/25/26

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kennedy	Tuszynski	CF	**Fav/CS**
2.	Sneed	McKnight	AHS	**Fav/CS**
3.	Kennedy	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1030 narrows the term "transfer," for purposes of licensure of substance abuse service providers regulated by the Department of Children and Families (DCF), to mean the transfer of a majority ownership interest in a licensed entity or the transfer of responsibilities under the license to another entity by contractual arrangement.

The bill requires that for transfers involving five percent or more of the licensed entity's controlling ownership, the DCF shall require a Level 2 background screening of the officers, directors, managing members, and any individuals exercising operational control on behalf of the new owner.

Additionally, the bill prohibits the DCF from requiring an existing licensed service provider with no outstanding violations or licensure enforcement actions within the previous 12 months to admit individuals for services during a probationary licensing period when the provider is seeking to add levels of care at an existing licensed location or offer the same level of care at additional locations.

The bill has a significant negative fiscal impact on the DCF. **See Section V., Fiscal Impact Statement**.

The bill takes effect July 1, 2026.

II. Present Situation:

Substance Abuse

Substance abuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.[1] According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.[2] SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.[3] Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.[4]

Among people age 12 or older in 2023, 70.7 million people, or 24.9 percent of the population, used illicit drugs in the past year.[5] The most commonly used was marijuana, which 61.8 million people used.[6] In the past year:

- Among young adults ages 18 to 25, 12.4 million individuals, or 36.5 percent, reported marijuana use in the past year;
- 8.9 million individuals ages 12 and over misused opioids in the past year;
- 48.5 million individuals ages 12 and over, or 17.1 percent, had a past-year SUD, including 28.9 million with alcohol use disorder (AUD) and 27.2 million with a drug use disorder (DUD). The highest SUD rate was among young adults ages 18 to 25, which included 9.2 million individuals, or 27.1 percent of that age group.[7]

Substance Use Disorder Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse.[8] The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.[9] Each of these laws governed different aspects of addiction and different

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[1] The World Health Organization, *Mental Health and Substance Abuse*, available at https://www.afro.who.int/health-topics/substance-abuse (last visited 1/22/2026); *See also* The National Institute on Drug Abuse (NIDA), *Drugs, Brains, and Behavior: The Science of Addiction; How Science Has Revolutionized the Understanding of Drug Addiction*, available at https://nida.nih.gov/research-topics/addiction-science/drugs-brain-behavior-science-of-addiction (last visited 1/22/2026).

[2] The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at https://www.naatp.org/resources/clinical/substance-use-disorder (last visited 1/23/2026).

[3] The Substance Abuse and Mental Health Services Administrator (The SAMHSA), *Substance Use Disorders*, available at https://www.samhsa.gov/find-help/disorders (last visited 1/23/2026).

[4] Harvard Medical School, Harvard Health Publishing, *Brain Plasticity in Drug Addiction: Burden and Benefit*, available at https://www.health.harvard.edu/blog/brain-plasticity-in-drug-addiction-burden-and-benefit-20200626204794#:~:text=Experience-dependent%20learning%2C%20including%20repeated%20drug%20use%2C%20might%20increase,drug%20use%2C%20where%20people%20ignore%20the%20negative%20consequences (last visited 1/23/2026).

[5] Substance Abuse and Mental Health Services Administration, Key Substance Use and Mental Health Indicators in the United States: Results from the 2023 National Survey on Drug Use and Health (HHS Publication No. PEP24-07-021, NSDUH Series H-59), available at: https://www.samhsa.gov/data/report/2023-nsduh-annual-national-report (last visited 1/23/2026).

[6] *Id.*

[7] *Id.*

[8] The DCF, *Baker Act and Marchman Act Project Team Report for Fiscal Year 2016-2017*, p. 4-5. (on file with the Senate Children, Families, and Elder Affairs Committee).

[9] *Id.*

rules were promulgated by the state to implement the legislation.[10] However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.[11] In 1993, legislation was adopted to combine chs. 396 and 397, F.S., into a single law referred to as the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).[12]

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.[13] However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.[14] As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.[15]

The DCF administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based on state and federally established priority populations.[16] The DCF provides treatment for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.[17]

- **Detoxification Services**: Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.
- **Treatment Services**: Treatment services include assessment,[18] counseling, case management, and support that are designed to help individuals who have lost their ability to control their substance use on their own and require formal, structured intervention and support.
- **Recovery Support**: Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling, are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.[19]

[10] The DCF, *Baker Act and Marchman Act Project Team Report for Fiscal Year 2016-2017*, p. 4-5. (on file with the Senate Children, Families, and Elder Affairs Committee).
[11] *Id.*
[12] Chapter 93-39, s. 2, L.O.F., codified as ch. 397, F.S.
[13] *See* ss. 397.601(1) and (2), F.S., An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.
[14] Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act, Risk RX*, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at https://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/ (last visited 1/22/2026)(hereinafter cited as "fundamentals of the Marchman Act").
[15] *Id.*
[16] *See* ch. 394 and 397, F.S.
[17] The DCF, *Treatment for Substance Abuse*, available at https://www.myflfamilies.com/services/samh/treatment (last visited 1/22/2026).
[18] Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.
[19] The DCF, *Treatment for Substance Abuse*.

Overview of Florida's Licensure Framework for Behavioral Health Providers

Licensure of behavioral health facilities and substance abuse service providers and facilities in Florida exists to ensure that individuals receiving substance use disorder (SUD) treatment are served in programs that meet minimum standards for health, safety, quality of care, and consumer protection.[20] Florida's behavioral health licensure framework divides responsibility between the Agency for Health Care Administration (AHCA) and the DCF based on the type of services provided, requiring coordination between the two agencies when providers operate across both mental health and substance abuse systems.[21] Licensure is intended to protect clients by requiring providers to comply with uniform statewide standards, including background screening of personnel, appropriate staffing and supervision, recordkeeping, and adherence to client rights and confidentiality laws.[22] Under Florida law, licensed substance abuse facilities and providers must meet programmatic and operational requirements, such as maintaining written policies and procedures, providing services consistent with the level of care for which they are licensed, and ensuring that services are delivered by qualified staff.[23] Licensure also enables state agencies to conduct inspections, monitoring, and enforcement actions, including the denial, suspension, or revocation of a license when a provider fails to comply with statutory or rule requirements, thereby promoting accountability and public trust in the substance abuse treatment system.[24]

Licensure of Substance Abuse Service Providers

As part of the larger behavioral health licensure structure, the DCF regulates substance use disorder treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C. Licensed service components include a continuum of substance abuse prevention,[25] intervention,[26] and clinical treatment services.[27]

Clinical treatment is a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.[28] "Clinical treatment services" include, but are not limited to, the following licensable service components:

- Addictions receiving facility.
- Day or night treatment.
- Day or night treatment with community housing.
- Detoxification.
- Intensive inpatient treatment.

[20] Section 397.401, F.S.
[21] Sections 394.875 and 408.805, F.S.
[22] Section 397.407 and 397.501, F.S.
[23] Section 397.410, F.S.
[24] Section 397.415, F.S.
[25] Section 397.311(26)(c), F.S. "Prevention" is defined as "a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles." *See also* The DCF, *Substance Abuse Prevention*, available at https://www.myflfamilies.com/services/samh/substance-abuse-prevention (last visited 1/22/2026).
[26] Section 397.311(26)(b), F.S. "Intervention" is defined as "structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems."
[27] Section 397.311(26), F.S.
[28] Section 397.311(26)(a), F.S.

- Intensive outpatient treatment.
- Medication-assisted treatment for opiate addiction.
- Outpatient treatment.
- Residential treatment.[29]

Licensure Types

Under s. 397.407, F.S., substance abuse treatment providers in Florida are licensed under one of three primary licensure types, determined by a provider's compliance history and operational status:

- Probationary.
- Regular.
- Interim.

A regular license is issued to a provider that is in full compliance with all statutory and rule requirements and authorizes the provider to operate for the standard licensure period established by the DCF.[30] A probationary license may be issued to a provider that is not in full compliance but is able to correct identified deficiencies within a specified time period, allowing continued operation while the provider works toward compliance under heightened oversight.[31] An interim license may be issued to a provider in limited circumstances, such as when a provider is awaiting a regular license decision, undergoing a change of ownership, or addressing temporary operational issues, and permits short-term operation subject to conditions imposed by the DCF.[32] Together, these licensure types allow the DCF to maintain continuity of care for clients while ensuring providers progress toward or maintain compliance with Florida's substance abuse treatment standards.[33]

Licensure Requirements

Florida law requires the DCF to establish minimum licensure standards for each substance abuse service component, including administrative management and clinical standards for the delivery of services.[34] The DCF is required to establish personnel and supervision standards, including staff qualifications and hours of coverage, and specifically set standards for "the maximum number of individuals who may receive clinical services together in a group setting."[35] In addition, Florida law requires facility standards to include, at a minimum, the safety and adequacy of the facility and grounds, and "space, furnishings, and equipment for each individual served," along with infection control, sanitation, maintenance, and meals/snacks as applicable.[36] Current rule mandates all licensed facilities used by a provider (including community housing) to comply with local fire safety standards, local health and zoning codes, and to maintain annual proof of compliance with applicable fire/safety and health inspections. For providers, treatment

[29] Section 397.311(26)(a), F.S.
[30] Section 397.407(1) and(2), F.S.
[31] Section 397.407(3), F.S.
[32] Section 397.407(4) and(5), F.S.
[33] Section 397.407, F.S.
[34] Section 397.410(1)(a)–(b), F.S.
[35] Section 397.410(1)(c), F.S.
[36] Section 397.410(1)(d), F.S.

space capacity is largely constrained by local building and fire requirements and may vary by location.[37]

Licensure Denial, Suspension, and Revocation

When the DCF identifies serious noncompliance by a substance abuse service provider, the department is authorized to respond through licensure enforcement actions, including denial, suspension, or revocation of the provider's license.[38] A license may be denied or sanctioned when a provider's conduct demonstrates an inability to meet minimum standards for safe operation, including material violations of ch. 397, F.S., or applicable rules, failure to maintain required licensure standards, or the submission of false or misleading information to the department.[39] Licensure enforcement may also occur when a provider fails to correct cited deficiencies within the timeframe required by the department, reflecting an ongoing inability or unwillingness to come into compliance after regulatory review.[40] Because patient safety is central to licensure oversight, the statute also authorizes action when providers fail to comply with background screening requirements, including employing or retaining disqualified personnel or failing to provide required screening-related information to the department.[41]

Depending on the severity and circumstances of noncompliance, the DCF may impose intermediate sanctions short of license revocation, such as administrative fines, probationary status, or corrective action requirements, to compel compliance while maintaining continuity of care when appropriate.[42] Any licensure action taken against a substance abuse service provider must comply with due process requirements, including notice and the opportunity for an administrative hearing under ch. 120, F.S., before final agency action becomes effective.[43]

Background Screening

Chapter 435, F.S., establishes standard procedures for criminal history background screening of certain prospective employees working with vulnerable populations. There are two levels of background screening: level 1 and level 2. Level 1 screening includes, at a minimum, employment history checks and statewide criminal history record check through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,[44] and may include criminal records checks through local law enforcement agencies.[45]

Level 2 background screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks

[37] Rule 65D-30.0047(11), F.A.C.
[38] Section 397.415(1), F.S.
[39] Section 397.415(2)(a)–(c), F.S.
[40] Section 397.415(2)(d), F.S.
[41] Section 397.415(2)(e)–(g), F.S.
[42] Section 397.415(3), F.S.
[43] Section 397.415(5), F.S.
[44] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, available at https://www.nsopw.gov/ (last visited 2/11/2026).
[45] Section 435.03, F.S.

through local law enforcement agencies.[46] In addition, level 2 screening includes a search of the sexual predator and sexual offender registries of any state in which the individual has lived during the preceding five years.[47]

Every person required by law to be screened pursuant to ch. 435, F.S., must submit a complete set of information necessary to conduct a screening to his or her employer.[48] Such information for a level 2 screening includes fingerprints, which are taken by a vendor that submits them electronically to the FDLE.[49]

Various agencies, programs, employers, and professionals serve vulnerable populations in Florida. Personnel working with entities that serve vulnerable populations are subject to background screening; however, due to restrictions placed on the sharing of criminal history information, persons who work for more than one agency or employer or who change jobs, or who wish to volunteer for such an entity, often must undergo a new and duplicative background screening and fingerprinting.[50] In 2012, the Legislature created the Care Provider Background Screening Clearinghouse to create a single "program" of screening individuals and allow for the results of criminal history checks of persons acting as covered care providers to be shared among the specified agencies.[51] Designated agencies include the AHCA, the Department of Health (the DOH), the DCF, the DOEA, the Agency for Persons with Disabilities (the APD), the Department of Juvenile Justice (DJJ), the Department of Veterans' Affairs (FDVA), and Vocational Rehabilitation within the Department of Education (the DOE).[52]

III. Effect of Proposed Changes:

Section 1 amends s. 397.407, F.S., to narrow the definition of "transfer" to only mean the "transfer of a majority of the ownership interest in the licensed entity or the transfer of responsibilities under the license to another entity by contractual arrangement."

The bill limits Level 2 background screening to officers, directors, managing members, and individuals exercising operational control over a licensed substance abuse service provider when more than five percent of a controlling interest of the licensed service provider is transferred to another person or entity. In current law, a change in majority ownership requires all owners to submit to a Level 2 background check.

Additionally, the bill prohibits the DCF from requiring an existing licensed service provider with no outstanding violations or licensure enforcement actions within the previous 12 months to admit individuals for services during a probationary licensing period when the provider is seeking to add levels of care at an existing licensed location or offer the same level of care at additional locations.

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[46] Section 435.04, F.S.
[47] Section 435.04(1)(a)2., F.S.
[48] Section 435.05(1)(a), F.S.
[49] Sections 435.03(1) and 435.04(1)(a), F.S.
[50] Florida Department of Children and Families, *Frequently Asked Questions for Clearinghouse*: available at https://www.myflfamilies.com/services/background-screening/frequently-asked-questions-clearinghouse (last visited 1/22/2026).
[51] Florida Department of Children and Families, *Frequently Asked Questions for Clearinghouse*: available at https://www.myflfamilies.com/services/background-screening/frequently-asked-questions-clearinghouse (last visited 1/22/2026); *see also* s. 435.12, F.S. and ch. 2012-73, L.O.F.
[52] *Id*.

Currently, to move from a probationary license to a regular license, a service provider must admit clients to demonstrate its capability to operate. The bill removes this requirement for existing licensed service providers but maintains the requirement for new providers.

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 will likely have a minimal fiscal impact on licensed substance abuse service providers. While some providers may incur additional costs for required level 2 background screenings when controlling ownership interest changes, the bill reduces licensing requirements for existing licensed service providers that add additional levels of care or expand their service locations.

C. Government Sector Impact:

Indeterminant, likely significant negative fiscal impact on the Department of Children and Families. The department reports needed updates and changes to the licensing

application technology system for the probationary licensure process for providers. Total projected development cost is estimated at $432,550.[53]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 397.407 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Appropriations Committee on Health and Human Services on February 12, 2026:

The committee substitute makes the following changes:

- Narrows the definition of "transfer" to mean the "transfer of a majority of the ownership interest in the licensed entity or the transfer of responsibilities under the license to another entity by contractual arrangement."
- Requires level 2 background screening for officers, directors, managing members and individuals who exercise operational control over a licensed substance abuse entity when more than five percent of the controlling interest of the entity is transferred to another person or entity; and
- Prohibits the Department of Children and Families (DCF) from requiring existing licensed substance abuse service providers that are seeking to add additional levels of care at existing or new licensed locations to admit individuals for services during the probationary license period if the provider has no outstanding violation for the prior 12 months.

CS by Children, Families, and Elder Affairs on January 27, 2026:

The committee substitute makes the following changes:

- Narrows the definition of "transfer" for the purposes of a substance abuse service providers to mean the sale or other transfer of ownership to a different individual or entity with a different federal employer or taxpayer identification number or the transfer of 51 percent or more of the ownership, shares, membership, or controlling interest of a licensed provider. This is changed from the current broader definition of transfer that "includes, but is not limited to, the transfer of majority of the ownership

[53] Florida Department of Children and Families, *SB 1030 (2026) Agency Analysis*, 2/24/26, p.8 (on file with the Children, Families, and Elder Affairs Committee).

interest in the licensed entity or transfer of responsibilities under the licensee to another entity by contractual arrangement.";

- Requires the issuance of a regular license within 30 days to an existing licensed service provider when seeking to add levels of care at an existing location or at one or more new locations if that service provider is in compliance with all licensure requirements for existing programs and prohibits the DCF from imposing additional requirements outside of existing licensure; and
- Prohibits a recovery residence credentialing entity from requesting or obtaining clinical or medical records when determining whether to suspend or revoke a certificate of compliance.

B. Amendments:

None.

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

By the Appropriations Committee on Health and Human Services; the Committee on Children, Families, and Elder Affairs; and Senators Gruters and Rouson

603-02827-26 20261030c2

A bill to be entitled

An act relating to recovery residences; amending s. 397.407, F.S.; revising the definition of the term "transfer"; requiring the Department of Children and Families to require only a level 2 background screening for certain individuals under certain circumstances; prohibiting the department from requiring certain existing licensed service providers to admit individuals for services during the probationary licensing period if certain requirements and conditions are met; providing an effective date.

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

Section 1. Subsections (6) and (7) of section 397.407, Florida Statutes, are amended to read:

397.407 Licensure process; fees.—

(6)(a) The department may issue probationary, regular, and interim licenses. The department may issue one license for all service components operated by a service provider and defined pursuant to s. 397.311(27). The license is valid only for the specific service components listed for each specific location identified on the license. The licensed service provider must ~~shall~~ apply for the addition of any service components and obtain approval before initiating additional services. The licensed service provider must notify the department and provide any required documentation at least 30 days before the relocation of any of its service sites. Provision of service components or delivery of services at a location not identified

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

603-02827-26 20261030c2

on the license may be considered an unlicensed operation that authorizes the department to seek an injunction against operation as provided in s. 397.401, in addition to other sanctions authorized by s. 397.415. Probationary and regular licenses may be issued only after all required information has been submitted. A license may not be transferred. As used in this subsection, the term "transfer" means ~~includes, but is not limited to,~~ the transfer of a majority of the ownership interest in the licensed entity or transfer of responsibilities under the license to another entity by contractual arrangement.

(b) If 5 percent or more of the controlling ownership interest of a licensed entity is transferred to another person or entity, the department must require only a level 2 background screening pursuant to s. 397.4073 for officers, directors, managing members, and individuals who exercise operational control over the licensee on behalf of that person or entity.

(7)(a) Upon receipt of a complete application, payment of applicable fees, and a demonstration of substantial compliance with all applicable statutory and regulatory requirements, the department may issue a probationary license to a service provider applicant with services that are not yet fully operational. The department may not issue a probationary license when doing so would place the health, safety, or welfare of individuals at risk. A probationary license expires 90 days after issuance and may not be reissued. During the probationary period the department shall monitor the delivery of services. Notwithstanding s. 120.60(5), the department may order a probationary licensee to cease and desist operations at any time it is found to be substantially out of compliance with licensure

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

standards. This cease-and-desist order is exempt from the requirements of s. 120.60(6).

(b) The department may not require an existing licensed service provider that is seeking to add one or more additional levels of care at an existing licensed location, or that is seeking to offer the same level of care at one or more of the service provider's new locations that are currently licensed, to admit individuals for services during the probationary licensing period if the provider has no outstanding violations pursuant to s. 397.411(7) and the department has not taken any action against the provider's existing license pursuant to s. 397.415 within the previous 12 months.

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

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

The Florida Senate

APPEARANCE RECORD

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

Recovery Residences

24 Feb 2026	1030
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

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Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
Floridians for Recovery

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-24-26
Meeting Date

Rules
Committee

1030
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jared Willis of Better Tomorrow Treatment Center Phone

Address Email

Street

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/24
Meeting Date

SB 1030
Bill Number or Topic

RULES
Committee

Amendment Barcode (if applicable)

Name NATALIE KELLY

Phone (850) 895-1313

Address 122 S. CALHOUN ST
Street

Email NATALIE@FLMANAGING ENTITIES.COM

TALLAHASSEE FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FLORIDA ASSOCIATION OF MANAGING ENTITIES

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/24/26
Meeting Date

Rules
Committee

1030
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lauren Jackson

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Address 205 S. Adams St.
Street

Email lauren@ericksconsultants.com

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Palm Beach County

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/24/26
Meeting Date

Rules
Committee

1030
Bill Number or Topic

Amendment Barcode (if applicable)

Name Zach Hubbard

Phone 813-317-7766

Address 215 S Monroe St
Street

Tallahassee FL 32301
City State Zip

Email Zach@rubinturnbull.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Better Tomorrow Treatment Center

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1092
INTRODUCER:	Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Massullo
SUBJECT:	Podiatric Medicine
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Smith	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1092 limits the existing controlled substance prescribing continuing education requirement for all podiatric physicians to only those podiatric physicians registered with the U.S. Drug Enforcement Administration and authorized to prescribe controlled substances, exempting podiatric physicians who do not prescribe controlled substances.

The bill authorizes podiatric physicians to perform procedures using cellular or tissue-based product that have not been approved by the U.S. Food and Drug Administration (FDA), provided they meet specified criteria. Podiatric physicians must provide written notice to patients, and include a disclaimer in all advertisements, disclosing that the treatment is not approved by the FDA. The Board of Podiatric Medicine is authorized to adopt rules to implement the bill.

The bill has a negative fiscal impact on the Department of Health which can be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Podiatric Physicians

Podiatric physicians are licensed to practice podiatric medicine. Section 461.003, F.S., defines the "practice of podiatric medicine" to mean the diagnosis or medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. Surgical treatment is anatomically limited to the area below the anterior tibial tubercle. The definition specifies that the practice includes amputation of the toes or other parts of the foot but does not include amputation of the foot or leg in its entirety.

Podiatrists are regulated by the Board of Podiatric Medicine (Board) within the Department of Health (DOH) under ch. 461, F.S., which establishes minimum requirements for the safe practice of podiatric medicine. At the end of Fiscal Year 2024-2025, there were 1,589 in-state and 312 out-of-state podiatric physicians licensed by the state of Florida.[1]

Licensed podiatrists are subject to discipline under ch. 456, F.S., and the podiatrist-specific grounds in ch. 461, F.S. The DOH and the Board may take action for rule violations, fraud, and other enumerated misconduct. The Board's implementing rules are codified in Chapter 64B18, F.A.C., addressing matters such as licensure and renewal, continuing medical education, advertising, and disciplinary grounds.

Prescribing Authority

Current law authorizes a podiatric physician to prescribe drugs that relate specifically to their authorized scope of practice within the definition of "practice of podiatric medicine."[2] To become authorized to prescribe controlled substances to treat chronic nonmalignant pain, a podiatrist must designate himself or herself as a controlled substance prescribing practitioner on his or her practitioner profile and comply with all requirements specified in s. 456.44, F.S., and in rules established by the Board of Podiatric Medicine.[3] Federal law requires a podiatrist to register with the U.S. Drug Enforcement Administration (DEA) before he or she may lawfully dispense[4] a controlled substance.[5]

As a condition to receiving DEA registration, a podiatrist must complete at least eight hours of training on the treatment and management of patients with opioid or other substance use disorders, the safe pharmacological management of dental pain and screening, brief intervention,

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[1] Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan: Fiscal Year 2024-2025*, at 29 *available at*: https://www.floridahealth.gov/wp-content/uploads/2026/01/2025.10.31.FY24-25MQAAR-FINAL1-1.pdf (last visited Feb. 6, 2026).
[2] Section 461.003(5), F.S.
[3] Section 456.44(2), F.S.; rule 64B18-23.002(2)(g), F.A.C.
[4] Federal law relating to drug abuse prevention and control states that the term "dispense" means "to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling or compounding necessary to prepare the substance for such delivery. The term "dispenser" means a practitioner who so delivers a controlled substance to an ultimate user or research subject. 21 U.S.C. § 802(10).
[5] 21 U.S.C. § 822(a)(2); 21 C.F.R. § 1301.11(a).

and referral for appropriate treatment of patients with or at risk of developing opioid or other substance use disorders.[6]

Federal law makes it unlawful for a registrant to dispense a controlled substance not authorized by his or her DEA registration to another registrant or other authorized person.[7] A registrant who engages in such unlawful practice is subject to a civil penalty of not more than $25,000 and to criminal prosecution.[8]

Continuing Education Requirements

Current law requires podiatric physicians to complete 40 hours of continuing education (CE) as a part of the biennial licensure renewal process, and at least two of those hours must be on the safe and effective prescribing of controlled substances. All podiatrists, including those who are not authorized to prescribe controlled substances, are required to take the CE on safe and effective prescribing of controlled substances. The Board must approve the criteria for CE programs or courses.[9]

Overview of Stem Cells and Stem Cell Therapy

Stem cells are undifferentiated cells with the unique ability to develop into specialized cell types and to divide indefinitely under certain conditions.[10] They are broadly classified as either embryonic or adult (somatic) stem cells. Embryonic stem cells, derived from early-stage embryos, are pluripotent and capable of differentiating into nearly all cell types in the human body. Adult stem cells are more limited in scope and typically generate only cell types consistent with their tissue of origin.

In 2007, researchers developed induced pluripotent stem cells (iPSCs), a type of adult stem cell reprogrammed to exhibit pluripotency.[11] These iPSCs have opened new frontiers in regenerative medicine by offering a potential alternative to the use of embryonic stem cells.

Stem cell therapy involves administering stem cells or derivatives to repair, replace, or regenerate human tissues. While hematopoietic stem cell transplants for blood disorders are established treatments, many other stem cell therapies remain experimental and are not approved by the FDA for routine clinical use.[12]

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[6] 21 U.S.C. § 823(m)(1).
[7] 21 U.S.C. § 842(a)(2).
[8] 21 U.S.C. § 842(c).
[9] Section 461.007(3), F.S., and Rule 64B18-17, F.A.C. By rule, the Board approves of all CE programs sponsored or approved by the American Podiatric Medical Association, the Council on Podiatric Medical Education, the American Medical Association, the American Osteopathic Association, and the American Hospital Association. Rule 64B18-17.002(1), F.A.C.
[10] Department of Health, *Senate Bill 1617 Legislative Analysis* (Mar. 19, 2025) (on file with the Senate Committee on Health Policy).
[11] *Id*.
[12] Harvard Stem Cell Institute, *Frequently Asked Questions: Stem Cell Therapies*, *available at*: https://www.hsci.harvard.edu/faq/stem-cell-therapies (last visited Feb. 4, 2026).

Federal Regulation of Human Cells, Tissues, and Cellular and Tissue-Based Products

The FDA regulates stem cell products that meet the definition of human cells, tissues, or cellular and tissue-based products (HCT/Ps) through its Center for Biologics Evaluation and Research (CBER).[13] CBER's authority derives from the Public Health Service Act (42 U.S.C. § 264) and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 et seq.). Applicable federal regulations are found primarily in 21 C.F.R., part 1271.

Products that meet all of the criteria under 21 C.F.R. § 1271.10 – commonly referred to as "361 HCT/Ps" – are subject to less stringent oversight. To qualify, the product must be:

- Minimally manipulated;
- Intended solely for homologous use;
- Not combined with another article (except for certain preservatives or water); and
- Either non-systemic and not dependent on the metabolic activity of living cells for its primary function or used autologously or in a first- or second-degree blood relative.

Products that do not meet these criteria are classified as "351 HCT/Ps" and are regulated as biological drugs. These products require premarket approval through the FDA's Investigational New Drug (IND) and Biologics License Application (BLA) pathways, under 21 C.F.R., parts 312 and 600–680.

Enforcement and Oversight by FDA

The FDA requires establishments that manufacture or manipulate HCT/Ps to register with CBER and to comply with current Good Tissue Practices (cGTPs) under 21 C.F.R. part 1271, subpart D.[14] These practices are designed to prevent the introduction or transmission of communicable diseases. The FDA conducts inspections, issues warning letters, and may pursue civil or criminal enforcement actions against facilities or providers offering unapproved or noncompliant stem cell therapies.

The FDA has issued warnings about the widespread marketing of unapproved regenerative medicine products, noting that approval is granted only after rigorous evaluation in clinical trials to ensure safety and efficacy.[15] The FDA has received reports of serious adverse events associated with unapproved regenerative medicine therapies, including blindness, tumor formation, and infections.[16] Consumers are advised to exercise caution and are encouraged to report any adverse effects or file complaints related to these products directly to the FDA.

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[13] U.S. Food & Drug Administration, *Center for Biologics Evaluation and Research (CBER)*, *available at*: https://www.fda.gov/about-fda/fda-organization/center-biologics-evaluation-and-research-cber (last visited Feb. 4, 2026).
[14] *See also* U.S. Department of Health & Human Services, *Current Good Tissue Practice (CGTP) and Additional Requirements for Manufacturers of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)*, *available a*t: https://www.hhs.gov/guidance/document/current-good-tissue-practice-cgtp-and-additional-requirements-manufacturers-human-cells (last visited Feb. 6, 2026).
[15] U.S. Food & Drug Administration, *Important Patient and Consumer Information About Regenerative Medicine Therapies*, *available at*: https://www.fda.gov/vaccines-blood-biologics/consumers-biologics/important-patient-and-consumer-information-about-regenerative-medicine-therapies (last visited Feb. 4, 2026).
[16] *Id.*

Regulation by the Florida Boards of Medicine and Osteopathic Medicine

The Florida Board of Medicine (BOM), under the DOH, is responsible for licensing, regulating, and disciplining medical doctors, a.k.a. allopathic physicians, pursuant to ch. 458, F.S. The Board of Osteopathic Medicine (BOOM), pursuant to ch. 459, F.S., exercises the same authority for osteopathic physicians.

On July 1, 2025, a new law took effect authorizing allopathic and osteopathic physicians to perform stem cell therapies that have not been approved by the FDA when used for orthopedic conditions, wound care, or pain management.[17] Sections 458.3245 and 459.0127, F.S., establish standards for the manufacturing and storage of stem cells and procedures for allopathic physician and osteopathic physicians, respectively, to perform stem cell therapy.

Allopathic and osteopathic physicians are exempt from the requirements in those sections if they perform stem cell therapy on behalf of an institution accredited by:

- The Foundation for the Accreditation of Cellular Therapy;
- The Blood and Marrow Transplant Clinical Trials Network;
- The Association for the Advancement of Blood and Biotherapies; or
- An entity with expertise in stem cell therapy as determined by the DOH.

The DOH reports that it does not have rulemaking authority or a panel of experts to determine additional entities with stem cell expertise.[18] The 2025 law delegates rulemaking authority to the BOM and BOOM.[19] The Boards have formed a workgroup to discuss if any additional entities with expertise should be identified. The workgroup will make a recommendation to the Boards for consideration of a proposed rule.

III. Effect of Proposed Changes:

Section 1 amends s. 461.007, F.S., to establish that only podiatric physicians who are registered with the United States Drug Enforcement Administration (DEA) and who are authorized to prescribe controlled substances pursuant to 21 U.S.C. s. 822, are required to complete a minimum of two hours of continuing education related to the safe and effective prescribing of controlled substances as a condition of biennial licensure renewal. The bill eliminates the requirement for podiatric physicians who do not prescribe controlled substances to complete such training within the 40 hours of continuing education otherwise required for license renewal.

Section 2 creates s. 461.011, F.S., to authorize podiatric physicians to perform procedures using cellular or tissue-based products that are not approved by the United State Food and Drug Administration (FDA) and to impose requirements relating to the manufacture, use, notice, consent, and oversight of such therapies.

Subsection (1) of that section provides legislative findings and intent, recognizing the potential of cellular and tissue-based products to advance medical treatment and improve patient

[17] Chapter 2025-185, Laws of Fla.
[18] Department of Health, *Senate Bill 1092 Legislative Bill Analysis* (Jan. 15, 2026) (on file with the Senate Committee on Health Policy).
[19] Sections 458.3245(10) and 459.0127(10), F.S.

outcomes. This subsection emphasizes the importance of using ethically sourced cellular and tissue-based products and expresses the intent to prohibit the use of cells derived from aborted fetuses. Instead, the bill encourages the use of cellular or tissue-based products.

Subsection (2) of that section defines key terms used throughout the section:

- "Cellular or tissue-based products" articles containing or consisting of human cells or tissues which are intended for implantation, transplantation, infusion, or transfer into a human recipient. The subsection also lists exclusions from that definition, including vascularized human organs, whole blood and blood derivatives, secreted or extracted products (except semen, which is a human cell, tissue, or cellular-based tissue product under the bill), certain minimally manipulated bone marrow products, ancillary products used in manufacturing, non-human-derived tissues, in vitro diagnostic products, blood vessels recovered with organs for transplantation, or harvesting or reimplantation of autologous tissue.
- "Minimally manipulated" is defined in two parts: for structural tissue, it means processing that does not alter the original relevant characteristics of the tissue relating to reconstruction, repair, or replacement; for cells or nonstructural tissues, it means processing that does not alter the relevant biological characteristics of the cells or tissues.
- "Physician" is defined as a podiatric physician licensed under ch. 461, F.S., acting within the scope of his or her employment.
- "Procedure using cellular or tissue-based products" is defined as a treatment involving the use of human cells, tissues, or cellular or tissue-based products, which complies with the regulatory requirements provided in this section, and explicitly excludes any treatment or research using cells or tissues derived from a fetus or embryo following an abortion.

Subsection (3) of that section authorizes podiatric physicians to perform procedures using cellular or tissue-based products that are not approved by the FDA, if the therapy is used for treatment or procedures within the scope of the physician's practice and is limited to the fields of connective tissue, ligament and tendon repair, wound care, or pain management.

Subsection (3) also establishes requirements relating to the source and handling of cellular and tissue-based products in such therapy. Any cellular and tissue-based products used by a physician must be obtained from a facility that is registered and regulated by the FDA and that is certified or accredited by the National Marrow Donor Program, the World Marrow Donor Association, the Association for the Advancement of Blood and Biotherapies, or the American Association of Tissue Banks. In addition, the cells must be included in a post-thaw viability analysis report for the product lot, which must be provided to the physician before use with a patient, and the cells must contain viable or live cells as demonstrated by that analysis.

Subsection (4) of that section requires a podiatric physician to include a specific written notice in any form of advertisement. The notice must state that he or she performs procedures using cellular or tissue-based products that have not yet been approved by the FDA and encourages patients to consult with their primary care provider before undergoing any such therapy. The notice must be legible and in a type size no smaller than the largest type size used in the advertisement.

Subsection (5) of that section requires a podiatric physician who performs procedures using cellular or tissue-based products pursuant to this section to obtain a signed consent form from the

patient before performing the therapy. The consent form must be signed by the patient or, if the patient is not legally competent, the patient's representative, and must state, in language the patient or representative may reasonably be expected to understand: the nature and character of the proposed treatment; that the proposed treatment has not yet been approved by the FDA; the anticipated results of the proposed treatment; the recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in recognized possible alternative forms of treatment, including nontreatment; and that the patient is encouraged to consult with his or her primary care provider before undergoing any treatment.

Subsection (6) of that section exempts two categories of podiatric physicians from the requirements of this section. The first exemption applies to a podiatric physician who has obtained FDA approval for an investigational new drug or device for the use of human cells, tissues, or cellular or tissue-based products. The second exemption applies to a podiatric physician who performs procedures using cellular or tissue-based products under an employment or other contract on behalf of an institution that is certified by one of the following organizations: the Foundation for the Accreditation of Cellular Therapy; the Blood and Marrow Transplant Clinical Trials Network; or the Association for the Advancement of Blood and Biotherapies.

Subsection (7) of that section provides that a violation of any provision in the section may subject the podiatric physician to disciplinary action by the Board of Podiatric Medicine.

Subsection (8) of that section provides that a podiatric physician who willfully performs or procures the performance of stem cell therapy using cells or tissues derived from an aborted fetus, or who willfully sells, manufactures, distributes, or transfers any computer product created using human cells, tissues, or cellular or tissue-based products, commits a third-degree felony. In addition to criminal penalties, such conduct constitutes grounds for disciplinary action under ch. 461, F.S., and s. 456.072, F.S.

Subsection (9) of that section requires the Board of Podiatric Medicine to adopt rules to implement this section.

The bill authorizes podiatric physicians to perform procedures that have not been approved by the FDA. This action may expose podiatric physicians to federal regulatory enforcement. If a physician or supplier administers or distributes products in violation of FDA requirements, the FDA may take a range of enforcement actions, including issuing warning letters, initiating civil or criminal proceedings in coordination with the U.S. Department of Justice, seeking injunctions to prevent continued noncompliance, and disqualifying parties from participating in clinical investigations. In addition, the FDA has authority to issue orders for the retention, recall, destruction, or cessation of manufacturing of human cells, tissues, or cellular- and tissue-based products (HCT/Ps) when it has reasonable grounds to believe the products were manufactured in violation of applicable regulations.

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:

None.

C. Government Sector Impact:

The bill has a negative workload impact on the Department of Health due to the bill's provisions that will require technology updates. According to the DOH these costs can be absorbed within existing resources.[20]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[20] Department of Health, *Senate Bill 1092 Legislative Bill Analysis* (Jan. 15, 2026) (on file with the Senate Committee on Health Policy).

VIII. Statutes Affected:

This bill substantially amends section 461.007 of the Florida Statutes.

This bill creates section 461.011 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Appropriations Committee on Health and Human Services on February 18, 2026:

The committee substitute:

- Deletes contractual requirements between a podiatric physician and the facility from which the physician obtains human cells, tissues, or other cellular or tissue-based product.
- Deletes the requirement that podiatric physicians use products only from facilities that follow current good manufacturing practices under the Federal Food, Drug, and Cosmetic Act and 21 C.F.R. part 1271.
- Deletes all references to stem cells and effectively replaces "human cells, tissues, or other cellular or tissue-based products" with "cellular or tissue-based products."
- Specifies that harvesting and reimplantation of autologous tissue is not authorized by the new section.

CS by Health Policy on February 11, 2026:

The CS:

- Narrows the scope of the bill to authorize podiatrists to perform stem cell therapies only if such therapies are limited to the use of "human cells, tissues, or cellular or tissue-based products," as that term is defined in the bill. In so doing, the CS removes the underlying bill's authorization for the use of afterbirth placental perinatal stem cells.
- Applies the practitioner title "podiatric physician" throughout the bill consistent with the use of that title throughout ch. 461, F.S.
- Deletes a provision in the underlying bill which would have authorized the Department of Health to recognize certain accredited entities.

B. Amendments:

None.

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senator Massullo

603-02960-26 20261092c2

A bill to be entitled

An act relating to podiatric medicine; amending s. 461.007, F.S.; requiring certain podiatric physicians, instead of all podiatric physicians, to complete specified continuing education; creating s. 461.011, F.S.; providing legislative findings and intent; defining terms; authorizing podiatric physicians to perform procedures using cellular or tissue-based products not approved by the United States Food and Drug Administration under certain circumstances; specifying requirements for the cellular or tissue-based products that may be used by such podiatric physicians; requiring such podiatric physicians to include a specified notice in any form of advertisement; specifying requirements for such notice; requiring podiatric physicians to obtain a signed consent form from the patient or his or her representative before performing procedures using cellular or tissue-based products; specifying requirements for the consent form; providing applicability; providing for disciplinary action; providing criminal penalties; authorizing the Board of Podiatric Medicine to adopt rules; providing an effective date.

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

Section 1. Subsection (3) of section 461.007, Florida Statutes, is amended to read:

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

603-02960-26 20261092c2

461.007 Renewal of license.—

(3) The board may by rule prescribe continuing education, not to exceed 40 hours biennially, as a condition for renewal of a license, with a minimum of 2 hours of continuing education related to the safe and effective prescribing of controlled substances for licensees who are registered with the United States Drug Enforcement Administration and authorized to prescribe controlled substance pursuant to 21 U.S.C. s. 822. The criteria for such programs or courses shall be approved by the board.

Section 2. Section 461.011, Florida Statutes, is created to read:

461.011 Cellular and tissue-based products.—

(1) The Legislature recognizes the significant potential of cellular and tissue-based products in advancing medical treatments and improving patient outcomes and further recognizes the need to ensure that such treatments are provided using cellular or tissue-based products obtained in an ethical manner that does not involve cells derived from aborted fetuses. It is the intent of the Legislature to foster medical innovation while upholding ethical standards that respect the sanctity of life. By encouraging the use of cellular or tissue-based products, the state will advance regenerative medicine in a manner consistent with the values of the state.

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

(a) "Cellular or tissue-based products" means products containing or consisting of human cells or tissues which are intended for implantation, transplantation, infusion, or transfer into a human recipient. The term does not include:

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

1. Vascularized human organs for transplantation;

2. Whole blood or blood components or blood derivative products;

3. Secreted or extracted human products, such as milk, collagen, and cell factors, other than semen;

4. Minimally manipulated bone marrow for homologous use and not combined with another article other than water, crystalloids, or a sterilizing, preserving, or storage agent, if the addition of the agent does not raise new clinical safety concerns with respect to the bone marrow;

5. Ancillary products used in the manufacture of human cells, tissues, or cellular or tissue-based products;

6. Cells, tissues, and organs derived from animals;

7. In vitro diagnostic products;

8. Blood vessels recovered with an organ which are intended for use in organ transplantation and labeled "For use in organ transplantation only"; or

9. Harvesting and reimplantation of autologous tissue.

(b) "Minimally manipulated" means:

1. For structural tissue, processing that does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement.

2. For cells or nonstructural tissues, processing that does not alter the relevant biological characteristics of cells or tissues.

(c) "Procedure using cellular or tissue-based products" means a treatment involving the use of human cells, tissues, or cellular or tissue-based products which complies with the regulatory requirements provided in this section. The term does

not include treatment or research using human cells or tissues derived from a fetus or an embryo after an abortion.

(3)(a) A podiatric physician may perform a procedure using cellular or tissue-based products that are not approved by the United States Food and Drug Administration if such products are used for treatment or procedures within the scope of practice for such podiatric physician and the treatment or procedures are related to connective tissue, ligament, and tendon repair; wound care; or pain management.

(b) To ensure that the retrieval, manufacture, storage, and use of any cellular or tissue-based products pursuant to this section meet the highest standards, any cellular or tissue-based products used by a podiatric physician for a procedure provided under this section must meet all of the following conditions:

1. Be retrieved, manufactured, and stored in a facility that is registered and regulated by the United States Food and Drug Administration.

2. Be retrieved, manufactured, and stored in a facility that is certified or accredited by one of the following entities:

a. The National Marrow Donor Program.

b. The World Marrow Donor Association.

c. The Association for the Advancement of Blood and Biotherapies.

d. The American Association of Tissue Banks.

3. Contain viable or live cells upon post-thaw analysis and be included in a post-thaw viability analysis report for the product lot, which must be sent to the podiatric physician before use with the podiatric physician's patient.

(4)(a) A podiatric physician who performs a procedure using cellular or tissue-based products pursuant to this section shall include the following in any form of advertisement:

THIS NOTICE MUST BE PROVIDED TO YOU UNDER FLORIDA LAW. This podiatric physician performs procedures using cellular or tissue-based products that have not yet been approved by the United States Food and Drug Administration. You are encouraged to consult with your primary care provider before undergoing any procedure using these products.

(b) The notice required under paragraph (a) must be clearly legible and in a type size no smaller than the largest type size used in the advertisement.

(5)(a) A podiatric physician who performs a procedure using cellular or tissue-based products pursuant to this section shall obtain a signed consent form from the patient before performing the procedure.

(b) The consent form must be signed by the patient or, if the patient is not legally competent, the patient's representative, and must state all of the following in language the patient or his or her representative may reasonably be expected to understand:

1. The nature and character of the proposed treatment.

2. That the proposed procedure uses cellular or tissue-based products that have not yet been approved by the United States Food and Drug Administration.

3. The anticipated results of the proposed treatment.

4. The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment.

5. That the patient is encouraged to consult with his or her primary care provider before undergoing the procedure.

(6) This section does not apply to the following:

(a) A podiatric physician who has obtained approval for an investigational new drug or device from the United States Food and Drug Administration for the use of human cells, tissues, or cellular or tissue-based products; or

(b) A podiatric physician who performs procedures using cellular or tissue-based products under an employment or other contract on behalf of an institution certified or accredited by any of the following:

1. The Foundation for the Accreditation of Cellular Therapy.

2. The Blood and Marrow Transplant Clinical Trials Network.

3. The Association for the Advancement of Blood and Biotherapies.

(7) A violation of this section may subject the podiatric physician to disciplinary action by the board.

(8) A podiatric physician who willfully performs, or actively participates in, the following commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and is subject to disciplinary action under this chapter and s. 456.072:

(a) Treatment or research using human cells or tissues derived from a fetus or an embryo after an abortion; or

(b) The sale, manufacture, or distribution of computer products created using human cells, tissues, or cellular or tissue-based products.

(9) The board may adopt rules necessary to implement this section.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 19, 2026

I respectfully request that **CS/CS/SB # 1092**, relating to Podiatric Medicine, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ralph E. Massullo, Jr.
Florida Senate, District 11

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

SB 1092
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Hansen

Phone 850/251-2672

Address 201 E. Park Ave, 5th Floor
Street

Email Chansen@ballardpartners.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Florida Podiatric Medical Association

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1138
INTRODUCER:	Rules Committee; Judiciary Committee; and Senator Massullo
SUBJECT:	Qualified Contractors
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Bond	Cibula	JU	**Fav/CS**
3.	Hackett	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1138 requires cities and counties above a certain population to create and maintain a program to use private contractors to supplement local government staff resources in preapplication review of building plans, permit review, and plat approval. A person applying to a local government entity for a permit, plans review, or plat approval may request the use of such contractors at their expense. After preapplication review, the contractor certifies to the local government that items within the application meet the requirements for approval. The local government must then consider the application and approve or deny the application without duplicative reviews.

The bill also makes various changes to the expedited building permit process based on preliminary plats which was enacted during the 2024 Legislative Session. The amendments include expansion to planned unit developments and procedures for when a local government fails to create or follow the required process.

The bill takes effect July 1, 2026.

II. Present Situation:

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[1]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[2] Local governments are encouraged to use innovative land development regulations[3] and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.[4] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[5]

Florida Building Code

The Florida Building Codes Act (building code) is found in Part IV of ch. 553, F.S. The purpose and intent of the building code is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The building code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[6]

The Florida Building Commission (commission), housed within the Department of Business and Professional Regulation (DBPR), implements the building code. The commission reviews several International Codes published by the International Code Council, the National Electric Code, and other nationally adopted model codes to determine if the building code needs to be updated. The commission adopts an updated building code every 3 years.

Building Code Administrators, Inspectors, and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Building Code Administrators and Inspectors Board (the board) within the DBPR. A building code administrator, otherwise known as a building official, is a local government employee, or a person contracted by a local government, who supervises building code activities, including plans review, enforcement, and inspection.[7] A building code inspector (inspector) is a local or state government employee, or a person contracted by a local government, who inspects construction that requires permits to determine compliance with building codes and state accessibility laws.[8]

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[1] Section 163.3164, F.S.
[2] Section 163.3202, F.S.
[3] Section 163.3202(3), F.S.
[4] Sections 125.01055 and 166.04151, F.S.
[5] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[6] Section 553.72(1), F.S.
[7] Section 468.603(2), F.S.
[8] Section 468.603(4), F.S.

Residential Plans Inspector

A residential plans inspector (sometimes referred to as residential plans examiner) is "a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes."[9]

Building Permit

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.[10]

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.[11]

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the government entity.[12] A local enforcement agency[13] must allow applicants to submit permit applications electronically to the local enforcement agency, which must provide accepted methods of electronic submission. Accepted methods of electronic submission include, but are not limited to, email, fill-in forms available online, or third-party submission software.[14]

If a building official or plans reviewer denies a permit application or revokes a building permit, the building official or plans reviewer must give the permit applicant a reason for denying or revoking the permit. The reason must be based on compliance with the building code or a local ordinance. Failing to provide a reason for denying or revoking a building permit, which is based on compliance with the building code or a local ordinance, is grounds for discipline against the building official or plans reviewer's license.[15]

Private Providers Alternative Plans Review and Inspection

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

[9] Section 468.603(5)(h), F.S.
[10] Section 202, Florida Building Code, Seventh Edition.
[11] Sections 125.56(4)(a) and 553.79(1), F.S.
[12] Section 713.135, F.S.
[13] A local enforcement agency is an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the building code. Section 553.71(5), F.S.
[14] Sections 125.56(4)(b) and 553.79(1)(b), F.S.
[15] Section 553.79(1)(a), F.S.

"Private provider" means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[16]

Private providers and their duly authorized representatives[17] may approve building plans and perform building code inspections, including single-trade inspections, as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.[18]

For plans review, a private provider must review the plans[19] to determine compliance with the applicable codes[20] and prepare an affidavit[21] certifying, under oath, that the plans comply and the private provider is duly authorized to perform plans review.[22]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days to issue the permit or provide written notice of the plan deficiencies.[23] If the local building official does not provide written notice of plan deficiencies within the prescribed 20-day period, the permit application is deemed approved and must be issued on the next business day.[24] If the building official provides a written notice of plan deficiencies, the 20-day period is tolled pending resolution of the matter.[25] The law further specifies the process for a private provider to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.[26] Generally, platting is required whenever a developer wishes

[16] Section 553.791(1)(n) and (3), F.S.
[17] "Duly authorized representative" means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. Section 553.791(1)(f), F.S.
[18] Section 553.791(16)(b), F.S.
[19] "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review. Section 553.791(1)(m), F.S.
[20] "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and fire safety codes adopted pursuant to ch. 633, F.S. Section 553.791(1)(a), F.S.
[21] The affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.
[22] Section 553.791(6), F.S.
[23] Section 553.791(7)(a), F.S.
[24] *Id.*
[25] Section 553.791(7)(b), F.S.
[26] Section 177.031(14), F.S.

to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.[27]

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.[28] Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.[29]

Local governments must review, process, and approve plats or replat submittals without action or approval by the governing body through an administrative authority and official designated by ordinance.[30] The administrative authority must be a department, division, or other agency of the local government, and includes an administrative officer or employee which may be a county or city administrator or manager, or assistant or deputy thereto, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the local government's land development, housing, utilities, or public works programs.

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.[31]

Jurisdiction over plat review and approval is as follows:

- When the plat to be submitted for approval is located entirely within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When the plat lies entirely within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When the plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its own boundaries, unless both governing bodies having jurisdiction agree that one plat is acceptable.[32]

Expedited Approval of Residential Building Permits Prior to Plat Approval

During the 2024 Legislative Session, the Legislature required certain local governments[33] to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain

[27] Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/.
[28] Section 177.011, F.S.
[29] Section 177.081(1), F.S.
[30] Section 177.071(1), F.S.
[31] Section 177.071(3), F.S.
[32] *Id.*
[33] Counties with more than 75,000 residents and municipalities with more than 10,000 residents.

circumstances, by October 1, 2024.[34] A local government must update its expedited building permit program with certain increased percentages by December 31, 2027.

The application to expedite the issuance of building permits or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, if the request for the permits does not exceed 50 percent of the homes in the subdivision or planned community or the number of building permits.[35]

The statute also requires all local governments to create a master building permit process.[36]

An applicant for a building permit may not obtain a temporary or final certificate of occupancy for each residential structure or building until the final plat is approved by the governing body and recorded in the public records; an applicant may, however, contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved by the local government.[37]

Qualified Contractors

The statute allows an applicant to use a private provider to expedite the application process for building permits after a preliminary plat is approved.

To formalize this process, local governments are required to establish a registry of "qualified contractors" whom the local government can use for help processing and expediting the review of applications for preliminary plats.[38] Each local government is required to maintain at least three qualified contractors whom the governing body may use to supplement staff resources for processing and expediting the review of an application for a preliminary plat or any plans related to such application.

A qualified contractor on the registry who is hired to review an application may not have a conflict of interest with the applicant.[39]

III. Effect of Proposed Changes:

Qualified Contractors for Development Order Preapplication Review

Sections 1 and 3 amend ss. 125.022 and 166.033, F.S., to require counties with a population greater than 75,000 and cities with a population greater than 10,000, respectively, to create and implement by January 1, 2027, a program to make available development preapplication services at an applicant's request.

[34] Chapter 2024-210, Laws of Fla., creating s. 177.073, F.S.
[35] Section 177.073(2), F.S.
[36] Section 177.073(3), F.S.
[37] Section 177.073(7), F.S.
[38] Section 177.073(4), F.S.
[39] As defined by s. 112.312, F.S., "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Such services are limited to applications for permits,[40] and may be fulfilled by a qualified contractor or contractor firm (described in section 3). Such services must provide, at minimum, the information required for an application for permit and the review and precertification of completeness of the application and all related documents, including site engineering plans or site plans or their functional equivalent, plats, and compliance with existing land development regulations.

If an applicant chooses to use this process, the county must, upon receipt of a completed preapplication certification, confirm receipt, verify completeness, and notify the applicant of completion or deficiencies. The county must then process the application for final action and approve, approve with conditions, or dent the application within 45 days. Failure to take final action followed by notice by the applicant and further 10 day delay results in the application's automatic approval.

Section 2 creates s. 163.3169, F.S., instituting the above-referenced framework for the use of qualified, preapproved private professionals from a local government-maintained registry to perform a preapplication review of permit applications, plan reviews, and plat approvals before submission to the local government for final approval. The mechanics of this review as supplementing the local government's staff resources are to be determined by the governing body.

By January 1, 2027, counties with a population greater than 75,000 and cities with a population greater than 10,000 must adopt a program enabling applicants to request the use of qualified contractors[41] for preapplication reviews[42], expedited preliminary plat review[43], and administrative approval of plats or replats.[44]

Each local development services office must establish and maintain a registry of at least 4 qualified contractors or 2 qualified contractor firms[45] free of conflict of interest with the local government, either individually or through agreement with another local government. If a local government fails to do so, an applicant may retain a qualified contractor or firm of its choosing to provide services sought.

The local government may not condition, deny, or delay the applicant's selection or use of such qualified contractor or firm, and the applicant is responsible for fees and costs associated with the contractor or firm used under this section.

The use of such qualified contractor or firm services does not apply to certain buildings under historic preservation measures, such as buildings listed in the National Register of Historic Places.

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[40] As defined by s. 163.3169, F.S., to mean an authorization, approval, or grant by a local governing body which authorizes the development of land for any site plan or development plan approval, or any subdivision approval.
[41] An individual licensed or certified in relevant disciplines (e.g., engineer, surveyor, architect, landscape architect, planner) who is on a local government's registry to conduct preapplication reviews.
[42] As described in sections 1 and 3.
[43] Under s. 177.073, F.S.
[44] Under s. 177.071, F.S.
[45] A business organization offering services through licensee qualified contractors.

Platting Approval

Section 4 of the bill amends s. 177.071(1), F.S., to incorporate administrative approval of plats into the registry system established above, requiring a local government to utilize the registry to supplement local government staff resources for processing and expediting plat approval.

The section also prohibits a local government from creating or establishing any additional regulations or requirements that a platting applicant must meet for the approval of a final plat. Under the bill, local governments requiring infrastructure assurances in connection with a final plat approval shall designate the same authority as the platting administrator to receive and approve the surety instrument. Authorized surety instruments include any commonly used form of surety instrument, such as performance bonds, letters of credit, or escrow agreements.

Section 5 amends s. 177.073, F.S., to expand the expedited building permit process from residential subdivisions or planned communities to include one or more phases of a community or subdivision. The section, similarly to section 4, incorporates building permit review and approval into the registry system established above, requiring a local government to utilize the registry to supplement local government staff resources for processing and expediting plat approval.

The section also requires the expedited application program to approve stabilized access roads that can support emergency vehicles in addition to preliminary platting.

The section provides that the "approved plans to the relevant electric, gas, water, and wastewater utilities" required prior to the issuance of building permits does not include completion of construction, or certification, attestation, or confirmation thereto, of any infrastructure or improvements required under such plans except for the construction of minimum access and roadway improvements required by the fire code for fire department access and operations. The section provides that, notwithstanding any policy, agreement, local law, or requirement to the contrary, a local government may not condition the issuance of building permits under the expedited approval process on the actual or substantial completion of infrastructure or improvements identified in the preliminary plat, or the submission, acceptance, or approval of any certification of completion, record drawings, pressure or compaction test results, utility acceptance letters, or similar confirmation of finished construction or readiness for service.

An applicant has a vested right in a preliminary plat approved by a governing body so long as the applicant relies on such approved plat and incurs obligations and expenses or commences construction of the residential subdivision or community. The section provides that such vested rights exist for a minimum of 5 years from approval without such conditions.

Section 6 provides that the 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. Under the bill local governments will be required to create and implement a new local planning and permitting process. Potential costs related to this requirement are unknown at this time.

The mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately $2.4 million. [46,47,48]

If the bill does qualify as a mandate, to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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[46] FLA. CONST. art. VII, s. 18(d).
[47] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 15, 2026).
[48] Based on the Florida Demographic Estimating Conference's population forecast for 2026. The conference packet is *available at*: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Jan.15, 2026).

B. Private Sector Impact:

Developers may benefit economically from greater efficiency and private options for various stages of development approval.

C. Government Sector Impact:

Local governments may see a negative impact in creating the required registry program and amending processes to incorporate registered qualified contractors for certain functions and may in the long term benefit from some amount of workload reduction due to the use of private contractors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 125.022, 166.033, 177.071 and 177.073 of the Florida Statutes.
This bill creates section 163.3169 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on February 24, 2026:
The committee substitute:

- Separates the underlying bill's provision requiring a local government to establish a registry of qualified contractors for preapplication review from the description of preapplication review itself.
- Reduces the required number of contractors in each registry to 4 approved contractors or two approved contractor firms.
- Revises definitions to more clearly specify the permits, plans, and plats falling under the jurisdiction of the review process.
- Revises the local governments required to maintain a registry to counties with population higher than 75,000 and municipalities with population higher than 10,000.
- Requires local governments to utilize the registry system for the administrative approval of plats.
- Provides that the preapplication review process does not apply to certain applications related to historic property.

CS by Judiciary on February 10, 2026:
The committee substitute differs from the underlying bill by:

- Limiting the bill to rezoning, variances, and special exceptions;
- Exempting smaller local governments from the preapplication review procedures;
- Extending the start date of the bill's requirements to January 1, 2027;
- Allowing experience-based requirements for a qualified contractor;
- Changing automatic approval of permit to simply automatic completeness, thereby preserving local board authority to approve or deny a complete application;
- Broadening auditing authority over qualified contractors; and
- Removing a provision that would have given sovereign immunity protection to a qualified contractor.

B. Amendments:

None.

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

249874

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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	.	
	.	

The Committee on Rules (Massullo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders; development preapplication consulting services program required.—

(1)(a) By January 1, 2027, each county with a population of 75,000 or greater shall create and implement a program for the purpose of making available development preapplication

consultation services at an applicant's request. This subsection may not be construed to affect or require the modification of a county program that makes available the same or substantially similar development preapplication consulting services to an applicant for a development permit or development order, including a program that requires mandatory preapplication meetings for specified types of developments, if such county program exists on or before July 1, 2026.

1. The preapplication consultation services authorized in this subsection are limited to those applications for permits as defined in s. 163.3169.

2. The county may use a qualified contractor or a qualified contractor firm as defined in s. 163.3169 to fulfill the preapplication consultation services required in this subsection.

(b) A development preapplication consultation services program must, at minimum, provide all of the following:

1. The minimum information that must be submitted in an application for a permit as defined in s. 163.3169.

2. The review and precertification of completeness of the application and all related documents, including site engineering plans or site plans or their functional equivalent, or plats, and their compliance with all relevant existing land development regulations.

(c) If an applicant chooses to use the development preapplication consultation services program, the county, upon receipt of the proposed development application, shall confirm receipt, verify completeness, and issue a written notification to the applicant indicating that all required information has

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been submitted, or specify in writing with particularity any deficiencies in the application, within 5 business days. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. If the county fails to issue the written notification within 5 business days, the application is deemed complete by operation of law without conditions, and the county must process the application as required in paragraph (d).

(d)1. Upon receipt of the applicant's completed application, the county must process the application for final action and must approve, approve with conditions, or deny the application within 45 days after submission of a complete application, except the county may not review again those plans specified in subparagraph (b)2.

2. If the county fails to take final action to approve, approve with conditions, or deny the application within 45 days, the applicant shall notify the county in writing and if the county fails to respond within 10 days, the application is deemed approved by operation of law without conditions, and the applicant is entitled to proceed with the proposed activity or development as though the county had granted unconditional approval. Approval pursuant to this subparagraph may not be construed to relieve the applicant of the obligation to comply with all other applicable federal, state, and local laws, regulations, and ordinances.

(2) If an applicant for a development permit or development order is not eligible, does not request, or elects not to use the county's development preapplication consulting services program pursuant to subsection (1), all of the following

requirements shall apply:

(a)~~(1)~~ A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(b)1.~~(2)~~ Within 5 business days after receiving an application for approval of a development permit or development order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify in writing with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

2. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete.

3. For applications that require final action through a quasi-judicial hearing or a public hearing, the county must

approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete.

4. Both parties may agree in writing or in a public meeting or hearing to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision.

The timeframes contained in this paragraph ~~subsection~~ do not apply in an area of critical state concern, as designated in s. 380.0552. The timeframes contained in this paragraph ~~subsection~~ restart if an applicant makes a substantive change to the application. As used in this paragraph ~~subsection~~, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(c)1.~~(3)(a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

2.~~(b)~~ If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are

deficient within 30 days after receiving the additional information.

3.~~(c)~~ If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

4.~~(d)~~ Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in subparagraph 1. ~~paragraph (a)~~.

5.~~(e)~~ Except as provided in subsection (4) ~~subsection (7)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(d)~~(4)~~ A county must issue a refund to an applicant equal to:

1.~~(a)~~ Ten percent of the application fee if the county fails to issue written notification of completeness or written

specification of areas of deficiency within 30 days after receiving the application.

2.~~(b)~~ Ten percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to subparagraph (c)2. ~~paragraph (3)(b).~~

3.~~(c)~~ Twenty percent of the application fee if the county fails to issue a written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to subparagraph (c)3. ~~paragraph (3)(c).~~

4.~~(d)~~ Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day timeframe specified in subparagraph (b)2. or the 180-day timeframe specified in subparagraph (b)3. ~~subsection (2).~~

5.~~(e)~~ One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day timeframe specified in subparagraph (b)2. or the 180-day timeframe specified in subparagraph (b)3. ~~subsection (2).~~

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(e)~~(5)~~ When a county denies an application for a development permit or development order, the county shall give

written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(3) ~~(6)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(4) ~~(7)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(5) ~~(8)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(6) ~~(9)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 2. Section 163.3169, Florida Statutes, is created to read:

163.3169 Using qualified contractors in development order preapplication review.—

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

(a) "Applicant" means a person or legal entity having a legal or equitable ownership interest in real property, or an authorized agent acting on behalf of such person or entity, which applies for a land development approval from the local government pursuant to this section.

(b) "Application" means a properly completed and submitted request for a permit, as defined herein, on behalf of an applicant which includes an affidavit from a qualified contractor as required by this section. The term does not include plans or permits as reviewed under s. 553.791.

(c) "Conflict of interest" has the same meaning as in s. 112.312 and includes conflicts of interest recognized under applicable licensing or certification standards applicable to the qualified contractor.

(d) "Development services office" means the entity, office, division, or department of a local government which is responsible for reviewing applications for compliance with the local government's land development regulations and other applicable federal, state, and local requirements. This office may be substantively identical to or housed within the local government's planning and zoning department.

(e) "Development services official" means the individual in the development services office of the governing jurisdiction who is responsible for the direct regulatory administration or

supervision of the review and approval process required to indicate compliance with applicable land development regulations. The term includes any duly authorized designee of such person. This individual may be the executive director of the governing body of a local government or the division director of the local government's planning and zoning department.

(f) "Final plat" has the same meaning as in s. 177.073.

(g) "Governing body" has the same meaning as in s. 163.3164.

(h) "Land development regulations" has the same meaning as in s. 163.3164, but excludes building permits and plans subject to s. 553.791.

(i) "Local government" means:

1. A county that has 75,000 or more residents, but does not include a county subject to s. 380.0552; or

2. A municipality that has 10,000 or more residents.

(j) "Permit" means an authorization, approval, or grant by a local governing body which authorizes the development of land for any site plan or development plan approval, or any subdivision approval, as defined in this section.

(k) "Plans" has the same meaning as in s. 177.073.

(l) "Plat or replat" has the same meaning as in s. 177.031(14).

(m) "Preapplication review" means the analysis of a permit conducted by a qualified contractor to ensure compliance with a comprehensive plan, chapter 177, and applicable land development regulations, and which is part of the application as authorized under this section.

(n) "Preliminary plat" has the same meaning as in 177.073.

(o) "Qualified contractor" means the individual or firm that has demonstrated knowledge of and experience with the types of permits or development approvals specified in this section. The term includes, but is not limited to, any of the following:

1. An engineer or engineering firm licensed under chapter 471.

2. A surveyor or mapper, or a surveyor's or mapper's firm, licensed under chapter 472.

3. An architect or architecture firm licensed under part I of chapter 481.

4. A landscape architect or a landscape architecture firm registered under part II of chapter 481.

5. A planner certified by the American Institute of Certified Planners with at least 5 years of relevant government experience or at least 10 years of experience as an urban planner if not certified.

(p) "Qualified contractor firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this section to the public through licensees who act as agents, employees, officers, or partners of the firm. A person who is licensed as an engineer under chapter 471; a surveyor or mapper licensed under chapter 472; an architect licensed under part I of chapter 481; a landscape architect licensed under part II of chapter 481; or who is certified by the American Institute of Certified Planners with at least 5 years of relevant government experience, or at least 10 years of relevant experience as an urban planner if not certified, may act as a qualified

contractor for an agent, employee, or officer of the qualified contractor firm.

(q) "Site plan or development plan approval" means a site development proposal, or its functional equivalent, including a modification to an existing development approval, which is expressly designated by the local government for administrative review and approval by local government staff or a designated administrative official, without the requirement of approval by an appointed review board or a governing body and which does not materially increase density, intensity, traffic, infrastructure demand, environmental impacts, or significant offsite impacts, and therefore does not require full site plan review or discretionary policy review. The term includes approvals or permits governed by objective, nondiscretionary standards that are designated by the local government for administrative approval by local government staff or an administrative official and which also includes, but is not limited to approvals or permits related to trees, signs, landscaping, and minor modifications.

(r) "Subdivision approval" or its functional equivalent, including a modification, means an administrative review process applicable to the division of land into a limited number of lots which does not create new public streets or require significant public infrastructure improvements and does not materially increase development impacts. The term applies only to approvals expressly designated by the local government for administrative review and approval by local government staff or a designated administrator without the requirement of approval by an appointed review board or a governing body. A subdivision

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qualifies under this definition if it involves a number of lots as specified by the local government, complies with all applicable zoning, dimensional, access utility, and environmental standards, and can be served by existing public facilities or approved private systems, allowing the subdivision to be reviewed for compliance with objective standards of land development code and approved by local government staff or a designated administrative official without requiring discretionary policy determinations.

(2) REGISTRY.—

(a) By January 1, 2027, a local government shall establish a registry of at least four qualified contractors or two qualified contractor firms which the governing body shall use to supplement the local government's staff resources in ways determined by the governing body upon the written request by an applicant for fulfilling:

1. The preapplication consultation services for permits under s. 125.022(1) and s. 166.033(1);

2. The requirements of s. 177.073 for processing and expediting the review of an application for a preliminary plat or any plans related to such application; or

3. The requirements of s. 177.071 requiring the administrative approval of a plat or replat.

(b) A qualified contractor or a qualified contractor firm on the registry which is hired pursuant to this section may not have a conflict of interest. If a prohibitive conflict of interest exists, the applicant may use an otherwise qualified contractor.

(c) A local government may enter into an agreement with

another local government for the purpose of using public employees who meet the requirements for a qualified contractor to satisfy the minimum numerical requirements for qualified contractors for the registry. A local government may not add its own employees to its own registry.

(d) If a local government fails to establish or maintain the registry, an applicant may, at its sole discretion, retain a qualified contractor or a qualified contractor firm of the applicant's choosing to provide preapplication consultation services, provided that the selected qualified contractor or qualified contractor firm does not have a conflict of interest. If a conflict of interest is identified after selection, the applicant must promptly replace the qualified contractor or qualified contractor firm with one that has no conflict of interest.

(e) The local government may not condition, deny, or delay the applicant's selection or use of such qualified contractor or qualified contractor firm, and the applicant is responsible for all fees and costs associated with the qualified contractor or qualified contractor firm used in this manner.

(f) If an applicant uses a qualified contractor or a qualified contractor firm for such purpose, the local government must provide access to public records and information reasonably necessary to perform preapplication consultation services. This paragraph does not authorize the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119 or any other applicable law, and access to such records is provided only to the extent permitted by law. This paragraph may not be construed to require a local government to

violate the licensing terms of proprietary software or related vendor agreements.

Section 3. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders; development preapplication consulting services program required.—

(1)(a) By January 1, 2027, each municipality with a population of 10,000 or greater shall create and implement a program for the purpose of making available development preapplication consultation services at an applicant's request. This subsection may not be construed to affect or require the modification of a municipal program that makes available the same or substantially similar development preapplication consulting services to an applicant for a development permit or development order, including a program that requires mandatory preapplication meetings for specified types of developments, if such municipal program exists on or before July 1, 2026.

1. The preapplication consultation services authorized in this subsection are limited to those applications for permits as defined in s. 163.3169.

2. The municipality may use a qualified contractor or a qualified contractor firm as defined in s. 163.3169 to fulfill the preapplication consultation services required in this subsection.

(b) A development preapplication consultation services program must, at minimum, provide all of the following:

1. The minimum information that must be submitted in an application for a permit as defined in s. 163.3169.

2. The review and precertification of completeness of the

application and all related documents, including site engineering plans or site plans or their functional equivalent, or plats, and their compliance with all relevant existing land development regulations.

(c) If an applicant chooses to use the development preapplication consultation services program, the municipality, upon receipt of the proposed development application, shall confirm receipt, verify completeness, and issue a written notification to the applicant indicating that all required information has been submitted, or specify in writing with particularity any deficiencies within 5 business days. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required information. If the municipality fails to issue the written notification within 5 business days, the application is deemed complete by operation of law without conditions, and the municipality must process the application as required in paragraph (d).

(d)1. Upon receipt of the applicant's completed application, the municipality must process the application for final action and must approve, approve with conditions, or deny the application within 45 days after submission of a complete application, except the municipality may not review again those plans specified in subparagraph (b)2.

2. If the municipality fails to take final action to approve, approve with conditions, or deny the application within the 45 days, the applicant shall notify the municipality in writing. If the municipality fails to respond within 10 days, the application is deemed approved by operation of law without conditions, and the applicant is entitled to proceed with the

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proposed activity or development as though the municipality had granted unconditional approval. Approval pursuant to this subparagraph may not be construed to relieve the applicant of the obligation to comply with all other applicable federal, state, and local laws, regulations, and ordinances.

(2) If an applicant for a development permit or development order is not eligible, does not request, or elects not to use the municipality's development preapplication consulting services program pursuant to subsection (1), all of the following requirements shall apply:

(a)~~(1)~~ A municipality shall specify in writing the minimum information that must be submitted for an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality shall make the minimum information available for inspection and copying at the location where the municipality receives applications for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the municipality's website.

(b)1.~~(2)~~ Within 5 business days after receiving an application for approval of a development permit or development order, a municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify in writing with particularity any areas that are deficient. If the application

is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.

2. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete.

3. For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete.

4. Both parties may agree in writing or in a public meeting or hearing to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision.

The timeframes contained in this paragraph ~~subsection~~ do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this paragraph ~~subsection~~ restart if an applicant makes a substantive change to the application. As used in this paragraph ~~subsection~~, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(c)1.~~(3)(a)~~ When reviewing an application for a development

permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

2.~~(b)~~ If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

3.~~(c)~~ If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

4.~~(d)~~ Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as

described in paragraph (a).

5.~~(c)~~ Except as provided in subsection (4) ~~subsection (7)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(d)~~(4)~~ A municipality must issue a refund to an applicant equal to:

1.~~(a)~~ Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

2.~~(b)~~ Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to subparagraph (c)2. ~~paragraph (3)(b).~~

3.~~(c)~~ Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to subparagraph (c)3. ~~paragraph (3)(c).~~

4.~~(d)~~ Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day timeframe specified in subparagraph (b)2. or the 180-day timeframe specified in subparagraph (b)3. ~~subsection (2).~~

5.~~(e)~~ One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or

denies an application 31 days or more after conclusion of the 120-day timeframe specified in subparagraph (b)2. or the 180-day timeframe specified in subparagraph (b)3. ~~subsection (2).~~

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstance.

(e) ~~(5)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(3) ~~(6)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(4) ~~(7)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(5) ~~(8)~~ Issuance of a development permit or development order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency

and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(6)~~(9)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 4. Paragraphs (c) and (d) are added to subsection (1) of section 177.071, Florida Statutes, to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(1)

(c) A governing body and its designated administrative authority shall use, upon the written request of the applicant, the registry established in s. 163.3169 to supplement local government staff resources in ways determined by the governing body for processing and expediting the requirements of this section.

(d) A local government may not create, establish, or apply any additional local procedure or condition for the administrative approval of a plat or replat under this section which is inconsistent with this section or s. 177.091. If infrastructure financial assurances are required as a condition of plat or replat approval, the administrative authority

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designated in paragraph (a) must receive and act upon the proposed assurance. The local government shall accept commonly used forms of financial assurance, including performance bonds, letters of credit, and escrow agreements, provided that the assurance is in a form reasonably acceptable to the local government and issued by a financially responsible issuer meeting objective, uniformly applied standards. Local government review of such financial assurance shall be limited to verifying that the amount, form, and issuer satisfy the requirements of s. 177.091(8) and (9) and the local government's uniformly applied standards, and may not be used to unreasonably delay approval. If the assurance is deficient, the local government must provide written notice of deficiencies within 10 business days.

Section 5. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraphs (b) and (c) of subsection (6), and subsection (8) of section 177.073, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision or one or more phases in a multiphased planned community, subdivision, or planned community.

(2)(a) By October 1, 2024, the governing body of a county

that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions or one or more phases in a multiphased planned community, subdivision, or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 50 percent of the residential subdivision or a planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) Subject to the requirements under paragraph (6)(b), a governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update its

~~their~~ program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(d)1. If a governing body fails to adopt a program under paragraph (a) or paragraph (c), or fails to update or modify an existing program as required under paragraph (b), by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:

a. The applicant has an unconditional, self-executing right to use a qualified contractor of the applicant's choosing, within the scope of the contractor's professional licensure and as authorized under this section, to perform technical review and certification necessary to support the issuance of up to 75 percent of the building permits for the residential subdivision or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest. For the purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

b. The governing body, local building official, and any local government staff may not condition, delay, limit, restrict, obstruct, or deny the applicant's use of a qualified contractor under this paragraph. This paragraph does not prohibit a local government from applying neutral, generally applicable requirements relating to procurement, contracting,

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insurance, indemnification, conflict-of-interest review, credential verification, recordkeeping, or public safety, provided such requirements do not materially impair or frustrate the applicant's ability to use a qualified contractor as authorized by this paragraph. Any local requirement that directly conflicts with this paragraph is preempted to the extent of the conflict.

c. The qualified contractor may perform all technical review services within the scope of his or her licensure and qualifications which are necessary to obtain such building permits as specifically authorized under this section, including preparing, reviewing, and submitting permit applications and supporting plans, specifications, and documents, and providing signed and sealed documents when required by law. The local building official must accept such submissions when prepared and sealed by the qualified contractor as meeting any local requirement that the submission be prepared or reviewed by local government staff, and must review and issue the permits in accordance with the Florida Building Code and applicable state law. This paragraph does not limit the authority of the local building official to review such submission by a qualified contractor for compliance with the Florida Building Code and applicable state law, to identify deficiencies, or to approve or deny the permit in accordance with the law.

d. The governing body and the local building official may not unreasonably require the applicant or the qualified contractor to use a local government registry, rotation, or shortlist, or any other selection or vetting process, which has the effect of denying or materially delaying the applicant's use

of a qualified contractor under this section..

e. The unconditional right provided by this paragraph becomes effective immediately upon the governing body's failure to meet the applicable deadlines in paragraph (a) or paragraph (c), continues in effect unless and until the governing body has adopted or updated a program fully compliant with this section, and may not be limited, impaired, or applied retroactively to reduce the number or percentage of building permits the applicant may obtain or is eligible to obtain under this paragraph.

2. This paragraph may not be construed to limit or impair the authority of the local building official to enforce the Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws and local laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying, restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, inclusive of any plans, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential

subdivision, ~~or~~ planned community, or one or more phases of a multiphased planned community or subdivision.

(4)(a) An applicant may use a private provider or qualified contractor in the same manner as provided in ~~pursuant to~~ s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.

(b) A governing body shall, upon the written request of the applicant, use the qualified contractor registry established in s. 163.3169 ~~establish a registry of at least three qualified contractors whom the governing body may use~~ to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. ~~A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.~~

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. For purposes of this paragraph, the term "approved plans" means plans approved for

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design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of building permit issuance or approval authorized under this section.

1. A local government may not condition, delay, withhold, or deny the issuance of any building permit authorized under this section on:

a. The actual completion, substantial completion, or physical installation of any subdivision or planned community infrastructure, or improvements identified in the approved preliminary plat or approved plans;

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including, but not limited to, certificates of completion or substantial completion, engineer’s or architect’s certifications of completion, as-built or record drawings, pressure or compaction test results, utility acceptance letters, service availability letters, or similar confirmations of finished construction or readiness for service; or

c. Compliance with an environmental condition which is not required by its land development regulations, a local government

comprehensive plan, a regulatory covenant or similar recorded instrument, a decision or order by a local zoning board or other quasi-judicial board, or by state law or federal law to obtain a building permit.

2. This prohibition applies notwithstanding any ordinance, resolution, policy, practice, permit condition, concurrency or proportionate-share requirement, interlocal agreement, utility policy or standard, or other local requirement to the contrary.

3. This paragraph may not be construed to prohibit a local government from requiring documentation strictly necessary to demonstrate compliance with the Florida Fire Prevention Code as a condition of issuing building permits; however, such documentation may not require the physical completion of the subdivision or planned community infrastructure, or improvements beyond what is expressly required to satisfy the Florida Fire Prevention Code.

This paragraph may not be construed to relieve an applicant from completing or installing any infrastructure or improvements as a condition of issuance of a certificate of occupancy.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis. For purposes of this section, a local government may waive the bond requirement in this paragraph through its program or on a case-by-case basis upon request of the applicant.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body for the earlier of at least 5 years or if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

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 qualified contractors; amending ss. 125.022 and 166.033, F.S.; requiring each county and municipality, respectively, of a specified size to create and implement a program for the purpose of making development preapplication consultation services available at an applicant's request; providing that specified provisions may not be construed to affect or require the modification of certain county or municipality programs that make available the same or substantially similar development preapplication consulting services if such county or municipality's program existed before a

specified date; limiting such preapplication consultation services to applications for certain permits; authorizing a county or municipality to use a qualified contractor or qualified contractor firm to fulfill specified preapplication services requirements; specifying minimum requirements for a development preapplication consultation services program; requiring a county or municipality to take certain actions if an applicant chooses to use the development preapplication consultation services program; requiring a county or municipality to approve, approve with conditions, or deny an applicant's completed application within a specified timeframe; requiring that an application be deemed approved by operation of law without conditions and proceed in a specified manner if a county or municipality fails to make a certain determination within a specified timeframe; providing construction; specifying that certain requirements apply if an applicant for a development permit or development order is not eligible for, does not request, or elects not to use the county's or municipality's preapplication consulting services program; creating s. 163.3169, F.S.; defining terms; requiring a local government to establish a registry of a specified number of qualified contractors or qualified contractor firms to conduct certain preapplication services; prohibiting a qualified contractor or qualified contractor firm from having a conflict of

interest; authorizing an applicant to use a qualified contractor that is not on the registry if a conflict of interest exists; authorizing a local government to enter into a certain agreement with another local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; authorizing an applicant to retain a qualified contractor or qualified contractor firm of his or her choosing for preapplication consultation services under certain circumstances; prohibiting a local government from conditioning, denying, or delaying an applicant's selection or use of a qualified contractor or qualified contractor firm; specifying that the applicant is responsible for all fees and costs associated with using a qualified contractor of his or her choice; requiring a local government to make certain resources available if an applicant uses a qualified contractor or qualified contractor firm of his or her choosing to perform preapplication consultation services; providing an exception; providing construction; amending s. 177.071, F.S.; authorizing a governing body to use a specified registry to supplement local government staff resources; prohibiting a local government from creating, establishing, or applying any additional local procedure or condition for the administrative approval of a plat or replat which is inconsistent with specified provisions; authorizing the administrative authority to receive and act upon

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certain financial assurances; providing requirements for a local government's acceptance of certain financial assurances; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to include certain developments in a program that expedites the process for issuing building permits for planned unit developments or phases of a community or subdivision; specifying automatic actions in the event the local government fails to adopt, update, or modify a certain program by a specified date; defining the term "conflict of interest"; providing construction; requiring a governing body to create a two-step application process for stabilized access roads that can support emergency vehicles; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; authorizing a governing body to use the qualified contractor registry established pursuant to this act to supplement staff resources; deleting provisions prohibiting the use of a qualified contractor with a conflict of interest; defining the term "approved plans"; providing construction; prohibiting a local government from conditioning, delaying, withholding, or denying the issuance of certain permits under certain circumstances; providing applicability; providing construction; authorizing a local government to waive

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a certain bond requirement under certain circumstances; revising the circumstances under which an applicant has a vested right in a preliminary plat; providing an effective date.

850242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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	.	
	.	

The Committee on Rules (Massullo) recommended the following:

Senate Amendment to Amendment (249874) (with title amendment)

Between lines 390 and 391
insert:

(3) APPLICABILITY; HISTORIC PRESERVATION.—

(a) This section does not apply to an application for a permit if the property that is the subject of the application is:

1. Individually listed in the National Register of Historic Places or is a contributing property within a National Register-

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listed historic district;

2. Designated as a local historic landmark, historic resource, or part of a locally designated historic district under a duly adopted local historic preservation ordinance; or

3. Subject to binding historic preservation review or approval under federal, state, or local law, including review by a local historic preservation board or commission.

(b) If an application encompasses multiple parcels or improvements, this subsection applies only to the portion of the application that relates to property described in paragraph (a). This subsection may not be construed to prohibit the use of a qualified contractor for the portions of an application that do not involve the property listed in paragraph (a).

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

And the title is amended as follows:

Delete line 931

and insert:

exception; providing construction; providing that specified requirements relating to the use of qualified contractors or qualified contractor firms to perform development preapplication consultation services do not apply to certain property identified within a permit application; providing applicability; providing construction; amending s.

By the Committee on Judiciary; and Senator Massullo

590-02691-26 20261138c1

A bill to be entitled

An act relating to qualified contractors; creating s. 163.3169, F.S.; providing legislative findings; defining terms; requiring the governing body of a local government, by a specified date, to create a program that authorizes an applicant to use a qualified contractor to conduct a preapplication review of an application; requiring the governing body to establish certain processes; providing specifications for such program; prohibiting certain additional requirements; requiring a local government to deem an application that satisfies specified provisions administratively complete for certain purposes; prohibiting the program from imposing additional terms, conditions, or duplicative review processes; providing that the program may allow for the review of ownership authorizations for the development of the property; providing construction; requiring the development services office of a local government to establish a registry of a specified number of qualified contractors to conduct preapplication reviews; authorizing the development services office of a local government to register more or less than the specified number of qualified contractors under certain circumstances; authorizing a local government to enter into an agreement with another local government under certain circumstances; prohibiting a local government from adding its own employees to the registry; requiring a local

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

590-02691-26 20261138c1

government to use certain contract terms and conditions; prohibiting a local government from drafting or applying contractual terms that impose certain obligations on qualified contractors; requiring an applicant to have the right to use a qualified contractor of his or her choosing to perform the preapplication review under certain circumstances; prohibiting a local government from conditioning, denying, delaying, or otherwise contesting an applicant's selection or use of a qualified contractor of his or her choosing, except upon a certain determination; providing that an applicant has sole discretion to choose a qualified contractor from the registry; specifying requirements for payment to the qualified contractor; requiring a local government to reduce any application fee by a certain amount if the applicant uses a qualified contractor for preapplication review; specifying requirements for such fee reduction; requiring fees to be reasonably related to certain actual costs; requiring a development services office to provide a qualified contractor conducting a preapplication review with access to certain resources; providing construction; requiring a local government to conduct a preapplication review within specified timeframes if the applicant does not use a qualified contractor; authorizing an applicant to use a qualified contractor from the registry, at the expense of the local government, if the local government fails to process

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

the application in the required time under certain conditions; providing for the automatic acceptance of certain applications; authorizing a qualified contractor to conduct preapplication reviews only of applications relating to the disciplines covered by the qualified contractor's licensure; prohibiting a qualified contractor from conducting a preapplication review under certain circumstances; requiring a qualified contractor to determine if an application is in compliance with specified regulations; requiring a qualified contractor to work with the applicant to resolve deficiencies; requiring a qualified contractor to prepare an affidavit for the preapplication review upon making a certain determination; specifying requirements for such affidavit; requiring the development services office to make a certain determination on the application upon receipt of such affidavit; requiring the development services office to take certain actions upon its determination; providing that an application determined to be administratively complete does not constitute substantive approval of the permit; providing construction; prohibiting the development services office from conducting duplicative review of the permit subject to preapplication review; specifying the purpose of the development services office's review; prohibiting the development services office from re-reviewing materials subject to preapplication review; providing an exception; providing that

inconsistent local provisions are preempted, void, and unenforceable; providing construction; providing disciplinary guidelines; authorizing a local government to audit the work of qualified contractors; specifying requirements for such auditing procedures; providing construction; authorizing specified entities to provide preapplication reviews for public works projects; authorizing a civil action; authorizing the award of attorney fees and costs; defining the term "prevailing party"; prohibiting the award of attorney fees, costs, or damages under certain circumstances; amending s. 177.071, F.S.; prohibiting local governments from creating, establishing, or applying specified additional regulations for the approval of a final plat; requiring a local government to designate a certain administrative authority to take certain actions relating to the approval of infrastructure assurances; requiring a local government to accept certain forms of surety instruments; providing requirements for local government review of such surety instruments; amending s. 177.073, F.S.; revising the definition of the term "applicant"; requiring the governing body of certain local governments and counties to include multi-phased developments in a program that expedites the process for building permits for planned unit developments or phases of a community or subdivision; specifying automatic actions in the event that the local government fails to adopt, update, or modify a certain

program by a specified date; providing construction; requiring a governing body to create a two-step application process for stabilized access to roads that can support emergency vehicles; revising requirements for such application process; authorizing an applicant to use a qualified contractor for land use approvals under certain circumstances; increasing the number of qualified contractors on a specified registry; authorizing an applicant to retain a private provider or qualified contractor to process, review, and expedite an application for a preliminary plat or related plans under certain circumstances; defining the term "conflict of interest"; requiring an applicant to replace a qualified contractor or private provider if a conflict of interest is discovered; prohibiting a governing body from restricting an applicant's use of a private provider or qualified contractor; requiring the governing body to accept, process, and act upon the such private provider's or qualified contractor's reviews, approvals, recommendations, or certifications under certain circumstances and in a specified manner; authorizing a governing body to take certain actions; prohibiting a governing body from imposing certain requirements; requiring an applicant to be responsible for certain fees and costs; voiding and preempting conflicting provisions; defining the term "approved plans"; providing construction; prohibiting a local government from conditioning, delaying, withholding, or denying

the issuance of certain permits under certain circumstances; providing applicability; providing construction; authorizing a local government to waive certain bonding requirements under certain circumstances; revising the circumstances under which an applicant has a vested right in a preliminary plat; providing an effective date.

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

Section 1. Section 163.3169, Florida Statutes, is created to read:

163.3169 Using qualified contractors in development order preapplication review.—

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature recognizes the need for continued growth throughout the state, and the need for an efficient permitting process to accommodate such growth, while balancing the role of local governments in community planning.

(b) The Legislature further recognizes that numerous local governments implement innovative planning and development strategies by using the private sector to supplement the needs of government and to keep pace with increasing populations, unmet demands for housing, and continuing budget constraints. To continue meeting future growth demands, all local governments shall use all available resources to ensure that private property owners seeking to build or develop the next generation of this state's housing supply are not burdened by limited local government workforces and can by right use a qualified

contractor from the private sector to responsibly review applications as submitted and authorized under this section.

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

(a) "Applicant" means a person or legal entity having a legal or equitable ownership interest in real property, or an authorized agent acting on behalf of such person or entity, that applies for a land development approval from the local government pursuant to this section.

(b) "Application" means a properly completed and submitted request for a permit as defined herein, on behalf of an applicant, which includes an affidavit from a qualified contractor as required by this section. The term does not include plans or permits as reviewed under s. 553.791.

(c) "Audit" means a limited, post-submittal verification process conducted solely to confirm that a qualified contractor's preapplication review supports the findings in the required affidavit, demonstrate that the review was performed in accordance with the normal and customary professional practices for the applicable discipline, and ensure that the affidavit's findings are supported by the application.

(d) "Development services office" means the entity, office, division, or department of a local government which is responsible for reviewing applications for compliance with the local government's land development regulations and other applicable federal, state, and local requirements. This office may be substantively identical to or housed within the local government's planning and zoning department.

(e) "Development services official" means the individual in the development services office of the governing jurisdiction

who is responsible for the direct regulatory administration or supervision of the review and approval process required to indicate compliance with applicable land development regulations. The term includes any duly authorized designee of such person. This individual may be the executive director of the governing body of a local government or the division director of the local government's planning and zoning department.

(f) "Final plat" has the same meaning as in s. 177.073.

(g) "Governing body" has the same meaning as in s. 163.3164.

(h) "Land development regulations" has the same meaning as in s. 163.3164, but excludes building permits and plans subject to s. 553.791.

(i) "Local government" means:

1. A county that has 25,000 or more residents, but does not include a county subject to s. 380.0552;

2. A municipality that has 10,000 or more residents; or

3. An independent district created pursuant to chapter 189 or chapter 190 with authority over land development regulations.

(j) "Permit" means an authorization, approval, or grant by a local governing body or development services office that authorizes the development of land as set forth therein for any subdivision approval, plat approval, or site plan approval. For the purposes of this section, a permit does not include the review and approval of discretionary land use decisions, such as rezonings, variances, special exceptions, conditional uses, comprehensive plan amendments, or any other quasi-judicial land use approval requiring a public hearing or findings supported by

competent substantial evidence.

(k) "Plans" means site engineering plans or site plans, or their functional equivalent, submitted by an applicant to a qualified contractor or duly authorized representative for review.

(l) "Preapplication review" means the analysis of a permit conducted by a qualified contractor to ensure compliance with a comprehensive plan, chapter 177, and applicable land development regulations, and which is part of the application as authorized under this section.

(m) "Preliminary plat" means a map or delineated representation of the subdivision of lands which is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to comply with the requirements of chapter 177.

(n) "Qualified contractor" means the individual or firm contracted with a development services office or local government to conduct a preapplication review, and who is included in the registry as required by this section. The term includes, but is not limited to, any of the following:

1. An engineer or engineering firm licensed under chapter 471.

2. A surveyor or mapper, or a surveyor's or mapper's firm, licensed under chapter 472.

3. An architect or architecture firm licensed under part I of chapter 481.

4. A landscape architect or a landscape architecture firm registered under part II of chapter 481.

5. A planner certified by the American Institute of

Certified Planners.

6. A local government employee, for the limited purposes of compliance with subsection (4)(c).

(o) "Single-trade review" means any review focused on a single component of an application, such as engineering, surveying, planning, or architecture.

(3) REQUIREMENTS.—

(a) By January 1, 2027, the governing body of a local government shall create a program by which a development services office shall authorize an applicant to use a qualified contractor to conduct a preapplication review of any permits submitted in an application. The governing body shall establish the processes by which an applicant may submit an application to the local government, following a preapplication review conducted by a qualified contractor. The program must specify, at a minimum, all of the following:

1. The manner in which the development services office enters into a contract with a qualified contractor.

2. Minimum requirements for selection as a qualified contractor for the program, including verification of current licensure or certification status and review of any adverse actions, discipline, or restrictions imposed by the applicable professional licensing board. A local government may consider or require as criteria for selection or qualification a minimum of 5 years of experience for qualified contractors, but may not consider or require for selection or qualification geographic location or any prior or existing work for or with the local government.

3. The minimum and maximum hourly rates that a qualified

contractor may charge an applicant, comparable to market averages, as part of the application fee.

4. Other necessary and indispensable procedural requirements to implement this section, such as requirements relating to intake, payment, recordkeeping, and notice processes.

(b) Additional requirements may not conflict with or impair the intent of this section; may not add to, modify, limit, or condition the rights, duties, standards, scope, qualifications, or effects established by this section; and may not impose any substantive review criteria, terms, or conditions on applicants or qualified contractors.

(c) The program must require a local government to deem an application that meets the requirements of this section administratively complete for purposes of acceptance and processing.

(d) The program may not impose additional terms, conditions, or duplicative review processes with respect to the preapplication review for an application that meets the requirements of this section. However, the program may allow for the review of ownership authorizations for the development of the property.

(e) This section may not be construed to waive, limit, or otherwise affect any requirement of the Consultants' Competitive Negotiation Act pursuant to s. 287.055 or a local government's duly adopted procurement process.

(4) REGISTRY.—

(a) The development services office of a local government shall establish a registry of at least six qualified

contractors. If the minimum requirements for the qualified contractor specified in subparagraph (3)(a)2. are met, the development services office may add a qualified contractor to the registry upon such entity's request to be added to the registry.

(b) If, after making reasonable efforts, less than six qualified contractors are available to be added to the registry, or if less than three qualified contractors are available for local governments serving populations of less than 10,000, the development services office must register any willing and available qualified contractor that meets the requirements of subparagraph (3)(a)2.

(c) The local government may enter into an agreement with another local government for the purpose of using public employees who meet the requirements for a qualified contractor to complete the preapplication review. A local government may not add its own employees to its own registry.

(d) A local government shall adopt and use standard contract terms and conditions for agreements with qualified contractors which are substantially similar in form and substance to the local government's standard professional services agreements used for materially similar engagements with private sector providers. A local government may not draft or apply contractual terms that impose obligations on qualified contractors which frustrate, impair, or defeat the legislative intent of this section.

(5) SELECTION OF A QUALIFIED CONTRACTOR OF APPLICANT'S CHOICE.—

(a) If any of the following conditions exists, an applicant

who elects to participate in the program must have the unconditional right to use a qualified contractor of his or her choice, as long as the qualified contractor satisfies the minimum requirements in subparagraph (3)(a)2., for preapplication review:

1. The governing body of a local government fails to create the program pursuant to subsection (3) before January 1, 2027.

2. The development services office of the local government fails to create the registry as required pursuant to subsection (4).

3. The registry created pursuant to subsection (4) does not consist of the requisite number of qualified contractors and the local government has not complied with the requirements of paragraph (4)(b).

(b) The local government may not condition, deny, delay, or otherwise contest the applicant's selection or use of the qualified contractor, except upon a written determination supported on specific, articulable facts stating that the qualified contractor does not meet the requirements of this section, or that the qualified contractor has a conflict of interest with the applicant, as defined in s. 112.312, or under any stricter conflict of interest standards applicable to the qualified contractor's professional license or certification.

(6) PAYMENT, FEES, AND PREAPPLICATION REVIEW.—

(a) The applicant shall have sole discretion to choose a qualified contractor from the established registry under subsection (4) to conduct a preapplication review of a permit. The applicant may not pay the qualified contractor directly. Such payment must be made to the local government with the

initial submission of the application. The local government must ensure the qualified contractor is paid in compliance with the Local Government Prompt Payment Act under part VII of chapter 218.

(b) If an applicant uses a qualified contractor for the purposes of conducting a preapplication review, the local government must reduce any application fee by the amount of cost savings realized by the development services office for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a development services office assesses the cost for its application review. The reduction in the application fee does not relieve the applicant of responsibility for payment of the qualified contractor's fees as required in paragraph (a). Any application or administrative fee imposed under this section must be reasonably related to the actual cost incurred by the local government in administering the application and processing.

(c) If an applicant uses a qualified contractor to conduct a preapplication review, the development services office must provide the qualified contractor with access to the public records and information reasonably necessary to perform the preapplication review. This paragraph does not authorize the disclosure of records that are confidential or exempt from public inspection or copying under chapter 119 or any other applicable law, and access to such records is provided only to the extent permitted by law. This paragraph may not be construed to require a local government to violate the licensing terms of proprietary software or related vendor agreements.

(d)1. If an applicant does not use a qualified contractor pursuant to this section, the local government must conduct any requested preapplication review within the applicable timeframes under ss. 125.022 and 166.033, to the extent those sections apply to the type of preapplication review requested. If the local government fails to process the application within the required timeframes, the applicant may use a qualified contractor from the registry at the sole expense of the local government if all of the following conditions are met:

a. The local government fails to establish such registry pursuant to subsection (4); and

b. The qualified contractor does not have a conflict of interest in reviewing the permits, plans, or plats, including final and preliminary, subject to the preapplication review and otherwise meets the requirements of this section.

2. If the applicant uses a qualified contractor for preapplication review pursuant to this paragraph, such application must be accepted automatically when the local government receives an affidavit from the qualified contractor, and subsection (10) does not apply.

(7) RESTRICTIONS ON PREAPPLICATION REVIEW.—A qualified contractor may conduct preapplication review only for applications relating to the disciplines covered by such qualified contractor's licensure or certification granted pursuant to chapter 471, chapter 472, or chapter 481, or as certified by the American Institute of Certified Planners, including single-trade review. A qualified contractor may not conduct a preapplication review pursuant to this section if the qualified contractor is used by the applicant for the same

project that is the subject of the application, or has a conflict of interest pursuant to s. 112.312.

(8) AFFIDAVIT REQUIREMENTS.—

(a) A qualified contractor performing a preapplication review must determine whether the application is in compliance with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes of the governing jurisdiction. The qualified contractor shall work directly with the applicant to resolve any deficiencies. Upon making the determination that the application complies with all relevant land development regulations, comprehensive plan regulations, ordinances, and codes, the qualified contractor shall prepare an affidavit certifying that the following information is true and correct to the best of the qualified contractor's knowledge and belief:

1. The preapplication review was conducted by the affiant, who is duly authorized to perform a preapplication review pursuant to this section and holds the appropriate license or certificate.

2. The permits, plans, or plats, including final and preliminary, reviewed in the application comply with all applicable land development regulations, comprehensive plan regulations, ordinances, and codes.

(b) Such affidavit must bear a written or electronic signature and must be submitted electronically to the development services office.

(9) AUTHORIZATION AND APPROVAL.—

(a) Upon receipt of an application accompanied by an affidavit of the qualified contractor pursuant to subsection

(8), the development services office must review and accept the application as administratively complete or reject such application as administratively incomplete.

(b) Upon a finding that the application is administratively complete, the development services office shall, by the following business day, forward the application for final action by the appropriate approving authority or, if approval is delegated to an employee within the development services office, proceed with final action in accordance with this section and ss. 125.022 and 166.033.

(c) If the development services office determines that an application submitted pursuant to this subsection is administratively incomplete, the office must provide written notice to the applicant specifically identifying any aspects of the application which do not comply with this section; applicable land development regulations; or comprehensive plan regulations, ordinances, or codes, and the reasons the application was denied with reference to code chapters and sections, within 10 business days after receipt of the application and affidavit. If the development services office does not provide written notice to the permit applicant within 10 business days, the application shall be deemed administratively complete as a matter of law solely for purposes of acceptance, routing, and processing, and the development services office must, by the following business day, forward the application for final action to the appropriate approving authority or, if the development services office is the approving authority, proceed to final action in accordance with this section and ss. 125.022 and 166.033. An application

determined to be administratively complete under this paragraph does not constitute substantive approval of the permit submitted and may not be construed to limit the authority to grant or deny the application consistent with this section; however, the development services office may not conduct any duplicative review of the permit subject to preapplication review except as expressly authorized by this section.

(d) The development services office's review under this subsection is ministerial and limited to confirming administrative completeness and proper form. The development services office may not re-review the technical sufficiency or substantive compliance of materials subject to preapplication review by a qualified contractor, except as expressly authorized by this section or by law.

(10) CONSTRUCTION.—Any local provision or action inconsistent with this section is preempted, void, and unenforceable to the extent of the inconsistency, and this section shall control and be given full force and effect over any conflicting or more stringent provision of law, whether general, special, or local, including any charter or home rule provision, without regard to the order or time of enactment.

(11) DISCIPLINARY GUIDANCE.—When performing a preapplication review, a qualified contractor is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 471, chapter 472, or chapter 481. Notwithstanding the audit procedures in subsection (12), any complaint investigation or discipline that may arise out of a qualified contractor's preapplication review shall be conducted by the applicable

professional board. Complaints regarding conflicts of interest or other ethical violations shall be reviewed as provided in chapter 112.

(12) AUDIT PROCEDURES.—A local government may audit the work of a qualified contractor performing preapplication review under this section pursuant to procedures established by the local government. Such procedures must be reasonable, applied in a nondiscriminatory manner, and made publicly available. A qualified contractor must be provided written notice of any audit findings and a reasonable opportunity to respond. Nothing in this subsection limits a local government's authority to enforce contract terms, address conflicts of interest, remove a qualified contractor from participation in the program, or take action necessary to protect the public health, safety, or welfare. An audit under this section may not replicate, redo, or substitute for the preapplication review performed by the qualified contractor and may not go beyond the scope of verifying performance, customary practice, and evidentiary support, unless expressly authorized by this section.

(13) PREAPPLICATION REVIEW FOR SPECIFIED ENTITIES.—Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a qualified contractor to provide preapplication review for a public works project by the county, municipality, school district, or independent special district.

(14) CIVIL ACTIONS AUTHORIZED.—

(a) An applicant may bring a civil action for declaratory or injunctive relief against a county or municipality for a violation of this section. In any such action, the court shall

award the prevailing party reasonable attorney fees and costs. For purposes of this paragraph, the term "prevailing party" means the party that obtains an enforceable judgment, order, or comparable court-sanctioned relief on the merits which materially alter the legal relationship of the parties in that party's favor, including the granting of declaratory or injunctive relief or the dismissal with prejudice of the opposing party's claims. The term does not include a party whose objectives are achieved solely by the voluntary cessation of challenged conduct absent a judicial determination or other relief bearing the court's imprimatur. If neither party prevails on the significant issues, or if both parties prevail in part, the court may determine that no party is the prevailing party and may equitably apportion fees and costs.

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

1. The applicant provides the local government written notice that it is in violation of this section; and

2. The local government complies with this section within 14 days or completes a preapplication review for the applicant that has submitted written notice of a violation of this section within 14 days.

Section 2. Paragraph (c) is added to subsection (1) of section 177.071, Florida Statutes, to read:

177.071 Administrative approval of plats or replats by designated county or municipal official.—

(1)

(c) A local government may not create, establish, or apply any additional local procedure or condition for the

administrative approval of a plat or replat under this section that is inconsistent with this section or s. 177.091. If infrastructure financial assurances are required as a condition of plat or replat approval, the administrative authority designated in paragraph (a) shall receive and act upon the proposed assurance. The local government shall accept commonly used forms of financial assurance, including performance bonds, letters of credit, and escrow agreements, provided the assurance is in a form reasonably acceptable to the local government and issued by a financially responsible issuer meeting objective, uniformly applied standards. Local government review of such financial assurance shall be limited to verifying that the amount, form, and issuer satisfy the requirements of s. 177.091 and the local government's uniformly applied standards, and may not be used to unreasonably delay approval. If the assurance is deficient, the local government shall provide written notice of deficiencies within 10 business days.

Section 3. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (a) of subsection (3), subsection (4), paragraphs (b) and (c) of subsection (6), and subsection (8) of section 177.073, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Applicant" means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits,

that the local governing body must issue for a residential subdivision, or one or more phases in a multiphased planned community, subdivision, or planned community.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions, one or more phases of a community or subdivision, or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 50 percent of the residential subdivision or a planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government's final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) Subject to the requirements under subsection (6)(b), a governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update its ~~their~~ program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision, or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(d)1. If a governing body fails to adopt a program under paragraph (a) or paragraph (c), or fails to update or modify an existing program as required under paragraph (b) by the applicable statutory deadline, the following will apply without further action or approval by the governing body and notwithstanding any conflicting local requirement:

a. The applicant shall have an unconditional, self-executing right to use a qualified contractor of the applicant's choosing, within the scope of the contractor's professional licensure and as authorized under s. 177.073, to perform technical review and certification necessary to support the issuance of up to 75 percent of the building permits for the residential subdivision or planned community, including one or more phases thereof, before the final plat is recorded, provided the qualified contractor does not have a conflict of interest. For the purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

b. The governing body, local building official, and any local government staff may not condition, delay, limit,

restrict, obstruct, or deny the applicant's use of a qualified contractor under this paragraph. Nothing in this paragraph prohibits a local government from applying neutral, generally applicable requirements relating to procurement, contracting, insurance, indemnification, conflict-of-interest review, credential verification, recordkeeping, or public safety, provided such requirements do not materially impair or frustrate the applicant's ability to use a qualified contractor as authorized by this paragraph. Any local requirement that directly conflicts with this paragraph is preempted to the extent of the conflict.

c. The qualified contractor may perform all technical review services within the scope of his or her licensure and qualifications which are necessary to obtain such building permits as specifically authorized under this section, including preparing, reviewing, and submitting permit applications and supporting plans, specifications, and documents, and providing signed and sealed documents when required by law. The local building official shall accept such submissions when prepared and sealed by the qualified contractor as meeting any local requirement that the submission be prepared or reviewed by local government staff, and shall review and issue the permits in accordance with the Florida Building Code and applicable state law. Nothing in this paragraph limits the authority of the local building official to review such submission by a qualified contractor for compliance with the Florida Building Code and applicable state law, to identify deficiencies, or to approve or deny the permit in accordance with the law.

d. The governing body and the local building official may

not unreasonably require the applicant or the qualified contractor to use a local government registry, rotation, or shortlist, or any other selection or vetting process, which has the effect of denying or materially delaying the applicant's use of a qualified contractor under this section..

e. The unconditional right provided by this paragraph becomes effective immediately upon the governing body's failure to meet the applicable deadlines in paragraph (a) or paragraph (c), continues in effect unless and until the governing body has adopted or updated a program fully compliant with this section, and may not be limited, impaired, or applied retroactively to reduce the number or percentage of building permits the applicant may obtain or is eligible to obtain under this paragraph.

2. This paragraph may not be construed to limit or impair the authority of the local building official to enforce the Florida Building Code, the Florida Fire Prevention Code, or other applicable state laws and local laws of general application in reviewing and issuing building permits; however, the governing body and the local building official may not impose any additional local procedures, prerequisites, or substantive standards on the applicant or the qualified contractor which have the effect of conditioning, delaying, restricting, or denying the use of a qualified contractor as authorized by this paragraph.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, and for stabilized access roads that can support emergency vehicles, inclusive of any plans, in order to

expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision, ~~or~~ planned community, or one or more phases of a multiphased planned community or subdivision.

(4)(a) An applicant may use a private provider or qualified contractor in the same manner as provided in ~~pursuant to~~ s. 553.791 to expedite the application process for any plans necessary to support the approval of a site plan, preliminary or final plat, or building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least six ~~three~~ qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312.

(c) If a governing body fails to establish or maintain the registry required under paragraph (b), an applicant may, at its sole discretion, retain a private provider or qualified contractor of the applicant's choosing to process, review, and expedite any application for a preliminary plat, or supporting documents, provided that the selected private provider or

qualified contractor does not have a conflict of interest. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312. If a conflict of interest is identified after selection, the applicant must promptly replace the private provider or qualified contractor with one that does not have a conflict of interest, and the governing body must continue processing without delay or prejudice.

(d) The governing body may not condition, delay, or deny the applicant's use of such private provider or qualified contractor, and shall accept, process, and act upon reviews, approvals, recommendations, or certifications submitted by the private provider or qualified contractor in the same manner and within the same timeframes as if performed by the governing body's own staff, or by a qualified contractor on the registry. The governing body may verify credentials, require standard submittal formats, and conduct ministerial compliance checks, but may not impose additional requirements that have the effect of frustrating, negating, or impeding the applicant's right to use a private provider or qualified contractor under this subsection. The applicant shall be responsible for all fees and costs associated with the private provider or qualified contractor. Any ordinance, resolution, policy, practice, contract, or requirement to the contrary is preempted and void to the extent of conflict with this paragraph.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. For purposes of this paragraph, the term "approved plans" means plans approved for design and permit review and does not include, and may not be construed to require or imply, any certification, attestation, or confirmation of the completion of construction of any subdivision or planned community infrastructure, or improvements depicted in, referenced by, or required under such plans, except for the construction of the minimum access and roadway improvements required by the Florida Fire Prevention Code for fire department access and operations, such as a stabilized roadway for emergency access. No other subdivision or planned community infrastructure or improvements may be required to be constructed as a condition of permit issuance or approval.

1. A local government may not condition, delay, withhold, or deny the issuance of any building permit authorized under this section on:

a. The actual completion, substantial completion, or physical installation of any subdivision or planned community infrastructure, or improvements identified in the approved preliminary plat or approved plans;

b. The submission, acceptance, or approval of any certification of completion or similar documentation, including, but not limited to, certificates of completion, substantial completion, engineer's or architect's certifications of completion, as-built or record drawings, pressure or compaction test results, utility acceptance letters, service availability

letters, or similar confirmations of finished construction or readiness for service; or

c. Compliance with an environmental condition that is not required by its land development regulations or by state law or federal law to obtain a building permit.

2. This prohibition applies notwithstanding any ordinance, resolution, policy, practice, development order, permit condition, concurrency or proportionate-share requirement, development agreement, interlocal agreement, utility policy or standard, or other local requirement to the contrary.

3. This paragraph may not be construed to prohibit a local government from requiring documentation strictly necessary to demonstrate compliance with the Florida Fire Prevention Code as a condition of issuing building permits; however, such documentation may not require the physical completion of the subdivision or planned community infrastructure, or improvements beyond what is expressly required to satisfy the Florida Fire Prevention Code.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis. For purposes of this section, a local government may waive the bonding requirement in this paragraph through its program or on a case-by-case basis upon request of the applicant.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a

governing body for the earlier of at least 5 years or if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

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

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1138
Bill Number or Topic

249874
Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757
Street

Email DCRUZ@FLCities.com

Tallahassee FL 32302
City *State* *Zip*

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

Amendment

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida League of Cities

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2-24-26
Meeting Date

RULES
Committee

SB 1130
Bill Number or Topic

249874 "D6"
Amendment Barcode (if applicable)

Name DAVID Suggs

Phone 850.320.2635

Address 100 S. MONROE St
Street

Email dsuggs@fl-counties.com

TALLAHASSEE FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: FLORIDA ASSOCIATION OF COUNTIES

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/24/26
Meeting Date

Rules
Committee

1138
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 7275122467

Address 1767 Hermitage Blvd
Street

Email bburke@fhba.com

Tally FL 32304
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Home Builders Assc.

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

2-24-26
Meeting Date

Rules
Committee

1138
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

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Street

Email DMartinez@AFPSLA.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1224
INTRODUCER:	Criminal Justice Committee; Judiciary Committee; and Senator Rodriguez
SUBJECT:	Fraudulent Entry of Residential Dwellings
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bond	Cibula	JU	**Fav/CS**
2.	Cellon	Stokes	CJ	**Fav/CS**
3.	Bond	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1224 creates the concept of fraudulent entry upon real property.

Fraudulent entry is the act of entering into and taking possession of a residential dwelling unit by making false statements regarding identity, presenting false identity documents or false financial documents to the landlord, or impersonating another person to execute a lease. The bill creates a third degree felony criminal offense for fraudulent entry into a residential property.

The bill also amends civil landlord tenant laws to add that a person in possession of a residential dwelling because of fraudulent entry is subject to the existing eviction procedures regarding matters that may not be cured by a tenant.

The bill takes effect October 1, 2026.

II. Present Situation:

Background

Florida, like other states, has suffered from problems related to various unauthorized persons such as transients, squatters, and other people who wrongfully try to live on someone else's property. The criminal laws of the state have long authorized law enforcement to arrest and

remove someone who is criminally trespassing on land. However, criminal trespass law is only a remedy where the offense is clear to the law enforcement officer.

Constitutional concepts of due process and property rights require that the state provide an individual with appropriate due process before removing the individual from private property using the power of the state. The due process that one is entitled to varies based on the individual's relationship to the property and the nature of the circumstance giving rise to the removal. So, for instance, a property owner facing foreclosure for nonpayment of monetary obligations is given substantial due process rights and protections that typically require months of legal process and numerous opportunities for the property owner to try to protect his or her right to possess the property. An ordinary tenant in these matters may legally remain in possession of the property until the civil courts finally determine that the tenant has lost the right to possession.

On the other hand, a person committing criminal trespass could be arrested which could land the dispute in criminal court.[1] For example, trespass in a structure or conveyance is committed when a person without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.[2]

Somewhere between the long-time landowner and the temporary criminal trespasser is a grey area of circumstances by which someone may be wrongfully on the property of another. Until recently, in circumstances where law enforcement could not find probable cause to file a criminal trespass charge, the property owner facing an unwanted and unidentified guest would be left with using the civil court processes for ejectment or tenant eviction.[3] These are costly and time-consuming, and often left the property subject to theft and vandalism.

Florida first addressed the gray area in regards to transient occupants by enacting s. 82.035, F.S. in 2015.[4] A "transient occupant" is a person whose residency in real property intended for residential use has occurred for a brief length of time, is not pursuant to a lease, and whose occupancy was intended to be transient in nature.[5] A law enforcement officer may remove a transient occupant upon receipt of an affidavit showing that an individual is a transient.[6]

Florida next addressed the gray area regarding squatters. In general, a squatter is a stranger to a property who moves into the property and acts as if he or she is the lawful owner or tenant. Squatters may cause significant damage to a property in a short period of time. Squatters evade arrest and removal as trespassers by asserting an ownership or leasehold interest in the property

[1] A law enforcement officer may arrest a person without a warrant when the person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance shall be made immediately or in fresh pursuit. s. 901.15(1), F.S.
[2] Section 810.08(1), F.S. Trespass in a structure or conveyance is a second degree misdemeanor, punishable by up to 60 days in jail and a $500 fine. ss. 775.082 and 775.083, F.S.
[3] See generally, ejectment in ch. 82, F.S., and eviction for residential tenancies in part II of ch. 83, F.S.
[4] Chapter 2015-89, Laws of Fla.
[5] Section 82.035(1), F.S.
[6] Section 82.035(3), F.S.

often by commonly using false, misleading, or fraudulent documents and claims. Those claimed interests are rarely if ever based on facts and law. In 2024, Florida created s. 82.036, F.S., to provide a process to summarily remove an "unauthorized person" from residential property.[7] In 2025, a similar process was enacted at s. 82.037, F.S., to summarily remove an unauthorized person from commercial real property.[8] Note, however, that none of the newly created summary procedures apply to an individual who had peacefully gained access to a key freely provided by a landlord.

One prior form of deceit that enabled a squatter to delay removal from a residential dwelling was for the squatter to forge a deed or lease. The forged document was used to try to have law enforcement officers refuse to remove the squatter. The presentation of a false document to claim the right to possess real property was made a criminal offense in 2024.[9]

Fraud Issue

Another type of individual has emerged in the gray area of individuals who may be wrongfully in possession of real property they do not own. Their wrongful conduct is not addressed by the recent legislation. This type is an individual who is in possession by fraud. The current summary remedies for removal of a transient occupant or removal of an unauthorized person specifically do not apply to an individual who has an apparent leasehold interest in the real property. If an individual can show a facially valid lease, a law enforcement officer will generally decline summary removal and suggest that the landowner seek relief in the court system.

Fraud appears to occur within two common patterns: identity fraud and credit fraud. In identity fraud, a prospective tenant assumes the identity of another individual who would qualify to lease a property. Landlords report that identity fraud, once rare and difficult, is increasingly common.[10] They typically discover the identity fraud months later when rent payments stop and eviction proceedings reveal no traceable real person behind the lease.[11] Credit fraud is similar. It occurs when a tenant gives the landlord his or her proper identity but makes a false statement or statements regarding his or her income, debts, or other financial matters. True documents might have shown a present inability to pay the periodic rent, in which case the landlord might have declined to lease the property.

Whether identity fraud or credit fraud is alleged, these tenants have a written lease, and therefore, the tenant cannot be removed pursuant to any of the current summary remedy procedures. In either situation, a landlord may suffer significant losses of time and money related to the fraudulent actions of another. Presumably, had the fraud not occurred the landlord would have leased to a responsible tenant who is likely to have paid the rent. On the other hand, there may be some tenants who obtain a lease by fraud, but who otherwise pay their rent, are never discovered, and cause no harm to the landlord.

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[7] Chapter 2024-44, Laws of Fla.
[8] Chapter 2025-112, Laws of Fla.
[9] Section 817.03(2), F.S., ch. 2024-44, Laws of Fla.
[10] Florida Landlord Network, *Fake Identities, When the Applicant Isn't Who They Claim to Be*, available at https://www.flalandlord.com/fake-identities-when-the-applicant-isnt-who-they-claim-to-be (last visited February 10, 2026).
[11] *Id.*

Alternatives Under Current Laws

A landlord who discovers that a residential tenant has furnished a false identity or has lied on the application may evict the tenant under current law. However, existing law does not directly address these specific facts.[12] If the landlord prevails he or she may obtain a civil judgment for costs and for losses.[13]

The current eviction procedure for matters other than rent starts with the requirement that the landlord serve a 5 day letter to the tenant [14] Then, there are two eviction tracks. One track applies to a tenant who should be given an opportunity to either cure a noncompliance or to surrender possession within the 5 days. The other track applies to problems where the tenant is not given an opportunity to cure and the track allows a landlord to demand that the tenant surrender possession within 5 days.

Examples of noncompliance that may be cured include, but are not limited to, activities in contravention of the lease such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary. Examples of noncompliance that are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act or a subsequent or continued unreasonable disturbance.[15] If the 5 day period runs without resolution, the landlord may file a civil eviction complaint. The court procedure is the same for either track. Current law does not address whether the actions described by the bill as fraudulent entry are something that the tenant should or should not be given the opportunity to cure.

A landlord who discovers that a residential tenant has furnished a false identity or has furnished false documents regarding ability to pay the rent may also file a complaint with a local law enforcement agency. There are current criminal laws regarding fraudulent actions that may, based on the facts of the case, provide a basis for prosecution of a fraudulent entry under existing law, including:

- Obtaining property by false personation.[16]
- Making false statement(s) to obtain property or credit or using false document(s) to claim a possessory interest in real property.[17]
- Unlawful filing of false documents or records against real or personal property.[18]
- Criminal use of personal identification information.[19]
- Unlawful possession of the personal identification information of another person.[20]

[12] Section 83.56, F.S.
[13] Sections 83.55 and 83.625, F.S.
[14] Section 83.56(2), F.S.
[15] *Id.*
[16] Section 817.02, F.S.
[17] Section 817.03, F.S.
[18] Section 817.535, F.S.
[19] Section 817.568, F.S.
[20] Section 817.5685, F.S.

A criminal prosecution may result in an order awarding a victim monetary restitution.[21]

III. Effect of Proposed Changes:

Criminal Offense of Fraudulent Entry

Fraudulent entry of a residential dwelling unit is the entering into and taking possession of a residential dwelling unit by knowingly and willfully engaging in any of the following acts:

- Making or causing to be made any materially false statement, in writing, relating to the person's identity as a part of a rental application for a residential tenancy.
- Presenting forged, fictitious, or counterfeit documents to the landlord of the residential dwelling unit. Covered documents include but are not limited to a driver license, an identification card, a bank statement, or a paystub.
- Impersonating another person in whose name a rental application is submitted to a landlord for the purpose of executing the rental agreement or taking possession of the residential unit.

The bill creates a third degree felony offense for fraudulent entry into a residential dwelling unit. The offense is not classified in the Criminal Punishment Code Offense Severity Chart, and thus, defaults to Offense Level 1. In general, an individual committing a third degree felony offense may be imprisoned for up to 5 years,[22] or fined up to $5,000.[23] However, a single third degree nonviolent felony offense that falls in category 1 committed by an individual having no prior record falls within the category of "any nonstate prison sanction"[24] as the presumptive sentence.

The bill adopts definitions of the following terms currently found in s. 83.43, F.S. They are:

- "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.
  - Mobile home rented by a tenant.
  - 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.
- "Landlord" means the owner or lessor of a dwelling unit.
- "Rental agreement" means any written agreement, including amendments or addenda, or oral agreement for a duration of less than 1 year, providing for use and occupancy of premises.

Civil Remedies Related to Fraudulent Entry

CS/CS/SB 1244 amends residential landlord-tenant law in s. 83.56, F.S., to provide that the act of fraudulent entry as defined in the criminal statute created by the bill (see above) may be grounds for civil eviction under the current statutory procedure for noncompliance by a tenant for which the tenant need not be given an opportunity to cure the noncompliance.

The bill takes effect October 1, 2026.

[21] Section 775.089, F.S.
[22] Section 775.082, F.S.
[23] Section 775.083, F.S.
[24] Section 921.0024(2), F.S.

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:

To the extent that the bill discourages the fraudulent entry of residential dwelling units, the bill could reduce financial costs imposed on landlords who must address the practice.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 83.56 of the Florida Statutes.

This bill creates section 817.537 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 Criminal Justice on February 11, 2026:
The amendment adopts the definitions of certain terms currently found in s. 83.43, F.S., revises an element of fraudulent entry to prohibit a person from impersonating another for the purpose of executing a rental agreement, and changes the effective date of the bill from July 1, 2026.

CS by Judiciary on January 27, 2026:
The amendment clarifies the description of the actions that make one criminally liable for fraudulent entry, removes provisions for summary eviction outside of civil eviction process through the courts, and adds that fraudulent entry may warrant civil eviction procedures that currently apply to a tenant who need not be given the opportunity to cure certain acts of noncompliance with a rental agreement.

B. Amendments:

None.

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

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

591-02778-26 20261224c2

A bill to be entitled

An act relating to fraudulent entry of residential dwellings; amending s. 83.56, F.S.; providing that fraudulent entry of a residential dwelling unit is an act of noncompliance for which a landlord may terminate a rental agreement; creating s. 817.537, F.S.; defining terms; creating the crime of fraudulent entry of a residential dwelling unit; prohibiting a person from entering into and taking possession of a residential dwelling unit under specified circumstances; providing a criminal penalty; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 83.56, Florida Statutes, is amended to read:

83.56 Termination of rental agreement.—

(2) If the tenant materially fails to comply with s. 83.52 or material provisions of the rental agreement, other than a failure to pay rent, or reasonable rules or regulations, the landlord may:

(a) If such noncompliance is of a nature that the tenant should not be given an opportunity to cure it or if the noncompliance constitutes a subsequent or continuing noncompliance within 12 months of a written warning by the landlord of a similar violation, deliver a written notice to the tenant specifying the noncompliance and the landlord's intent to terminate the rental agreement by reason thereof. Examples of

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

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noncompliance which are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the landlord's or other tenants' property by intentional act; an act of fraudulent entry of a residential dwelling unit which violates s. 817.537, regardless of whether criminal proceedings have commenced; or a subsequent or continued unreasonable disturbance. In such event, the landlord may terminate the rental agreement, and the tenant shall have 7 days from the date that the notice is delivered to vacate the premises. The notice shall be in substantially the following form:

You are advised that your lease is terminated effective immediately. You shall have 7 days from the delivery of this letter to vacate the premises. This action is taken because ...(cite the noncompliance)....

Section 2. Section 817.537, Florida Statutes, is created to read:

817.537 Fraudulent entry of a residential dwelling unit.—

(1) As used in this section, the terms "dwelling unit," "landlord," and "rental agreement" have the same meanings as provided in s. 83.43.

(2) A person may not enter into and take possession of a residential dwelling unit by knowingly and willfully:

(a) Making or causing to be made any materially false statement, in writing, relating to the person's identity in any rental application for a residential tenancy.

(b) Presenting forged, fictitious, or counterfeit documents

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

to the landlord of a residential dwelling unit, including, but not limited to, a driver license, an identification card, a bank statement, or a paystub.

(c) Impersonating another person in whose name a rental application is submitted to a landlord for the purpose of executing the rental agreement or taking possession of the residential dwelling unit.

(3) A person who violates this section commits the offense of fraudulent entry of a residential dwelling unit, which is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill CS/CS/SB 1224**, relating to Fraudulent Entry of Residential Dwellings, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/2026
Meeting Date

RULES
Committee

1724
Bill Number or Topic

Amendment Barcode (if applicable)

Name KELLY MALLETTE

Phone (850) 224-3427

Address 104 W JEFFERSON ST
Street

Email KELLY@RLBOOKPA.COM

TALLAHASSEE FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
FLORIDA APARTMENT ASSOCIATION

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/24/26
Meeting Date

Rules Committee
Committee

1224
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ethan Perry

Phone 850-224-1400

Address 200 S Monroe St.
Street

Email ethanp@floridarealtors.org

Tallahassee FL 32301
City *State* *Zip*

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Realtors

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1234
INTRODUCER:	Rules Committee; Regulated Industries Committee; and Senator DiCeglie
SUBJECT:	Building Permits and Inspections
DATE:	February 26, 2026 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1234 amends provisions related to the Florida Building Code (Building Code) and local building permit requirements, and requirements for private providers of Building Code, including:

- Providing that building permits for single-family dwellings expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Building Code.
- Prohibiting local governments, except as necessary to maintain compliance with Federal Emergency Management Agency or National Flood Insurance Program regulations, from requiring a building permit for:
  - Work on single-family residential property valued at $7,500 or less, excluding any electrical, plumbing, structural, mechanical, or gas work; and
  - The installation of temporary residential hurricane and flood protection walls or barriers that meet specified standards.
- Prohibiting local governments from requiring a building permit for each lot or parcel upon which a retaining wall is installed for single-family or two-family dwellings.
- Requiring the Florida Building Commission to develop uniform building permit applications for commercial and residential construction projects.
- Providing that local governments may not base building inspection fees on the total cost of a project, and that such fees may not exceed the actual cost of the inspection.
- Adding a deadline of 5 days for local governments to respond to permit applications for work valued less than $15,000.

- Prohibiting homeowners' associations from requiring the issuance of a building permit as a prerequisite for review of construction on a parcel.
- Allowing a manufactured home to be placed on *any* lot in a recreational vehicle park;
- Providing that off-site constructed residential dwellings are to be permitted as of right in any zoning district where single-family detached dwellings are allowed.
- Prohibiting local governments from imposing certain glazing requirements for new commercial or mixed-use construction or restoration projects.

As it relates to private providers of Building Code inspection and plans review services, the bill makes the following changes:

- Requires a local government, rather than optionally allowing it, to establish a registration system for private providers and private provider firms operating in the local government's jurisdiction.
- For commercial construction projects, requires local governments to reduce permit fees by specified percentages to reflect the savings realized when a private provider is hired for inspection and plans review.
- Substantially revises requirements related to private provider services, including:
  - Limitations on local government authority related to supervision, and application reviews when private providers are used.
  - Requirements related to notifications related to applications and corrective actions.
  - Revisions of the calculation of fees charged by local governments when private provider services are used.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum The Florida Building Code (Building Code) that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[1]

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

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

2002.[2] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[3]

Part IV of ch. 553, F.S., is known as the "Florida Building Codes Act" (act). The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[4]

The Florida Building Commission (commission) was created to implement the Building Code. The commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.[5] The commission reviews several International Codes published by the International Code Council,[6] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated. The commission adopts an updated Building Code every three years.[7] Additionally, the commission is required to adopt updates necessary to maintain eligibility for federal funding and discounts under the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development.[8]

Amendments to the Building Code

The commission and local governments may adopt technical and administrative amendments to the Building Code.[9] The commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.[10]

Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.[11] Amendments by local governments expire upon the adoption of the newest edition of the Building Code, and, thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Building Code.[12]

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[2] *Id.*
[3] FLA. DEPT. OF BUS. & PRO. REGUL., *Florida Building Codes*, https://floridabuilding.org/bc/bc_default.aspx (last visited Feb. 4, 2026).
[4] Section 553.72(1), F.S.
[5] Sections 553.73 and 553.74, F.S.
[6] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. INT'L CODE COUNCIL, *Who We Are*, https://www.iccsafe.org/about/who-we-are/ (last visited Feb. 4, 2026).
[7] Section 553.73(7)(a), F.S.
[8] *Id.*
[9] Section 553.73, F.S.
[10] Section 553.73(9), F.S.
[11] Section 553.73(4), F.S.
[12] Section 553.73(4)(e), F.S.

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction for the protection of the public's health, safety, and welfare.[13] Every local government must enforce the Building Code and issue building permits.[14]

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specified activity.[15] It is unlawful for a person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a building permit from the appropriate enforcing agency or from such persons as may, by resolution or regulation, delegated the authority to issue such permit.[16]

Current law requires local governments to post their building permit applications, including a list of all required attachments, drawings, and documents for each application, on their website.[17] The act prescribes the information and format of applications for fire alarm permit applications.[18] The minimum application information and format requirements for other building permits issued by local governments are prescribed by s. 713.135, F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code.[19] The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.[20] Construction work may not be performed beyond a certain point until it passes an inspection.[21] Generally speaking, a permit for construction work that passes the required inspections are considered completed or closed.[22]

Exemptions from Permitting Requirements

A limited set of exemptions from the Building Code are specified in statute and the Building Code. The act specifies the following buildings, structures, and facilities are exempt:[23]

- Installation, replacement, removal, or metering of any load management control device.[24]

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[13] Section 553.72(2), F.S.
[14] Section 553.80(1), F.S. *See also* ss. 125.01(1)(bb) and 125.56(1), F.S.
[15] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 220 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-2-definitions#FLBC2023P1_Ch02_Sec202 (last visited Feb. 4, 2026).
[16] Section 553.79(1), F.S. *See also* s. 125.56(4)(a), F.S.
[17] Section 553.79(1), F.S.
[18] *See* s. 553.7921, F.S.
[19] *See* s. 533.79(2), F.S.
[20] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110.3 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Feb. 4, 2026).
[21] *Id*. at s. 110.6
[22] Section 553.79(16), F.S.
[23] Sections 553.79(1) and (10), F.S.
[24] Section 553.71(4), F.S., defines the term "load management control device" to mean "any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility's system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission."

- Federally regulated buildings and structures.
- Railroads and ancillary facilities.
- Nonresidential farm buildings on farms.
- Temporary buildings or sheds used exclusively for construction purposes.
- Mobile or modular structures used as temporary offices, except for accessibility by persons with disabilities requirements.
- Electric utility structures or facilities directly involved in electricity generation, transmission, or distribution.
- Temporary sets, assemblies, structures, or sound-recording equipment used in commercial motion picture or television production.
- Storage sheds not designed for human habitation with a floor area of 720 square feet or less are exempt from building code wind-borne-debris-impact standards. Such sheds that are 400 square feet or less used in conjunction with one-family and two-family residences are exempt from building code door height and width requirements.
- Chickees constructed by the Miccosukee Tribe or the Seminole Tribe of Florida.
- Family mausoleums less than 250 square feet in area which are prefabricated or preassembled and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- Hunting buildings or structures less than 1,000 square feet and which are repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if they are not rented or leased or used as a principal residence, not located in the 100-year floodplain, and not connected to electric or water supply.
- A drone port.
- Any system or equipment, whether affixed or movable, located on spaceport territory property and used for the activities related to space launch vehicles, payloads, or spacecraft.

The Building Code provides that certain types of work do not require permits, though such exemption "shall not be deemed to grant authorization for any work to be done in any manner in violation of the" Building Code.[25] The Building Code does not require permits for work related to:[26]

- Gas:
  - Portable heating appliance.
  - Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Mechanical:
  - Portable heating appliance.
  - Portable ventilation equipment.
  - Portable cooling unit.
  - Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
  - Replacement of any part that does not alter its approval or make it unsafe.
  - Portable evaporative cooler.

[25] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.2 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105.2 (last visited Feb. 4, 2026).
[26] *Id.*

- Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
- The installation, replacement, removal or metering of any load management control device.

- Plumbing:
  - The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
  - The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

The Building Code allows for "ordinary minor repairs" to be made without a permit, but such repairs may not violate the technical code provisions of the Building Code.[27] Additionally, minor repairs may not include the cutting away of a wall or partition; the removal or cutting of a structural beam or load-bearing support; the removal, change, or rearrangement of parts of a structure affecting egress; the addition to, alteration of, replacement, or relocation of standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety.[28]

Required Information in Building Permit Application

The minimum contents and format of building permit applications for every municipality and county that issues building permits for construction are specified s. 713.135, F.S. The form must include the following information:[29]

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

The section also requires that the information must substantially be in the statutorily prescribed format.[30] A government entity may require additional information to be included in the application.[31]

[27] *Id.* at s. 105.2.2.
[28] *Id.*
[29] Sections 713.135(5) and (7), F.S.
[30] Section 713.135(7), F.S., specifies the format for applications.
[31] Section 713.135(7), F.S.

Building Code Fees

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.[32] Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.[33] Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, enforcement action related to unlicensed contractors, review of building plans, building inspections, reinspections, building permit processing, and fire inspections associated with new construction.[34] Local governments must post all building permit and inspection fee schedules on their websites.[35]

When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code during the previous 4 fiscal years.[36]

Building Permit Application Review

Current law requires local governments to review certain building permit applications within a specific time-period after receiving the applications.[37] When a local government receives an application for a building permit, it must inform the applicant within 5 days of receiving the application, what information, if any, is needed to complete the application.[38] The application is automatically deemed completed and accepted if the local government does not provide written notice within 5 days that an application has not been properly completed.[39] The local government must approve, approve with conditions, or deny the application within the following timeframes:[40]

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

[32] Section 553.80(7)(a), F.S.
[33] *Id.*
[34] Section 553.80(7)(a)1., F.S.
[35] Sections 125.56(4)(c) and 166.222(2), F.S.
[36] Section 553.80(7)(a), F.S.
[37] Section 553.792, F.S.
[38] Section 553.792(1)(c), F.S.
[39] *Id.*
[40] Section 553.792(1)(a), F.S.

- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **12 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794, F.S., to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances.

A local government may set more stringent timeframes by local ordinance.[41] If a local government fails to meet the timeframes above without an agreement for an extension of time, or unless there is a delay caused by the applicant or the delay is attributable to a force majeure, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.[42]

Permit Expiration

Section 105 of the Building Code provides certain activity-related characterizations of building permits, but it does not explicitly define open permits. An application for a building permit is deemed *abandoned* 180 days after the filing of the permit application unless the application has been pursued in good faith, a permit has been issued, or an extension has been granted by the local building department.[43] In addition, a permit becomes *invalid* if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project.[44] A new permit is required if a permit is revoked after work has commenced, becomes *null and void*, or *expires* because of a lack of progress on or abandonment of the project.[45] If a new permit is not obtained within 180 days from the date the permit becomes null and void, the building official may require the removal of all work that has been performed on the project.[46] Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.[47]

[41] Section 553.792(1)(b), F.S.
[42] Section 553.792(1)(e), F.S.
[43] Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 105.3.2 (2023) *available at* https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec105 (last visited Feb. 4, 2026).
[44] *Id.* at s. 105.4.1.
[45] *Id.* at s. 105.4.1.1.
[46] *Id.* at s. 105.4.1.2.
[47] *Id.* at s. 105.4.1.3.

Private Providers

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.[48] "Private provider" means a person licensed as a building code administrator, engineer, or as an architect. Additionally, the term includes licensed building inspectors and plans examiners who perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.[49]

A private provider and their duly authorized representative[50] may approve building plans and perform building code inspections, including single-trade inspections, as long as the plans' approval and building inspections are within the scope of the provider's or representative's license.[51] All private provider services must be subject to a written contract between the private provider, or their firm, and the owner or the owner's contractor.[52] Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.[53]

A local government may establish, for private providers and duly authorized representatives working within the local government's jurisdiction, a system of registration to verify compliance with the license and insurance requirements for private providers.[54]

If an owner or contractor opts to use a private provider for plans review or building inspection services, the local government must calculate the cost savings to its building department for not having to perform such services and reduce the building permit fees accordingly.[55] The reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a building department assesses the cost for its plans review or inspection services.[56] Additionally, a local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee for the clerical and supervisory assistance required.[57]

A local government that provides access to permitting and inspection documents and reports using software that protects exempt documents from disclosure must provide equal access to private providers, owners, and contractors if a private provider is retained.[58]

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[48] Ch. 2002-293, Laws of Fla.
[49] Section 553.791(1)(n), F.S.
[50] Section 553.791(1)(f), F.S., defines the term "duly authorized representative" to mean an agent of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building code administrator, inspector, or plans examiner.
[51] Section 553.791(3), F.S.
[52] Section 553.791(2)(a), F.S.
[53] Section 553.791(22), F.S.
[54] Section 553.791(17)(b), F.S.
[55] Section 553.791(2)(b), F.S.
[56] Section 553.791(2)(b), F.S.
[57] Section 553.791(2)(b), F.S.
[58] Section 553.791(2)(c), F.S.

An owner or contractor must notify the local government that a private provider has been contracted to perform building code inspection services, in writing on a form specifying the services to be provided, contact and licensure information, qualification statements or resumes, and an acknowledgement form from the owner or contractor. Such notice must be provided at the time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.[59] After construction has commenced, and if the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the owner or contractor may elect to use a private provider to perform inspection services by notifying the local building official by 2 p.m., two days before the next scheduled inspection.[60]

A private provider performing required inspections must inspect each phase of construction as required by the applicable codes, and such inspection may be performed in person or virtually. A duly authorized representative of the private provider may perform the inspections, but the representative must be an employee of the private provider and entitled to receive reemployment assistance benefits under ch. 443, F.S, relating to reemployment assistance.[61]

Private providers are required to notify a building department of the approximate date and time of the inspection.[62] However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.[63] Local building officials may not prohibit private providers from performing inspections outside of the local building official's normal operating hours. The local building official is allowed to visit a building site as often as necessary to verify a private provider's performance of required inspections.[64]

For plans review, a private provider must review the plans to determine compliance with the applicable codes and prepare an affidavit certifying, under oath, that the plans are in compliance and the private provider is duly authorized to perform plans review.[65] The affidavit may bear a written or electronic signature and be submitted electronically.[66] For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.[67]

Upon completion of the required inspections, a private provider is required to record the inspections on a form acceptable to the local building official which bears the provider's or their duly authorized representative's signature. The private provider must post and provide the inspection, indicating pass or fail to the local building official within 2 business days. The private provider may waive the requirements if the record is posted electronically or at the project site and all inspection records are submitted with the certificate of compliance. Unless the

[59] Section 553.791(4), F.S.
[60] Section 553.791(5), F.S.
[61] Section 553.791(8), F.S.
[62] Section 553.791(9), F.S.
[63] Section 553.791(11), F.S.
[64] Section 553.791(9), F.S.
[65] Section 553.791(6), F.S.
[66] Section 553.791(6), F.S.
[67] Section 553.791(6), F.S.

inspection records are posted electronically, the inspection records must be maintained at the building site and made available for review by the local building official.[68]

The private provider must also prepare a certificate of compliance on a form acceptable to the local building official upon completion of the required inspections which summarizes the inspections and represents that the inspections were performed and the construction complies with the approved plans and codes.[69]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days, or 5 days if the permit application is related to single-trade plans review for a single-family or two-family dwelling, to issue the permit or provide written notice of the plan features that do not comply with the codes.[70] If the local building official does not provide written notice of plan deficiencies within the prescribed time period, the permit application must be deemed approved and the permit must be issued on the next business day.[71] If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.[72]

Deficiency notices must be posted by the private provider, their duly authorized representative, or the building department. Local governments may not charge reinspection or reaudit fees resulting from the local government audit that occurs before a private provider performs their inspection, or for any other administrative matter involving the detection of building code or permit requirement violations.[73] The law further specifies the process for a private provider to submit revisions to correct the deficiencies and also allows the permit applicant to dispute the deficiencies.[74]

Upon receipt of a request for a certificate of occupancy or certificate of completion and approval of all governmental approvals required by law, a building official has 10 business days, or 2 business days if the permit application is related to single-family or two-family dwellings, to issue the certificate of occupancy or certificate of completion or provide notice to the applicant identifying the specific deficiencies. If the local building official does not provide notice of the deficiencies within the required time period, the request is automatically granted the next business day, and the local building official must provide the written certificate of occupancy or certificate of completion within 10 days thereafter. Applicants are authorized to dispute any identified deficiencies or submit a corrected request.[75]

Local building officials are authorized to deny permits or requests for certificates of occupancy or certificates of completion if they determine the construction or plans do not comply with applicable codes, subject to conditions to work with the private provider to resolve the dispute.[76]

[68] Section 553.791(12), F.S.
[69] Section 553.791 (13), F.S.
[70] Section 553.791(7)(a), F.S.
[71] Section 553.791(7)(a), F.S.
[72] Section 553.791(7)(b), F.S.
[73] Section 553.791(9), F.S.
[74] Section 553.791, F.S.
[75] Section 553.791(14), F.S.
[76] Section 553.791(15), F.S.

Section 553.791, F.S., does not limit the authority of local building officials to issue stop-work orders for any building project or portion thereof, if the official determines that a condition onsite constitutes an immediate threat to public safety and welfare.[77]

A building department may audit private provider inspection services within its jurisdiction only after creating standard operating private provider audit procedures for internal staff. The same private provider or firm may not be audited more than four times per year unless the local building official determines the condition of a building is an immediate threat to public safety and welfare. Work may not be delayed for an audit by a building department.[78]

All notices provided for under the law related to the regulation of private providers may be transmitted electronically and have the same legal effect as if physically posted or mailed.[79]

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.[80] The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.[81] Participation in the NFIP by a community is voluntary.[82] To join, a community must complete an application, adopt a resolution of intent to participate and cooperate with the FEMA, and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.[83]

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.[84] An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).[85] 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[86] and at least a 26 percent chance of flooding over the course of a 30-year mortgage.[87] 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.[88]

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[77] Section 553.791(17), F.S.
[78] Section 553.791(20), F.S.
[79] Section 553.791(1)(h), F.S.
[80] The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). *See also* FEMA, *Laws and Regulations*, https://www.fema.gov/flood-insurance/rules-legislation/laws (last visited Feb. 4, 2026).
[81] *See* FEMA, *Flood Insurance*, https://www.fema.gov/flood-insurance (last visited Feb. 6, 2026).
[82] FEMA, *Participation in the NFIP*, https://www.fema.gov/about/glossary/participation-nfip (last visited Feb. 4, 2026).
[83] *Id.*
[84] *See* Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Feb. 4, 2026).
[85] *Id.*
[86] *Id.*
[87] FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, *available at* https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Feb. 6, 2026).
[88] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 15, 2026). Flood insurance lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae and Freddie Mac,

Community Floodplain Management

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

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);[89]
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.[90]

The NFIP regulations for floodplain management generally require permits for all proposed construction or other development in the community "so that it may determine whether such construction or other development is proposed within flood-prone areas."[91] Once a regulatory floodway has been designated, the community must prohibit encroachments, including fill, new construction, substantial improvements, and other development within the floodway unless data demonstrates that the encroachment would not result in flood levels in the community during a base flood discharge.[92] Once coastal high hazard areas or flood protection restoration areas have been identified, the community must ensure that all new construction in certain zones is landward of the mean high tide.[93]

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.[94] Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.[95] Premium discounts range from 5 percent to 45 percent based on a community's CRS credit points.[96] 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.[97] To receive credit, the activities must meet the criteria specified for each project.[98] A prerequisite for participation in the CRS is that communities obtain, review, correct, and

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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.

[89] The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), https://www.fema.gov/about/glossary/base-flood-elevation-bfe (last visited Jan. 15, 2026).

[90] Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), *available at* https://crsreports.congress.gov/product/pdf/R/R44593 (last visited Jan. 15, 2026).

[91] *See* 44 C.F.R. s. 60.3(a).

[92] 44 C.F.S. s. 60.3(d)(3).

[93] 44 C.F.R. s. 60.3(e)(3) and (f)(1).

[94] FEMA, *Community Rating System*, https://www.fema.gov/floodplain-management/community-rating-system (last visited Jan. 15, 2026).

[95] *Id.*

[96] *Id.*

[97] Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, *available* at https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf (last visited Jan. 15, 2026).

[98] *See* FEMA, *Coordinator's Manual* (2025), *available at* https://www.fema.gov/sites/default/files/documents/fema_crs_coordinators-manual_082025.pdf (last visited Jan. 15, 2025).

maintain all floodplain-related construction certifications, make them available to the public, and have written procedures for such processes.[99]

Homeowners' Associations and Architectural Control Covenants

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. A "homeowners' association" is defined as a:[100]

> Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

The governing documents of a homeowners' association are the recorded declaration of covenants and the articles of incorporation and association bylaws.[101] If the declaration of covenants allows, a homeowners' association or its architectural, construction improvement, or other similar committee may require review and approval of plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel before a parcel owner makes such improvement or enforce standards for the external appearance of any structure or improvement located on a parcel.[102]

Section 720.3035(6), F.S., requires homeowners' associations, or any architectural, construction improvement, or similar committee (committee) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association.

The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board. All specifications adopted by the homeowners' association must comply with the applicable building code. [103]

Regardless of any other provision in association governing documents, the homeowners' associations and committees may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the homeowners' association or committee. The homeowners' association or committee may require parcel owners to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.[104]

The term "hurricane protection" is defined to include, but not be limited to, roof systems recognized by the Building Code that meet ASCE 7-22 standards, which are standards adopted by the American Society of Civil Engineers, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage

[99] *Id.*at 300-3.
[100] Section 720.301(9), F.S.
[101] Section 720.301(8), F.S.
[102] Section 720.3035(1), F.S.
[103] Section 720.3035(6)(a), F.S.
[104] Section 720.3035(6)(b), F.S.

doors, erosion controls, exterior fixed generators, fuel storage tanks and other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the homeowners' association.[105]

Placement of Manufactured Housing

Section. 553.382, F.S., allows any residential manufactured building[106] certified under ch. 553, F.S., by the Florida Department of Business and Professional Regulation to be placed on a mobile home lot located in a mobile home park, recreational vehicle park, mobile home condominium, mobile home cooperative, or mobile home subdivision, notwithstanding any contrary local law or ordinance. Once placed on such a lot, the unit is treated as a mobile home for purposes of ch. 723, F.S., meaning all rights, obligations, and duties under the Mobile Home Park Tenancy Law, including prospectus requirements and resident protections, apply. Placement of a residential manufactured building requires the prior written approval of the park owner.

III. Effect of Proposed Changes:

Florida Building Code and Building Permits

Section 1 amends s. 125.56(4)(d), F.S., to provide that building permits issued by a county for single-family dwellings expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Florida Building Code (Building Code). The bill provides that s. 125.56(4)(d), F.S., does not prevent local governments from extending a building permit beyond the expiration date.

Section 2 makes a conforming change to s. 489.129, F.S., to reflect the exemption of certain projects from the requirements to obtain building permits.

Section 3 amends s. 553.382, F.S., to provide that a manufactured home may not be denied a building permit for placement on *any lot* in a recreational vehicle park, rather than only on a mobile home lot in a recreational vehicle park.

Section 4 creates s. 553.385, F.S., to provide that an off-site constructed residential dwelling[107] must be permitted as of right in any zoning district where single-family detached dwellings are allowed. Local governments may not adopt or enforce zoning, land use, or development regulations which treat off-site constructed residential dwellings differently or more restrictively than a single-family site-built dwelling allowed in the same district. A local government may

[105] Section 720.3035(6)(c), F.S.
[106] "Manufactured building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. See s. 553.36(13), F.S.
[107] "Offsite-constructed residential dwelling" means a manufactured building as defined in s. 553.36(13), F.S., which is intended for single-family residential use, or a manufactured home as defined in s. 320.01(2)(b), F.S., which is constructed in whole or in part offsite and is treated as real property.

adopt compatibility standards limited to roof pitch, square footage, type and quality of exterior, foundation enclosure, existence and type of attached structures, setbacks, dimensions, and orientation.

Section 5 amends s. 553.77, F.S., to require the commission to, by July 1, 2027, adopt by rule a uniform commercial building permit application to be used statewide for commercial construction projects and uniform residential building permit application to be used statewide for residential construction projects. To the extent feasible, the uniform building permit applications must be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Building Code.

Section 6 revises s. 553.79, F.S., to provide that building permits for single-family dwellings issued by a local government expire one year after the latter of the issuance of the permit or the effective date of the next edition of the Building Code. The provision does not prevent local governments from extending a building permit beyond the expiration date.

Under the bill, inspection fees are prohibited from being based on the total cost of the project and from exceeding the actual inspection costs incurred by the local enforcement agency.

The bill creates s. 553.79(11)(g), F.S., to prohibit local governments from requiring the owner of a single-family dwelling, or the owner's contractor, to obtain permits for work valued at less than $7,500 on the owner's property. A construction project may not be divided into more than one project for the purpose of evading the requirements of this section. Local governments may require permits for electrical, plumbing, structural, mechanical, or gas work.

If any work is performed under this exemption to the permit requirement by a person other than the property owner, the person performing the work must file a notice of permit exemption with the local enforcement agency that includes the name and license number of the person or entity hired, the scope of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with the exemption. Such notice must be filed within 30 days after the date the work begins. The notice is not required for work performed personally by the property owner. The bill provides that a local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant under this exemption to permit requirements.

The bill creates s. 553.79(11)(h), F.S., to provide that except to the extent strictly necessary to maintain compliance with the National Flood Insurance Program, local governments may not require an owner on a single-family or two-family dwelling, or the owner's contractor, to obtain a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet specified conditions. To qualify, the wall or barrier must be nonhabitable and nonload-bearing; be installed on residential property of single-family or two-family dwellings or townhouses; be constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property; be installed by a licensed contractor; comply with local zoning, drainage, easement, and setback requirements; and comply with ANSI/FM 2510 or be designed and certified by a professional engineer. The commission is authorized to adopt rules to incorporate standards to implement the exemption. Additionally, a local

government has no legal obligation to the owner, the contractor, or their successors or assigns for work performed pursuant to this provision.

The bill creates s. 553.79(11)(i), F.S., to prohibit local governments from requiring a building permit for each lot upon which a retaining wall is installed on the property of a single-family or two-family dwelling or a townhouse.

The bill clarifies that s. 553.79(11), F.S., may not be construed to limit a local government's authority to maintain compliance with the regulations of the Federal Emergency Management Agency or the National Flood Insurance Program, regardless of the value of work.

The bill also amends s. 553.79(24)(a), to prohibit a political subdivision from adopting or enforcing an ordinance or imposing a building permit or development order that imposes a glazing requirement of more than 15 percent of the surface area of the primary façade of the first 10 feet above the ground floor on a proposed new commercial, or mixed-use construction or restoration project, except for individually listed contributing structures in a National Register of Historic Places district. The bill prohibits a glazing requirement for any façade other than the primary façade, which is defined as the single building side with the primary entrance. The bill defines glazing as the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts and includes the addition of actual or faux windows to a building façade.

Section 8 amends provisions in s. 553.792, F.S., related to the local government building permit application process.

The bill adds a deadline for a local government to approve, approve with conditions, or deny a building permit application applicable to applications for permits for existing single-family residential dwellings, if the work is valued less than $15,000. Under the bill, when such applications are submitted for structural, accessory structure, alarm, electrical, gas, irrigation, landscaping, mechanical, plumbing, or roofing work, the local government must respond within 5 days of the application.

Section 9 amends s. 720.3035, F.S., to prohibit homeowners' associations or their architectural, construction improvement, or other similar committees from requiring issuance of a building permit as a prerequisite for review by the association or committee concerning construction of structures or improvements on a parcel.

Private Providers

Section 7 substantially amends s. 553.791, F.S., related to the requirements for private providers to:

- Amend the definitions of "deliver" and "delivery" to specifically include email or submission through an electronic fill-in form or through submission management software.
- Amend the definition of "electronic transmission" or "submitted electronically" to provide that documents and applications may be transmitted electronically and have the same legal effect as physical documents.

- Create a definition for "registration" as the roster of authorized private provider firms held by each local enforcement agency.
- Require the written authorization from the owner or contractor to use a private provider be explicit and allow a property owner to choose to use a private provider at any time, inclusive of plans review. The bill requires the explicit written authorization be provided to be local official. Officials are prohibited from requesting a contract as part of the permit application or as a condition for issuing a permit.
- Require permit fees charged by local jurisdictions to reflect the actual cost incurred when an owner retains a private provider for building inspection services.
- Prohibit officials from charging punitive administrative fees or any fees for building inspections or site review, when an owner uses a private provider.
- Require access to permitting and inspection documents be provided promptly when a private provider is used and such access is provided by software that protects documents from disclosure.
- Specify that permit fees for commercial construction projects must be reduced by at least 25 percent when a private provider is used for plans review or building inspection services and by at least 50 percent when a private provider is used for all plans review and building inspection services.
- Limit the information that a local government can request from a private provider to that which it collects at registration, other than explicit written notice from the owner or owner's contractor that a private provider has been contracted.
- Require local governments to establish a system of registration for private providers and prohibits local governments from charging administrative fees for registration or updating registration.
- Prohibit local governments from altering the model form adopted by the Florida Building Commission and removes the requirement that the form include "qualification statements or resumes" of private providers.
- Remove the requirement that a private provider may only be used after construction has commenced if the local building official is unable to provide inspection services in a timely manner or the inspection is related to a single-trade inspect for a single-family or two-family dwelling and removes the time limit by which the owner or owner's contractor must provide notice.
- Require local enforcement agencies to accept electronically submitted affidavits form private providers attesting that they reviews plans and the plans complied with the applicable codes.
- Forbid the review by a local building official of plans, construction drawings, or any other related documents that have been determined by a private provider to be compliant with the applicable codes, except to the extent necessary to determine compliance with local ordinances, floodplain management regulations, site review requirements, and any other administrative or life safety review unrelated to building code compliance. The local building official may review other forms and documents only for completeness and must notify an applicant of any incomplete forms or documents not later than 10 days after receipt of a permit application with the private provider affidavit; or 5 business days if the permit application is for a single-trade plan review for a single-family or two-family dwelling. The bill maintains current law that if the first notice is not provided within the applicable timeframe, the permit is deemed approved, but provides that the same applies for the second

notice. The bill replaces references to "plan deficiencies" to instead refer to incomplete forms or documents.

- Remove the requirement that private providers performing required inspections give notice to the local building official.
- Remove the authorization for a local building official to visit a building site as often as necessary to verify inspections.
- Provide that a local building official is not responsible for the regulatory administration or supervision of inspection services performed by a private provider. A local enforcement agency is prohibited from requiring additional verification of licensure or insurance beyond what is required at the time of registration.
- Require private providers to record inspections and certificates of compliance on a form provided by the Commission within a certain time period and specifies that local building officials may not fail inspections as long as they are transmitted within four days. The bill authorizes a provider's firm to prepare a certificate of compliance and any qualified licensed individual employed full time by the firm under whose authority the inspection was completed to sign the certificate.
- Provide that officials may only perform inspections of construction that a private provider has deemed compliant when they have "actual knowledge" that the private provider did not perform the inspections. If they have such knowledge, officials must provide written notice to the private provider of the facts and circumstances upon which the official relied for such knowledge before the inspection. Officials are authorized to only review forms and documents for completeness.
- Prohibit a local government from prohibiting or limiting the use of virtual inspections by private providers and from prohibiting or discouraging the use of private providers.
- Require local governments to give private providers notice of audits at least five business days before an audit.
- Authorize a county, municipality, school district, or independent special district to use a private provider firm or employ a licensed building inspector or person with the same licensure or certification as a private provider for public works inspection services.

Section 10 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The Revenue Estimating Conference has not yet reviewed SB 1234 and the bill is likely to have a negative fiscal impact due to revisions related to the calculation of fees that local governments may charge when property owners use private providers and exemptions of certain projects from building permit requirements. If SB 1234 reduces the authority of counties and municipalities to raise revenue in an amount that exceeds the threshold for an insignificant impact, the mandates provision of section 18 of Article VII of the Florida Constitution may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Because of the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements, those going through the building permitting process may enjoy cost savings.

C. Government Sector Impact:

Local governments may receive reduced revenues from building permit fees due to the revisions related to the calculation of fees that local governments may charge when property owners use private providers and the exemption of certain projects from building permit requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statute: 125.56, 489.129, 553.77, 553.79, 553.791, 553.792, and 720.3035.

This bill creates section 553.385 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on February 24, 2026:

The committee substitute:

- Makes a minor revision to the provision governing the expiration of building permits for single-family dwellings.
- Adds a new bill section providing that a manufactured home may be placed on any lot in a recreational vehicle park, rather than only on a mobile home lot in a recreational vehicle park.
- Adds a new bill section providing that an off-site constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed.
- Places the directive for the Florida Building Commission to develop a uniform building permit application in alternative section of Florida Statutes (s. 553.77, F.S.) and specifies that there be a separate uniform application for both commercial and residential construction projects.
- Creates an exception to the prohibition on permitting temporary residential hurricane or flood protection walls or barriers, allowing a local government to require a permit when necessary to ensure compliance with National Flood Insurance Program (NFIP) requirements.
- Revises the retaining wall provision to directly prohibit local governments from requiring a separate permit for each parcel on which a retaining wall is constructed, rather than directing the Florida Building Commission to amend the Building Code to impose that prohibition.
- Clarifies that s. 553.79(1), F.S., regarding the prohibition on permits for certain construction work, does not limit a local government's authority to ensure compliance with National Flood Insurance Program requirements.
- Adds a new bill section prohibiting a political subdivision from adopting or enforcing an ordinance, or imposing a building permit or development order, that requires glazing on more than 15 percent of the surface area of the primary façade within the first 10 feet above the ground floor of a new commercial or mixed-use construction or restoration project.
- Adds gas work to the types of work for which a local government must respond within five days to a permit application for an existing single-family dwelling, provided the work is valued at less than $15,000.
- Removes the bill provision allowing building permits for construction or renovation of single-family dwellings to be deemed approved if the property is located in an area subject to a state of emergency within the past 24 months.

- As it relates to private providers, the amendment:
- Revises when a local building official may inspect construction that a private provider has determined compliant with applicable codes.
- Requires local enforcement agencies, for commercial projects, to reduce permit fees by at least 25% of the portion attributable to plans review or building inspection when

a private provider is used, and by at least 50% if the private provider performs all required plans review or inspection services.
- Removes the requirement for DBPR to establish a private provider registration system. Instead, modifies current law to require local enforcement agencies, rather than authorize them, to establish a registration system for private providers.
- Authorizes a local building official to review plans deemed code-compliant by a private provider solely to verify compliance with local ordinances, floodplain management regulations, site requirements, and other administrative or life-safety provisions unrelated to the Florida Building Code.
- Requires building officials to notify permit applicants of incomplete forms within five business days for single-trade plans review for single-family and two-family dwellings.
- Restores current law prohibiting local building officials from restricting private providers from performing inspections outside the official's normal operating hours.
- Revises who must sign the certificate of compliance summarizing inspections performed by a private provider.

CS by Regulated Industries on February 10, 2026:
The committee substitute:
- Amends ss. 125.56(4)(d) and 553.79, F.S., to provide that permits for single-family one year (instead of 180 days) after the latter of the issuance of the permit or the effective date of the next edition of the Florida Building Code (Building Code), and that local governments may extend a building permit beyond one year.
- Amends s. 553.73(7)(h), F.S., to limit the permitting exemption in this paragraph to temporary hurricane and flood protection walls and barriers, and to provide a local government has no legal obligation to the owner, the contractor, or their successors or assigns for work performed pursuant to exemption in this paragraph.
- Amends s. 553.79(11)(g), F.S., to:
  - Provide that a construction project may not be divided into more than one project for the purpose of evading the requirements of this section, and to provide that local governments may require permits for electrical, plumbing, structural, mechanical, or gas work, delete from the bill the provision allowing local governments to requiring a permit for any electrical, plumbing, or structural work, not including the repair or replacement of exterior doors or windows;
  - Provide written notice requirements for work performed under the permitting exemption in this paragraph by a person other than the property owner; and
  - Provide that a local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant under this exemption to permit requirements.
- Revises s. 553.791, F.S., to:
  - Delete from the bill a definition for the term "system of registration;"
  - Provide that a certificate of compliance must be signed by the private provider and any duly authorized representative who physically performed the inspection, if applicable, instead of signed by any qualified individual employed by the private provider under whose authority an inspection was completed;

- Repeal the requirement for local enforcement agencies, local building officials, or local governments, as applicable, to provide a registration system for private providers;
- Require the Department of Business and Professional Regulation to maintain a statewide registry of licensed persons and business organizations qualified to act as a private provider, which local enforcement agencies must utilize to verify the licensure and professional liability insurance of a private provider.
- Provide that a private provider's registration in the department's registry shall be deemed sufficient to satisfy any local registration requirements, and that local enforcement agencies may not require a private provider to submit a separate local registration or pay a registration fee for any project in a jurisdiction if the provider is currently active in the statewide registry; and
- Provide that a county, a municipality, or an independent special district may employ a licensed building inspector or a person who has the same licensure or certification as a private provider, to provide building code inspection services.

- Amends s. 553.792, F.S., to provide that the uniform building permit applications adopted by the commission must, to the extent feasible, be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Building Code.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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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) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a

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written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the Florida Building Code, whichever is later; however, this paragraph does not prevent a local government from extending the building permit beyond the expiration date.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless

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otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Section 553.382, Florida Statutes, is amended to read:

553.382 Placement of certain housing.—Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured building that is certified under this chapter by the department may not be denied a building permit for placement ~~be placed~~ on a mobile home lot in a mobile home park, on any lot in a recreational vehicle park, or in a mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit located on a

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mobile home lot and subject to this section must ~~shall~~ be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116.

Section 4. Section 553.385, Florida Statutes, is created to read:

553.385 Permitting and zoning of offsite-constructed residential dwellings; parity.—

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

(a) "Local government" means a county or municipality.

(b) "Offsite-constructed residential dwelling" means a manufactured building as defined in s. 553.36(13) which is intended for single-family residential use, or a manufactured home as defined in s. 320.01(2)(b) which is constructed in whole or in part offsite and is treated as real property.

(2)(a) An offsite-constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed.

(b) A local government may not adopt or enforce any zoning, land use, or development regulation that treats an offsite-constructed residential dwelling differently or more restrictively than a single-family site-built dwelling allowed in the same district.

(c) This section does not prohibit a local government from applying generally applicable architectural, aesthetic, design, setback, height, or bulk standards to offsite-constructed residential dwellings, provided such standards apply equally to site-built single-family dwellings permitted in the same district. A local government may adopt compatibility standards that are limited to the following architectural features:

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1. Roof pitch.

2. Square footage of livable space.

3. Type and quality of exterior finishing materials.

4. Foundation enclosure.

5. Existence and type of attached structures.

6. Building setbacks, lot dimensions, and the orientation of the home on the lot.

(d) A local government may not treat offsite-constructed residential dwellings differently than factory-built buildings subject to s. 553.38 based on the method or location of construction.

(3) A local government may not adopt or enforce any zoning, land use, or development ordinance or regulation that conflicts with this section or s. 553.38, or that imposes different or more restrictive treatment on an offsite-constructed residential dwelling based on its method of construction or the presence of components built off site. Local government ordinances or regulations may not have the effect of excluding offsite-constructed residential dwellings and must be reasonable and uniformly enforced without any distinction as to the type of housing. Any such ordinance or regulation is void and unenforceable as applied to offsite-constructed residential dwellings.

Section 5. Present paragraphs (b) through (m) of subsection (1) of section 553.77, Florida Statutes, are redesignated as paragraphs (c) through (n), respectively, a new paragraph (b) is added to that subsection, and present paragraph (c) of that subsection is amended, to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

(b) By July 1, 2027, adopt by rule a uniform commercial building permit application to be used statewide for commercial construction projects and a uniform residential building permit application to be used statewide for residential construction projects. To the extent feasible, the uniform building permit applications adopted by the commission must be capable of integration with existing building permit software systems utilized by local governments and must account for local amendments to the Florida Building Code.

(d) ~~(c)~~ Upon written application by any substantially affected person or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to new technologies, techniques, and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code. This paragraph does not apply to the types of products, materials, devices, or methods of construction required to be approved under paragraph (g) ~~(f)~~.

Section 6. Paragraphs (a), (b), (c), and (f) of subsection (1) and paragraph (a) of subsection (24) of section 553.79, Florida Statutes, are amended, and paragraphs (g) through (j) are added to subsection (1) of that section, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it is ~~shall be~~ unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate

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enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, ~~the provisions of~~ the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and is ~~shall~~ not ~~be~~ subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of

building permit application, as adopted by the commission, including a list of all required attachments, drawings, or other requirements for each type of application, on its website. A local enforcement agency must post and update the status of every received application on its website until the issuance of the building permit. A local enforcement agency shall allow applicants to submit completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~must be able to be submitted~~ electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. A building official may accept completed applications, including payments, attachments, drawings, or other requirements or parts of the ~~completed~~ permit application, ~~may also be submitted~~ in person in a nonelectronic format~~, at the discretion of the building official~~.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or on the effective date of the next edition of the

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Florida Building Code, whichever is later; however, this paragraph does not prevent a local government from extending the building permit beyond the expiration date.

(f) A local government may not require a contract between a builder and an owner, any copies of such contract, or any associated document, including, but not limited to, letters of intent, material costs lists, labor costs, or overhead or profit statements, for the issuance of a building permit or as a requirement for the submission of a building permit application. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than $7,500 on the owner's property. However, a local government may require a building permit for any electrical, plumbing, structural, mechanical, or gas work performed on a lot containing a single-family dwelling, regardless of the value of the work. A construction project may not be divided into more than one project for the purpose of evading the requirements of this section.

2. For any work performed by a person other than the property owner under the exemption in subparagraph 1., the person performing the work shall file a notice of permit exemption with the local enforcement agency which includes the name and license number of the person or entity hired to perform the work, the scope of the work performed, the property address at which the work was performed, and the value of such work as

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proof that such work complies with subparagraph 1. A notice of permit exemption must be filed within 30 days after the date the work begins. A notice is not required for work performed personally by the property owner. A local government has no legal duty to the owner or contractor, or the owner's or contractor's successors or assigns, for work performed under this paragraph.

(h)1. Except to the extent strictly necessary to maintain compliance with the National Flood Insurance Program for participating communities, a local government that issues building permits may not require an owner of a single-family or two-family dwelling, or the owner's contractor, to obtain a building permit for the installation of temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and nonload-bearing and is not more than 48 inches in height.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier does not render a code-compliant building noncompliant with codes required at the time of original construction.

d. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

e. The wall or barrier is installed by a contractor licensed under part I of chapter 489.

f. The wall or barrier complies with applicable local zoning, drainage, easement, and setback requirements.

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g. The wall or barrier complies with ANSI/FM 2510 or is designed and certified by a professional engineer licensed in this state based on site-specific engineering analysis.

2. A local government has no legal duty to the owner, contractor, or their successors or assigns for work performed under this paragraph.

3. The commission may adopt rules pursuant to s. 120.54 to incorporate necessary standards to implement this paragraph.

(i) A local government that issues building permits may not require a building permit for each lot or parcel upon which a retaining wall is installed on the property of a single-family or two-family residential dwelling or a townhouse.

(j) This subsection may not be construed to limit a local government's authority under this chapter to maintain compliance with the regulations of the Federal Emergency Management Agency or the National Flood Insurance Program, regardless of the value of the work.

(24)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et~~.~~ seq.; ~~or~~

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2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety; or

3. Imposes a glazing requirement that results in the glazing of more than 15 percent of the surface area of the primary facade for the first 10 feet above the ground floor for a proposed new commercial or mixed-use construction or restoration project, except for individually listed contributing structures in a National Register of Historic Places district. Such glazing requirements may not be imposed or enforced on any facade other than the primary facade, and such glazing requirements may not be imposed or enforced on any portion of the primary facade higher than the first 10 feet above the ground floor. For purposes of this subparagraph, the term:

a. "Glazing" means the installation of transparent or translucent materials, including glass or similar substances, in windows, doors, or storefronts. The term includes any actual or faux windows to be installed on a building facade.

b. "Primary facade" means the single building side housing the primary entrance to the building.

Section 7. Section 553.791, Florida Statutes, is amended to

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read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

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(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or submission through an electronic fill-in form available on the building department's website or through a third-party submission management software.

(f) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices, documents, and applications provided for in this section may be transmitted electronically and ~~shall~~ have the same legal effect as if physically posted or mailed.

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant

to subsection (7) ~~(6)~~, the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (7) ~~(6)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer

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of the private provider firm.

(p) "Registration" means the roster of authorized private provider firms held by each local enforcement agency.

(q) ~~(p)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (15) ~~(13)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(r) ~~(q)~~ "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(s) ~~(r)~~ "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

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(t) ~~(s)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon explicit written authorization from the fee owner, may choose at any time to use a private provider to provide plans review or building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services are ~~shall be~~ the subject of a ~~written~~ contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon explicit written authorization of the fee owner and a copy of such explicit written authorization being submitted to the local building official. The local enforcement agency may not require the contract to be provided as part of the permit application or as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building

inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge fees for plans review or building inspections if the fee owner or the fee owner's contractor hires a private provider to perform such services. The local enforcement agency may not charge punitive administrative fees when a fee owner has chosen to work with a private provider~~; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, fee owner, and contractor if such access is provided by software that protects exempt records from disclosure. Access to these documents must be promptly provided.

(d) If a fee owner or a fee owner's contractor retains a private provider for purposes of plans review or building inspection services for a commercial construction project, the local enforcement agency must reduce the permit fee by at least 25 percent of the portion of the permit fee attributable to plans review or building inspection services, as applicable. If a fee owner or a fee owner's contractor retains a private provider for all required plans review and building inspection services, the local enforcement agency must reduce the total permit fee by at least 50 percent of the amount otherwise charged for such services. If a local enforcement agency does not reduce such fee by at least the percentages provided in this paragraph, the local enforcement agency forfeits the ability to collect any fees for the commercial construction project. The surcharge required by s. 553.721 must be calculated based on the reduced permit fee. This paragraph does not prohibit a local enforcement agency from reducing its fees in excess of the percentages provided in this paragraph.

(e) A local government or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (5), if a fee owner or the fee owner's contractor uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection

services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A local enforcement agency shall create a registration system for private providers and private provider firms working in the local enforcement agency's jurisdiction. The local enforcement agency shall establish a method to register and update registration information electronically. The local enforcement agency may not charge an administrative fee for registration or updates to a registration. The private provider or private provider firm shall provide its contact information and verify compliance with the licensure requirements of paragraph (1)(n) or paragraph (1)(o), as applicable, and the insurance requirements of subsection (20). The private provider or private provider firm shall register with the local enforcement agency in the jurisdiction in which the provider or firm is working before contracting to provide services in such jurisdiction. The private provider or private provider firm must update its registration within 5 business days after any change to the provider's or firm's contact information, licensure, or insurance coverage.

(5) ~~(4)~~ A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade

inspections, on a form ~~to be~~ adopted by the commission. The local enforcement agency may not alter the form. Such ~~This~~ notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such

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personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor must ~~shall~~, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency may ~~shall~~ not charge a fee for making the change.

(6)~~(5)~~ After construction has commenced ~~and if either the local building official is unable to provide inspection services in a timely manner or the work subject to inspection is related to a single-trade inspection for a single-family or two-family~~

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~~dwelling~~, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services for a single-trade inspection for a single-family or two-family dwelling by notifying the local building official of the owner's or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (5)(a)-(c) ~~(4)(a)-(c)~~.

(7)~~(6)~~ A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official. A local enforcement agency must accept electronically submitted affidavits.

(8)(a) The local building official may not review plans, construction drawings, or any other related documents determined

by a private provider to be compliant with the applicable codes except to the extent necessary to determine compliance with local ordinances, floodplain management regulations, site review requirements, and any other administrative or life safety review unrelated to building code compliance.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application or, if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no later than 5 business days after receipt of a permit application, and an affidavit from the private provider as required in subsection (7). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single-trade plans review for a single-family or two-family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within the prescribed time period, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local

building official on the next business day.

(c) ~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the prescribed time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d) ~~(c)~~ If the permit applicant submits revisions, the local building official has the remainder of the tolled 10-day or 5-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e) ~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice

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~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the notice within the prescribed time period, the permit is deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

(9)~~(8)~~ A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(10)~~(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such~~

~~inspection.~~ The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. ~~The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A deficiency notice must be posted by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or the representative of the private provider before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge reinspection or reaudit fees as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(11) A local enforcement agency is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a fee owner or the fee owner's contractor. A local enforcement agency may not require additional verification of licensure or insurance requirements beyond that which is required at registration.

(12)~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and

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affixes his or her professional seal to the affidavit required under subsection (7) ~~(6)~~, the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(13) ~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official ~~pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(14) ~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear

the written or electronic signature of the private provider or the private provider's duly authorized representative. Such ~~These~~ inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted or transmitted, records of all required and completed inspections must ~~shall~~ be maintained at the building site at all times and made available for review by the local building official. A local building official may not fail any inspection performed by a private provider for not having the inspection records at the job site if the inspection records have been electronically transmitted to the local building official within the 4-business-day requirement. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(15)~~(13)~~ Upon completion of all required inspections, the

private provider <u>firm</u> shall prepare a certificate of compliance, on a form <u>provided by the commission</u> ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. <u>The certificate of compliance may be signed by any qualified licensed individual employed full time by the private provider firm under whose authority the inspection was completed.</u> The statement required of the private provider <u>must</u> ~~shall~~ be substantially in the following form and <u>must</u> ~~shall~~ be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

<u>(16)(a)</u> ~~(14)(a)~~ <u>The local building official may only perform building inspections of construction that a private provider has determined to be compliant with the applicable codes if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of</u>

the facts and circumstances upon which the local building official relied for such knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (17) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(17)~~(15)~~ If the local building official determines that the

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building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official must ~~shall~~ be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter must ~~shall~~ be referred to the local enforcement agency's board of appeals, if one exists, which must ~~shall~~ consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding ~~any provision of~~ this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(18)~~(16)~~ For the purposes of this section, any notice to be provided by the local building official is ~~shall be~~ deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(19)(a)~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

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

(b)~~(c)~~ This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(c) A local enforcement agency may not prohibit or limit private providers from using virtual inspections if a virtual inspection is not prohibited by any applicable code.

(20)~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for

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professional liability covering all services performed as a private provider. Such insurance must ~~shall~~ have minimum policy limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection must ~~shall~~ be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(21) ~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers are ~~shall be~~ subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a

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private provider's performance of building code inspection services must ~~shall~~ be conducted by the applicable professional board.

(22)~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code enforcement agency.

(23)~~(21)~~ The local government, ~~the~~ local building official, and ~~their~~ building code enforcement personnel are ~~shall be~~ immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local enforcement agency, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(24)~~(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as described in s. 468.603 or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 8. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local

government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, gas, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building

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permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program ~~administered by the Department of Commerce~~, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

Section 9. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of

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structures or improvements on the parcel.

Section 10. 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 building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county after a specified timeframe; providing construction; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise provided by law; amending s. 553.382, F.S.; providing that any certified residential manufactured building may not be denied a building permit for placement on specified lots or property associations; creating s. 553.385, F.S.; defining the terms "local government" and "offsite-constructed residential dwelling"; requiring that an offsite-constructed residential dwelling be permitted as of right in any zoning district where certain dwellings are allowed; prohibiting a local government from adopting or enforcing a certain zoning, land use, or development regulation that treats an offsite-constructed residential dwelling differently or more restrictively than certain dwellings in the same district; providing

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construction; authorizing a local government to adopt compatibility standards for specified architectural features; prohibiting a local government from treating offsite-constructed residential dwellings differently than factory-built buildings based on the method or location of construction; prohibiting a local government from adopting or enforcing certain zoning, land use, or development ordinances or regulations; prohibiting local government ordinances or regulations from having the effect of excluding offsite-constructed residential dwellings; requiring that such ordinances or regulations be reasonable and uniformly enforced without distinction as to type of housing; providing that any such ordinance or regulation is void and unenforceable as applied to offsite-constructed residential dwellings; amending s. 553.77, F.S.; requiring the Florida Building Commission to adopt by rule uniform statewide building permit applications for commercial and residential construction projects; requiring that such building permit applications, to the extent feasible, be capable of integration with existing building permit software systems used by local governments and account for local amendments to the Florida Building Code; amending s. 553.79, F.S.; requiring local enforcement agencies to allow building permit applicants to submit certain documents and payments electronically; authorizing building officials to accept such documents and payments in person in a nonelectronic

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format; providing that a building permit issued by a local government for a single-family dwelling expires after a specified timeframe; authorizing a local government to extend such a building permit beyond the specified timeframe; prohibiting inspection fees from being based on the total cost of a project and from exceeding the actual inspection costs incurred by the local enforcement agency; prohibiting a local government that issues building permits from requiring the owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform work that is at valued less than a specified sum; providing exceptions; prohibiting the division of a construction project into more than one project for a specified purpose; requiring certain persons who perform work on a property to file a notice of permit exemption with the local enforcement agency within a specified timeframe; providing that a notice is not required for work performed personally by the property owner; providing that a local government has no legal duty to the owner, contractor, or their successors or assigns for such work performed; prohibiting a local government that issues building permits from requiring an owner of certain dwellings, or the owner's contractor, to obtain a building permit for certain work under certain circumstances; providing that a local government has no legal duty to the owner, contractor, or their successors or assigns for such work performed; authorizing the Florida Building

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Commission to adopt rules; prohibiting a local government that issues building permits from requiring a building permit for each lot or parcel upon which a retaining wall is installed on the property of certain buildings; providing construction; prohibiting a political subdivision from imposing certain requirements for glazing on certain proposed construction or restoration projects; providing an exception; defining the terms "glazing" and "primary facade"; amending s. 553.791, F.S.; revising definitions; defining the term "registration"; revising the authorization of a fee owner or the fee owner's contractor to use a private provider for certain services to include plans review; requiring that the written authorization of a fee owner to a contractor for the use of a private provider be explicit; providing that such explicit written authorization be submitted to the local building official; prohibiting a local enforcement agency from requiring that the explicit written authorization be submitted as part of a permit application or as a condition for issuing a permit; specifying how the permit fee must be calculated; prohibiting a local jurisdiction from charging certain administrative fees or other additional fees; requiring the local jurisdiction to promptly provide equal access to all permitting and inspection documents and reports to the private provider, fee owner, and contractor under certain circumstances; specifying requirements for

reduced permit fees and surcharge calculations; prohibiting local governmental entities and local building officials from requiring additional forms in certain circumstances; providing an exception; requiring local enforcement agencies to create a registration system for private providers and private provider firms working in their jurisdiction; requiring a local enforcement agency to establish a method to register and update registration information electronically; prohibiting local enforcement agencies from charging an administrative fee for registration or updating registration; requiring private providers and private provider firms to include certain information when registering; prohibiting a private provider or a private provider firm from working in the local enforcement agency's jurisdiction until it registers; requiring the private provider or private provider firm to update its registration within a specified timeframe if there is a change in specified information; prohibiting local enforcement agencies from altering a form adopted by the commission; deleting a requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; revising the authorization for a fee owner or the fee owner's contractor to use a private provider to provide inspection services for single-trade inspections for a single-family or two-family dwelling; requiring local

enforcement agencies to accept electronically submitted affidavits; specifying which forms and documents a local building official may not review; providing that a local building official may review certain forms and documents for completeness only; requiring that written notice of incomplete forms be given to an applicant within a specified timeframe; requiring the written notice to state with specificity which forms or documents are incomplete; deleting a requirement that the local building official issue the requested permit or provide a written notice to the permit applicant with specific information within a specified timeframe; revising the circumstances for when any time periods are tolled for any incomplete forms or documents; making technical changes; revising the timeframe in which the local building official has to issue the requested permit or provide a second written notice; providing that certain permits are deemed approved and a local building official is required to issue the permit within a specified timeframe; deleting a requirement of private providers that are performing required inspections to provide notice to the local building official of specified information; deleting a provision authorizing the local building official to visit the building site as often as necessary to verify certain information; prohibiting the local jurisdiction from charging reaudit or reinspection fees under certain circumstances; providing that local enforcement

agencies are not responsible for the administration or supervision of services performed by a private provider; conforming provisions to changes made by the act; prohibiting local building officials from failing certain inspections under certain circumstances; revising the timeframe in which certain records must be provided; authorizing certain persons to sign certificates of compliance; authorizing a local building official to perform certain building inspections under certain circumstances; specifying requirements for local building officials under such circumstances; providing that a local building official may review certain forms and documents for completeness only; deleting a provision authorizing certain governmental entities to establish a system of registration for certain private providers, private provider firms, and duly authorized representatives; providing that certain virtual inspections may not be prohibited or limited; requiring that a private provider or private provider firm subject to an audit be given notice of such audit to be performed within a specified timeframe; prohibiting certain entities from prohibiting or discouraging the use of private providers; revising a provision authorizing a county, a municipality, a school district, or an independent special district to use a private provider or private provider firm, or a licensed building inspector or a person who holds the same licensure or certification as a private provider, to provide certain services;

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amending s. 553.792, F.S.; revising the timeframe in which a local government must approve, approve with conditions, or deny certain work on certain buildings if such work is valued at less than a specified sum; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

By the Committee on Regulated Industries; and Senator DiCeglie

580-02718-26 20261234c1

A bill to be entitled

An act relating to building permits and inspections; amending s. 125.56, F.S.; providing for expiration of certain building permits issued by a county after a specified timeframe; providing construction; amending s. 489.129, F.S.; providing that certain persons are not subject to discipline for performing a job without applicable permits and inspections if otherwise provided by law; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify the Florida Building Code to exempt from building permit requirements the installation of certain walls or barriers; authorizing the commission to adopt rules; providing that a local government has no legal duty to the owner, the contractor, or their successors or assigns for specified work performed; requiring the commission to modify the Florida Building Code to state that a permit is not required for each lot or parcel for installation of certain retaining walls; amending s. 553.79, F.S.; providing for expiration of certain building permits issued by a local government after a specified timeframe; providing construction; providing limits for inspection fees; prohibiting a local government from requiring building permits for certain projects; prohibiting a construction project from being divided into more than one project for a specified purpose; providing an exception; requiring certain persons to file a notice of work with the local enforcement agency; specifying what information

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is to be included in such notice; providing that a local government has no legal duty to the owner, the contractor, or their successors or assigns for specified work performed; amending s. 553.791, F.S.; revising definitions; requiring all permit applications be able to be submitted electronically; requiring certain services to be subject to an agreement, rather than a written contract; providing that such agreement is not required to be submitted as part of a permit application; prohibiting a local building official or local government entity from requesting such agreement or consent form as a condition for issuing a permit; specifying requirements for reduced permit fees; prohibiting a local jurisdiction from charging certain administrative fees or other additional fees; prohibiting local governmental entities and local building officials from requiring additional forms in certain circumstances; providing an exception; prohibiting local governmental entities and local building officials from altering a form adopted by the commission; deleting a requirement that a private provider's qualification statements or resumes be included in a certain notice; deleting time restrictions for electing to use a private provider; requiring that a certain affidavit have the ability to be submitted electronically; specifying which forms and documents a local building official may not review; providing that a local building official may

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

review certain forms and documents for completeness only; requiring that written notice of incomplete forms be given to an applicant within a specified timeframe; requiring the written notice to state with specificity which forms or documents are incomplete; deleting a requirement that the local building official issue the requested permit or provide a written notice to the permit applicant with specific information within a specified timeframe; making technical changes; providing that certain permits are deemed approved and a local building official is required to issue the permit within a specified timeframe; specifying requirements for a private provider's duly authorized representatives; deleting provisions requiring a private provider to provide notice to the local building official to perform inspections; prohibiting the local jurisdiction from charging any fees related to the reinspection or any administrative matter related to the reinspection; providing that local building officials are not responsible for the administration or supervision of services performed by a private provider; providing that the responsibility to verify licensure and insurance requirements for a private provider firm's duly authorized representative is the private provider's management firm; prohibiting a local building official from verifying compliance or storing information relating to such verification; prohibiting local building officials from failing certain

inspections under certain circumstances; revising the timeframe in which certain records must be provided; authorizing certain persons to sign certificates of compliance; authorizing a local building official to perform certain building inspections only if the local building official has actual knowledge that a private provider did not perform a required inspection; specifying requirements for local building officials under such circumstances; providing that a local building official may review certain forms and documents for completeness only; revising the timeframe in which a local building official must provide the applicant with the written certificate of occupancy or certificate of completion after it is automatically granted and issued; authorizing certain entities to establish a registration system; prohibiting a local building official from charging certain administrative fees; conforming a provision to changes made by the act; providing that certain virtual inspections may not be prohibited or limited; requiring the Department of Business and Professional Regulation to maintain a statewide registry of licensed persons and business organizations qualified to act as private providers; requiring a local enforcement agency to use the statewide registry to verify certain information; providing that a private provider's registration in the department's registry is deemed sufficient to satisfy any local registration requirements; prohibiting a local enforcement agency

from requiring a private provider to submit a separate local registration or pay a registration fee for any project in its jurisdiction if the private provider is currently active in the statewide registry; requiring certain notice before an audit; prohibiting certain entities from discouraging the use of private providers; revising a provision authorizing a county, a municipality, a school district, or an independent special district to use a private provider firm or a licensed building inspector, or a person who holds the same licensure or certification as a private provider, to provide certain services; amending s. 553.792, F.S.; requiring the commission to develop a uniform building permit application for mandatory use by local governments; providing a requirement for the application; requiring that such building permit applications, to the extent feasible, be capable of integration with existing building permit software systems used by local governments and account for local amendments to the Florida Building Code; requiring a local government to make certain decisions relating to certain building permits within a specified timeframe; specifying that certain permit applications are deemed approved and must be issued within a certain timeframe; amending s. 720.3035, F.S.; prohibiting an association or certain committees from requiring a building permit as a prerequisite for a certain review; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a county for a single-family dwelling expires 1 year after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later. This paragraph does not prevent a local government from extending the building permit beyond 1 year.

Section 2. Paragraph (o) of subsection (1) of section 489.129, Florida Statutes, is amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate or registration, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed $10,000 per violation, require

continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(o) Proceeding on any job without obtaining applicable local building department permits and inspections, unless otherwise provided by law.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender. A contractor does not commit a violation of this subsection when the contractor relies on a building code interpretation rendered by a building official or person authorized by s. 553.80 to enforce the building code, absent a finding of fraud or deceit in the practice of contracting, or gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property on the part of the building official, in a proceeding under chapter 120.

Section 3. Paragraphs (h) and (i) are added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(h)1. The commission shall modify the Florida Building Code to exempt from building permit requirements the installation of temporary residential hurricane and flood protection walls or barriers that meet all of the following conditions:

a. The wall or barrier is nonhabitable and nonload-bearing.

b. The wall or barrier is installed on the residential property of a single-family or two-family dwelling or townhouse.

c. The wall or barrier is constructed to mitigate or prevent storm surge or floodwaters from entering a structure or property.

d. The wall or barrier is installed by a contractor licensed under part I of chapter 489.

e. The wall or barrier complies with applicable local zoning, drainage, easement, and setback requirements.

2. The commission may adopt rules under s. 120.54 to incorporate necessary standards to implement this paragraph.

3. A local government has no legal duty to the owner, the contractor, or their successors or assigns for work performed pursuant to this paragraph.

(i) The commission shall modify the Florida Building Code to state that building permits for retaining walls installed on the residential property of a single-family or two-family dwelling or a townhouse are not required for each lot or parcel.

Section 4. Paragraphs (a), (c), and (d) of subsection (1) of section 553.79, Florida Statutes, are amended, and paragraph (g) is added to that subsection, to read:

553.79 Permits; applications; issuance; inspections.—

(1)(a) Unless otherwise provided by law, after the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate

enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(c) A local government that issues building permits may

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send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government for a single-family dwelling expires 1 year after the issuance of the permit or the effective date of the next edition of the Florida Building Code, whichever is later. This paragraph does not prevent a local government from extending the building permit beyond 1 year.

(d) A local enforcement agency must allow requests for inspections to be submitted electronically to the local enforcement agency's appropriate building department. Acceptable methods of electronic submission include, but are not limited to, e-mail or fill-in forms ~~form~~ available on the website of the building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official. Inspection fees may not be based on the total cost of a project and may not exceed the actual inspection costs incurred by the local enforcement agency.

(g)1. A local government that issues building permits may not require an owner of a single-family dwelling or the owner's contractor to obtain a building permit to perform any work that is valued at less than $7,500 on the single-family dwelling's lot. A construction project may not be divided into more than one project for the purpose of evading the requirements of this

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section. However, a local government may require a building permit for any electrical, plumbing, structural, mechanical, or gas work performed on a lot containing a single-family dwelling regardless of the value of the work.

2. For any work performed under this exemption by a person other than the property owner, the person performing the work shall file a notice of work with the local enforcement agency that includes the name and license number of the person or entity hired, the scope of the work performed, the property address at which the work was performed, and the value of such work as proof that such work complies with subparagraph 1. The notice is not required for work performed personally by the property owner. A local government has no legal duty to the owner, contractor, or their successors or assigns, for work performed pursuant to this paragraph.

Section 5. Section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

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

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, which is strictly limited to ~~including~~ ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the Florida

Building Code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider. The local building official may perform a site visit in connection with the audit only when the local building official has actual knowledge that the forms and documents submitted by the private provider are incomplete or incorrect, in which case the local building official must provide written notice to the private provider of the specific forms and documents that are incomplete or incorrect before performing a site visit~~, unless expressly authorized by this section~~.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Deliver" or "delivery" means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions such as e-mail or any other form of electronic communication used to transmit information.

(f) "Duly authorized representative" means an agent of the

private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) "Electronic signature" means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) "Electronic transmission" or "submitted electronically" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. ~~All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.~~

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily

injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider, inclusive of site plans by a licensed reviewer, or in the case of a single-trade plans review where a private provider uses an automated or software-based plans review system pursuant to subsection (6), the information reviewed by the automated or software-based plans review system to determine compliance with one or more applicable codes.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All permit applications must be able to be submitted electronically.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 2,500 ~~1,000~~ square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through persons ~~licensees~~ who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application

for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (14) ~~(13)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

All applications must be able to be submitted electronically.

(q) "Single-trade inspection" or "single-trade plans review" means any inspection or plans review focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections or plans reviews of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; solar energy and energy storage installations or alterations; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(r) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(s) "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited

work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon ~~written~~ authorization from the fee owner, may choose at any time to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of an agreement ~~a written contract~~ between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon ~~written~~ authorization of the fee owner. The agreement is not required to be submitted as part of the permit application or as a condition for issuing a permit, and a local building official or local government entity may not request such agreement or consent form as a condition for issuing a permit. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If a fee ~~an~~ owner or the fee owner's contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such

reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The reduced permit fee must be based on the cost incurred by the local jurisdiction, including the labor cost of the personnel providing such services and the clerical and supervisory assistance required to comply with this section. The local jurisdiction may not charge any additional fees for building inspections or plans review if the fee owner or the fee owner's contractor hires a private provider to perform such services, and the local jurisdiction may not charge punitive administrative fees for working with a private provider~~;~~ ~~however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both~~.

(c) If a fee ~~an~~ owner or the fee owner's ~~a~~ contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must immediately provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure.

(d) A local governmental entity or local building official may not require additional forms beyond those required at registration, except for the written notice required under subsection (4), if a fee owner or the fee owner's contractor

uses a private provider.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on the exact ~~a~~ form ~~to be~~ adopted by the commission. Such form may not be altered by any local governmental entity or local building official. This notice must ~~shall~~ include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, ~~qualification statements or resumes,~~ and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance

coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or

certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor must ~~shall~~, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(5) After construction has commenced and if ~~either the local building official is unable to provide inspection services in a timely manner or~~ the work subject to inspection is related to a single-trade inspection for a single-family or two-family dwelling, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so ~~by 2 p.m. local time, 2 business days~~ before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance with one or more

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applicable codes, including, but not limited to, the National Electrical Code and the Florida Building Code. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and must have the ability to ~~may~~ be submitted electronically to the local building official.

(7)(a) The local building official may not review plans, construction drawings, or any other related documents determined by a private provider to be compliant with the applicable codes.

(b) The local building official may review other forms and documents required under this section for completeness only. The local building official must provide written notice to a permit applicant of any incomplete forms or documents required under this section no later than 10 days after receipt of a permit application and an affidavit from the private provider as required in subsection (6). The written notice must state with specificity which forms or documents are incomplete.

~~(7)(a) No more than 20 business days, or if the permit application is related to a single trade plans review for a single family or two family dwelling, no more than 5 business days, after receipt of a permit application and the affidavit~~

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~~from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections.~~ If the local building official does not provide such ~~a~~ written notice ~~of the plan deficiencies~~ within 10 days ~~the prescribed time period~~, the permit ~~application~~ must be deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(c) ~~(b)~~ If the local building official provides a written notice ~~of plan deficiencies~~ to the permit applicant of any incomplete forms or documents required under this section at the time of plan submission within the 10-day ~~prescribed~~ time period, such ~~the~~ time period is tolled pending resolution of the matter. To resolve the issues raised in the notice ~~plan deficiencies~~, the permit applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit revisions to correct the issues ~~deficiencies~~.

(d) ~~(c)~~ If the permit applicant submits revisions, the local building official has the remainder of the tolled 10-day time period plus 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~. Any subsequent review by the local building official is limited to the issues ~~deficiencies~~ cited in the original written notice. If the local

building official does not provide the second written notice within the prescribed time period, the permit must be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(e) ~~(d)~~ If the local building official provides a second written notice ~~of plan deficiencies~~ to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the issues raised in the second notice ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit additional revisions to correct the issues ~~deficiencies~~. For all revisions submitted after the first revision, the local building official has an additional 5 business days ~~after the date of resubmittal~~ to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified forms or documents ~~plan features~~ remain incomplete. If the local building official does not provide the notice within the prescribed time period, the permit is deemed approved as a matter of law, and the local building official must issue the permit on the next business day ~~in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections~~.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection, including a single-trade inspection, may be performed in person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private

provider's duly authorized representative. The duly authorized representative must be supervised by or be an employee of the private provider and be entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(9) ~~A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and time of any such inspection. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections.~~ A deficiency notice must be posted by the private provider or~~,~~ the duly authorized representative of the private provider~~, or the building department~~ whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or his or her representative before being concealed. ~~Reinspection or reaudit fees shall not be charged by~~ The local jurisdiction may not charge any fees related to the reinspection or any administrative matter related to the reinspection.

(10) A local building official is not responsible for the regulatory administration or supervision of building code inspection services performed by a private provider hired by a

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fee owner or the fee owner's contractor. Verification of licensure and insurance requirements for a private provider firm's duly authorized representative is the responsibility of the private provider firm's management, and the local building official may not verify compliance or store information relating to such verification ~~as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement~~.

(11)~~(10)~~ If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(12)~~(11)~~ If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency

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permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services ~~without first notifying the local building official pursuant to subsection (9)~~. A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(13)~~(12)~~ Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form provided by the commission ~~acceptable to the local building official~~. The form must bear the written or electronic signature of the private provider or the private provider's duly authorized representative. These inspection records must ~~shall~~ reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 4 ~~2~~ business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may not fail any inspection that is performed by a private provider for not having the inspection records at the job site if the inspection records are transmitted within 4 business days. The local building official may waive the

requirement to provide a record of each inspection within 4 ~~2~~ business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted or transmitted, records of all required and completed inspections must ~~shall~~ be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(14)~~(13)~~ Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form provided by the commission ~~acceptable to the local building official~~, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The certificate of compliance must be signed by the private provider and any duly authorized representative who physically performed the inspection, if applicable. The statement required of the private provider must ~~shall~~ be substantially in the following form and must ~~shall~~ be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in

conformance with the approved plans and the applicable codes.

(15)(a) ~~(14)(a)~~ The local building official may perform building inspections of construction that a private provider has determined to be compliant with the applicable codes only if the local building official has actual knowledge that the private provider did not perform the required inspections. If the local building official has such knowledge, the local building official must provide to the private provider written notice of the facts and circumstances upon which the local building official relied for such actual knowledge before performing a required inspection. The local building official may review forms and documents required under this section for completeness only. No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide ~~a~~ notice to the applicant of any incomplete forms or documents required under this section ~~identifying the specific deficiencies, as well as the specific code chapters and sections~~.

(b) If the local building official does not provide notice of any incomplete forms or documents ~~the deficiencies~~ within the applicable time periods under paragraph (a), the request for a

certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 2 ~~10~~ days after it is automatically granted and issued. To resolve any identified issues ~~deficiencies~~, the applicant may elect to dispute the issues ~~deficiencies~~ pursuant to subsection (16) ~~(15)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(16) ~~(15)~~ If the local building official determines that any forms or documents required under this section are incomplete ~~the building construction or plans do not comply with the applicable codes~~, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official is ~~shall be~~ available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter must ~~shall~~ be referred to the local enforcement agency's board of appeals, if one exists, which must ~~shall~~ consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building

official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding ~~any provision of~~ this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(17) ~~(16)~~ For the purposes of this section, any notice to be provided by the local building official is ~~shall be~~ deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(18)(a) ~~(17)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and~~,~~ private provider firms~~, and duly authorized representatives~~ working within that jurisdiction, a ~~system of~~ registration system for private providers to verify compliance with the ~~licensure~~ requirements of paragraph (1)(n) and the insurance requirements of subsection (19) ~~(18)~~. The local building official

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may not charge administrative fees for the registration process for a private provider, or for any updates to a private provider registration.

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare, provided such orders are in strict compliance with the deficiency notice provisions of subsection (9).

(d) A local enforcement agency, local building official, or local government may not prohibit or limit the use of virtual inspections by private providers and private provider firms for any type of construction such providers or firms have a license to inspect.

(19) ~~(18)~~ A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance must ~~shall~~ have minimum policy limits of $1 million per occurrence and $2 million in the aggregate for any project with a construction cost of $5 million or less and $2 million per occurrence and $4 million in the aggregate for any project with a construction cost of over $5 million. ~~Nothing in~~ This section does not limit ~~limits~~ the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to

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secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years after ~~subsequent to~~ the performance of building code inspection services. The insurance required under this subsection must ~~shall~~ be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(20)~~(19)~~ When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers are ~~shall be~~ subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of a private provider's performance of building code inspection services must ~~shall~~ be conducted by the applicable professional board.

(21)(a) The department shall maintain a statewide registry of licensed persons and business organizations qualified to act as private providers under this section.

(b) A local enforcement agency shall use the statewide registry to verify the licensure and professional liability insurance of a private provider. A private provider's registration in the department's registry is deemed sufficient to satisfy any local registration requirements.

(c) A local enforcement agency may not require a private provider to submit a separate local registration or pay a registration fee for any project in its jurisdiction if the private provider is currently active in the registry.

(22)~~(20)~~ A local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating ~~private provider audit~~ procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online, and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. The same private provider or private provider firm may not be audited more than four times in a year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. The private provider or private provider firm must be given notice of each audit to be performed at least 5 business days before the audit. Work on a building or structure may proceed after inspection and approval by a private provider. The work may not be delayed for completion of an inspection audit by the local building code

enforcement agency.

(23)~~(21)~~ The local government, the local building official, and their building code enforcement personnel are ~~shall be~~ immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act. The local government, local building official, and building code enforcement personnel may not prohibit or discourage the use of a private provider or a private provider firm.

(24)~~(22)~~ Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider or a private provider firm, or may employ a licensed building inspector as defined in s. 468.603(5), or a person who holds the same licensure or certification as a private provider, to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 6. Section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1) The Florida Building Commission shall develop a uniform building permit application for mandatory use by local governments. The application must include a checklist by project type for permitted work. To the extent feasible, the uniform building permit applications adopted by the commission must be capable of integration with existing building permit software systems used by local governments and must account for local

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amendments to the Florida Building Code.

(2)(a)~~(1)(a)~~ A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 5 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for an existing single-family residential dwelling if the value of the work is less than $15,000: structural, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2.~~1.~~ Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3.~~2.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

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4.~~3.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

5.~~4.~~ Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

6.~~5.~~ Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

7.~~6.~~ Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A signed and sealed permit application and an attestation by an architect licensed under chapter 481 or an

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engineer licensed under chapter 471 that the plans in the permit application comply with the Florida Building Code for the construction or renovation of a single-family dwelling located in a jurisdiction for which a state of emergency was issued within the 24 months before the submission of the application is deemed approved. The local government shall issue such permit within 2 days after approval.

(c)~~(b)~~ A local government must meet the timeframes set forth in this section for reviewing building permit applications unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

(d)~~(c)~~ After an applicant submits an application to the local government, the local government must provide written notice to the applicant within 5 business days after receipt of the application advising the applicant what information, if any, is needed to deem or determine that the application is properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted the properly completed application, the application is automatically deemed or determined to be properly completed and accepted.

(e)~~(d)~~ A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

(f)~~(e)~~ If a local government fails to meet a deadline under this subsection, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the

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deadline, unless the parties agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstances. Each 10-percent reduction must ~~shall~~ be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(g) ~~(f)~~ A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(h) ~~(g)~~ If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

(3) ~~(2)~~ If any building permit fees are refunded under this section, the surcharges provided in s. 468.631 or s. 553.721

must be recalculated based on the amount of the building permit fees after the refund.

Section 7. Paragraph (c) is added to subsection (1) of section 720.3035, Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)

(c) An association or any architectural, construction improvement, or other such similar committee of an association may not require a building permit to be issued by a governmental authority to a parcel owner as a prerequisite for review by the association or committee concerning the construction of structures or improvements on the parcel.

Section 8. This act shall take effect July 1, 2026.

The Florida Senate

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2-27-26
Meeting Date

Rules
Committee

1234
Bill Number or Topic

569540
Amendment Barcode (if applicable)

Name KARI HEBRANK

Phone 850-566-7824

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Tallahassee FL 32301
City State Zip

Email Khebrank@carltonfields.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:
FL HOME BUILDERS ASSOC.

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/2026	1234
Meeting Date	Bill Number or Topic
RULES	567540
Committee	Amendment Barcode (if applicable)

Name REMBERTO (RON) LEISECA

Phone 904-261-3327

Address PO BOX 17197
Street

Email RON@RJLASSOC.COM

FERNANDINA BEACH FL 32038
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

2/24/26
Meeting Date

Rules
Committee

The Florida Senate

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1234
Bill Number or Topic

567540
Amendment Barcode (if applicable)

Name Adam Basford

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Address 516 N Adams
Street

Email abasford@aif.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Associated Industries of FL

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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February 24, 2026
Meeting Date

Rules
Committee

1234
Bill Number or Topic

567540
Amendment Barcode (if applicable)

Name Jason Maine

Phone 850 901-4206

Address 113 E. College Avenue
Street

Email jason@pinpointresults.com

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Storm Smart Industries

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/2026
Meeting Date

RULES
Committee

1234
Bill Number or Topic

567540
Amendment Barcode (if applicable)

Name CAROL BOWEN

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Street

Email cbowen@abcflorida.com

Boca Raton FL 33488
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Associated Builders and Contractors of Florida

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

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The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

1234
Bill Number or Topic

567540
Amendment Barcode (if applicable)

Name Lori Killinger

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Address 106 E College Ave
Street

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Tallahassee FL 32301
City *State* *Zip*

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
FL Manufactured Housing Assn

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

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2-24-26
Meeting Date

Rules
Committee

JB 1234
Bill Number or Topic

Amendment Barcode (if applicable)

Name KARI HEBRANK

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Street

Tallahassee FL 32301
City State Zip

Email Khebrank@carltonfields.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: FLORIDA HOME BUILDERS & NUCA of Florida

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

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

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S-001 (08/10/2021)

2-24-26

Meeting Date

Rules

Committee

The Florida Senate
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1234

Bill Number or Topic

Amendment Barcode (if applicable)

Name J Daniel Martinez

Phone 305-240-2917

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Street

Email JMartinez@AFPHQ.org

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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S-001 (08/10/2021)

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

1234
Bill Number or Topic

Amendment Barcode (if applicable)

Name Colton Madill

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Street

Email cmadill@flchamber.com

Tallahassee, FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Chamber of Commerce

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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February 24, 2026
Meeting Date

Rules
Committee

1234
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jason Maine

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Address 113 E. College Avenue
Street

Email jason@pinpointresults.com

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Storm Smart Industries

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/CS/SB 1294
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senator Bradley
SUBJECT:	Biosolids Management
DATE:	February 24, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.	Reagan	Betta	AEG	**Fav/CS**
3.	Barriero	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1294 provides that the land application of bulk Class AA biosolids may not exceed the agronomic rate. The bill provides that the land application of bulk Class AA biosolids, to the extent that such land application constitutes disposal, is prohibited if the application cannot reasonably be expected to be taken up by a crop or vegetative cover during the relevant growing season. The bill requires land application site owners or operators to maintain application records for five years and provides what information must be included in such records. The bill directs the University of Florida's Institute of Food and Agricultural Sciences to publish recommended agronomic rates for bulk Class AA biosolids on a biennial basis beginning November 1, 2027. The bill also directs the Department of Environmental Protection to initiate rulemaking by September 1, 2026, for the bulk distribution and marketing of Class AA biosolids.

The bill provides that a Class AA biosolids fertilizer product may not be marketed or distributed for agricultural land application as Class AA biosolids unless it meets all applicable statutory requirements.

The bill provides that Class AA biosolids compost products that do not claim any plant nutrients or beneficial plant growth properties may not be marketed or distributed for agricultural land application unless the product is certified under the U.S. Composting Council Seal of Testing Assurance Program. The bill prohibits Class AA biosolids from being used for agricultural land

application unless, before land application, the product meets all applicable statutory requirements as a biosolids fertilizer product or meets the specifications for biosolids compost products.

The bill has no fiscal impact on state revenues or expenditures; however, the University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. This cost can be absorbed through existing resources. The Department of Environmental Protection may also incur indeterminate costs related to rulemaking. See Section V., Fiscal Impact Statement.

The bill has an effective date of November 1, 2026.

II. Present Situation:

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the DEP. Florida has approximately 2,000 permitted domestic wastewater treatment facilities.[1]

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids[2] accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.[3] Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.[4] The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.[5]

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.[6] Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application on pasture or agricultural lands.[7] Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.[8]

---

[1] Department of Environmental Protection (DEP), *General facts and statistics about wastewater in Florida,* https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida (last visited Jan. 19, 2025).
[2] Section 373.4595, F.S., defines biosolids as the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids. *See also* Fla. Admin. Code R. 62-640.200(6).
[3] DEP, *Domestic wastewater biosolids*, https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids (last visited Jan. 19, 2025).
[4] Fla. Admin. Code R. 62-640.200(6).
[5] DEP, *Domestic wastewater biosolids*.
[6] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.
[7] *See id*.
[8] Fla. Admin. Code R. 62-640.

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.[9] The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.[10] Consistent with federal standards, treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.[11] Class AA biosolids can be distributed and marketed like other commercial fertilizers.[12] Such biosolids may be sold or given away.[13] Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have be to distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance program.[14]

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, appliers, and distributors[15] and include permit requirements for both treatment facilities and biosolids application sites.[16]

Land Application of Biosolids

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at the DEP-permitted site.[17] This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries and by homeowners for their lawns and home gardens.[18] Biosolids must be treated to at least Class B standards to be land applied.[19] Permits are required for the land application of biosolids unless they have been marketed and distributed as fertilizer.[20]

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.[21] Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP.[22] Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations

[9] Fla. Admin. Code R. 62-640.200.
[10] *Id.*; DEP, *Domestic wastewater biosolids*.
[11] Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.
[12] DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, https://www.biosolidsdata.org/florida (last visited Jan. 19, 2025); Fla. Admin. Code R. 62-640.850.
[13] Fla. Admin. Code R. 62-640.850(2).
[14] *Id.*
[15] Fla. Admin. Code R. 62-640.100.
[16] Fla. Admin. Code R. 62-640.300.
[17] Environmental Protection Agency (EPA), *Land application of biosolids*, https://www.epa.gov/biosolids/land-application-biosolids (last visited Jan. 19, 2025).
[18] *Id.*
[19] Fla. Admin. Code R. 62-640.700(2).
[20] Fla. Admin. Code R. 62-640.700(1) and 62-640.850.
[21] Fla. Admin. Code R. 62-640.500.
[22] *Id*.

of minerals do not exceed ceiling and cumulative concentrations determined by rule.[23] According to the St. Johns River Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.[24]

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.[25] The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.[26]

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP.[27] The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.[28] In addition, the DEP may not authorize the land application of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, or St. Lucie River watersheds unless the applicant demonstrates that the biosolids will not contribute to nutrient loadings in the applicable watershed, with a limited exception for Class AA biosolids that are marketed and distributed as fertilizer.[29]

Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of two feet between the depth of biosolids placement and the water table level at the time of application.[30] Permittees must also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.[31]

Historically, about two-thirds of all biosolids produced have been land applied.[32] However, between 2018 and 2024, the number of biosolids land application sites decreased from 120 to 58.[33] These reductions are expected to continue in the future.[34] Other disposal methods, including

[23] Fla. Admin. Code R. 62-640.700.
[24] V. R. Hoge et al., *Developing a biosolids database for watershed modeling efforts*, Environmental Scientist IV, St. Johns River Water Management District, *abstract available at* http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 19, 2025).
[25] Fla. Admin. Code R. 62-640.650.
[26] *Id*.
[27] Section 373.811(4), F.S.
[28] *Id*.
[29] Section 373.4595(3)(b)16., (4)(b)5., and (4)(d)5., F.S.
[30] Section 403.0855(3)(a), F.S.
[31] Section 403.0855(3)(b), F.S.
[32] DEP, *Biosolids in Florida*, 5 (2019), *available at* https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf.
[33] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 5 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.
[34] *Id.*

distribution and marketing of Class AA biosolids products and landfilling, are increasing.[35] Florida Class AA and Class B biosolids are also marketed and distributed out of state.[36]

United States Composting Council's Seal of Testing Assurance Program

Formed in 1990, the United States Composting Council (USCC) is a national nonprofit organization focused on the development and support of the composting and organics recycling industry in the United States.[37] The USCC provides training, education, and certification for compost facility operators, administers compost testing certification programs, and engages in state and federal lobbying and advocacy.[38]

The USCC's Seal of Testing Assurance Program is a national compost testing, labeling, and information disclosure program that uses standardized analytical methods and laboratory oversight to certify and provide data on compost products.[39] To obtain Seal of Testing Assurance certification, a compost manufacturer and its products must satisfy the following requirements:

- Meet the USCC's definition of compost.[40]
- Comply with all applicable federal, state, and local regulations and permitting requirements. Immediately inform the USCC if an issue arises.
- Conduct product testing through approved laboratories.
- Test products at frequencies determined by the annual wet tonnage of finished compost produced and provide test results to the USCC.
- Provide customers with Seal of Testing Assurance Compost Technical Data Sheets, including information on feedstocks and instructions for use.
- Meet the Environmental Protection Agency's testing limits for heavy metals and pathogens.
- Execute a Seal of Testing Assurance Certified Compost rules contract.
- Pay annual program fees.
- Renew program participation contracts and pay associated fees annually for each certified product.[41]

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that land application of bulk Class AA biosolids fertilizer and compost products may not exceed the appropriate agronomic rate. The bill provides that land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate must be managed so that

[35] *Id.* at 6.
[36] Email from DEP On File with Senate Committee on Environment and Natural Resources.
[37] *See generally* USCC, *About Us,* https://www.compostingcouncil.org/page/AboutUs (last visited Jan. 21, 2026).
[38] *Id.*
[39] *See* USCC, *STA Certified Compost*, https://www.compostingcouncil.org/page/CompostManufacturersSTA (last visited Jan. 19, 2026); USCC, *STA Requirements*, https://www.compostingcouncil.org/page/STA-Requirements (last visited Jan. 19, 2026).
[40] USCC defines compost as "a product manufactured through the controlled aerobic, biological decomposition of biodegradable materials. The product has undergone mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilizes the carbon, such that it is beneficial to plant growth. Compost is typically used as a soil amendment but may also contribute plant nutrients." USCC, *Definition of Compost*, https://www.compostingcouncil.org/page/CompostDefinition (last visited Jan. 19, 2026).
[41] USCC, *STA Requirements*, https://www.compostingcouncil.org/page/STA-Requirements (last visited Jan. 19, 2026).

the beneficial reuse, rather than biosolids disposal, is the primary objective. The bill defines "agronomic rate" as the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida Institute of Food and Agriculture Sciences (UF/IFAS).[42]

The bill provides that bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited, and violations are subject to ch. 403, F.S. The bill defines the term "disposal" as the bulk land application of biosolids, including any application exceeding the agronomic rate, when, considering the manner and circumstances of the application, the nutrients applied cannot reasonably be expected to be taken up by a crop or vegetation cover during the relevant growing season, and the application results in the discard of biosolids on the land application site.

The bill requires application records to be maintained by the land application site operator for at least five years. The bill requires the records be made available to the Department of Environmental Protection (DEP) upon request and must include the following:

- The classification and characteristics of the biosolids applied;
- The physical address of the land application site;
- The quantity of biosolids transported to the land application site and received by the owner or operator of the land application site;
- The date on which such biosolids were received by the owner or operator;
- The name of the person or entity responsible for the transportation of the biosolids;
- The quantity of biosolids applied and the portion or area of the site to which the biosolids are applied;
- The name of the person or entity responsible for the physical application of the biosolids;
- The date on which land application of the biosolids occurred.

The bill provides that the DEP must require that written notification of the recordkeeping requirements be provided to the owner or operator of the land application site at the time bulk Class AA biosolids are distributed for land application. These recordkeeping requirements do not apply to Class AA biosolids products that have a moisture content of 25 percent or less at the time of distribution for use in land application and that maintain a stable, discrete particulate or granular form during storage, handling, and land application. Any person who distributes such biosolids for use in land application must maintain for at least five years and, upon request, provide to the DEP records identifying the characteristics and quantity of the biosolids distributed, the portion or area of the site to which the biosolids are applied, the date of distribution, and the recipient.

The bill directs the DEP to initiate rulemaking no later than November 1, 2026, to amend rule 62-640 of the Florida Administrative Code to implement the provisions of this bill relating to the bulk distribution and marketing of Class AA biosolids, including provisions addressing recordkeeping at the time Class AA biosolids are distributed or marketed in bulk.

[42] UF/IFAS is a federal-state-county partnership dedicated to developing knowledge in agriculture, human and natural resources, and the life sciences. UF/IFAS, *About UF/IFAS*, https://ifas.ufl.edu/about-us/ (last visited Feb. 24, 2026).

The bill directs UF/IFAS to, on a biennial basis, publish and make publicly available the recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and compost products based on predominant application practices. The initial publication must occur on or before November 1, 2027. The bill requires that the recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and must include, but need not be limited to all of the following:

- The characteristics of commonly produced biosolids products relevant to nutrient availability and environmental risk, including nutrient content, nutrient release characteristics, and physical form;
- Recommended agronomic rate ranges or application approaches that account for crop type, soil conditions, environmental vulnerabilities; seasonal factors, and management practices;
- The scientific basis and degree of supporting research for recommended agronomic rates, distinguishing recommendations suitable for general application from those requiring site-specific evaluation;
- Data gaps and product types, conditions, or practices for which additional field verification or research would improve future recommendations, including identification of relevant research priorities and associated resource considerations;
- Best practices for on-the-ground implementation and verification consistent with agronomic principles.

The bill provides that Class AA biosolids fertilizer products may not be marketed or distributed for agricultural land application unless the product meets all applicable requirements of ch. 576, F.S., regarding agricultural fertilizers.

The bill provides that Class AA biosolids compost products that do not claim any plant nutrients or beneficial plant growth properties, as described in s. 576.011(14), F.S.,[43] may not be marketed or distributed for agricultural land application unless the product is enrolled in and certified under the U.S. Composting Council Seal of Testing Assurance Program. The bill prohibits Class AA biosolids from being used for agricultural land application unless, before land application, the product meets all applicable requirements of ch. 576, F.S., as a biosolids fertilizer product or meets the bill's specifications for compost products.

Section 2 provides an effective date of November 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[43] Section 576.011(14), F.S., defines "fertilizer" as any substance which: (a) contains one or more recognized plant nutrients and promotes plant growth, or (b) controls soil acidity or alkalinity, or (c) provides other soil enrichment, or (d) provides other corrective measures to the soil. The term does not include unmanipulated animal or vegetable manures, peat, or compost which make no claims as described in (a)-(d).

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:

Private entities may incur indeterminate costs to maintain applicable records and meet statutory requirements pursuant to this bill.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or expenditures; however, the University of Florida's Institute of Food and Agricultural Sciences may incur indeterminate costs to publish recommended agronomic rates for Class AA biosolids. Public utilities may incur indeterminate costs to treat and dispose of biosolids given the additional requirements in the bill. The Department of Environmental Protection may also incur indeterminate costs related to the bill's rulemaking requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 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/CS by Rules on Feb. 24, 2026:

This committee substitute:

- Adds a requirement that land application site owners or operators maintain records of the portion or area of the site to which the biosolids were applied;
- Requires written notification of the recordkeeping requirements be provided to the owner or operator of a land application site when bulk Class AA biosolids are distributed for land application;
- Creates different recordkeeping requirements for Class AA biosolids with a moisture content of 25 percent or less;
- Directs the Department of Environmental Protection to initiate rulemaking by September 1, 2026, for the bulk distribution and marketing of Class AA biosolids;
- Removes the provision applying inspection fees and tonnage reporting requirements to all Class AA biosolids products marketed or distributed for land application;
- Requires Class AA biosolids compost products that make no plant nutrient or beneficial plant growth claims to be certified under the U.S. Composting Council Seal of Testing Assurance program before being marketed or distributed for agricultural land application;
- Prohibits the use of Class AA biosolids for agricultural land application unless, prior to land application, the product meets applicable statutory requirements as a biosolids fertilizer product or qualifies under the specified compost exception.

CS/CS by Agriculture, Environment, and General Government on Feb. 12, 2026:

This committee substitute:

- Requires biosolids to be applied at or below the agronomic rate;
- Clarifies that when land application becomes disposal, it is enforceable under ch. 403, Florida Statutes;
- Requires basic recordkeeping at the land application site;
- Directs IFAS to publish biennial agronomic guidance;
- Applies existing fertilizer registration, labeling, inspection fee, and tonnage reporting requirements to all Class AA biosolids marketed or distributed for bulk land application whether sold or given away; and
- Preserves an exemption for certified compost products that make no nutrient claims.

CS by Environment and Natural Resources on Jan. 27, 2026:

- Provided that the bona fide sale requirements and related exemptions are effective July 1, 2028.
- Provided that the exemption from the requirement that Class AA biosolids compost products be distributed or marketed as a soil amendment or fertilizer applies only if the labeling does not claim any plant nutrients or beneficial plant growth properties.
- Removed the reference to the federal definition of “agronomic rate.”

- Removed the provision that limited the agronomic rate requirement to applications constituting disposal.
- Removed the reference to the slow-release nature of the nutrients in biosolids-derived products.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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	.	
	.	

The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (7) through (14) are added to section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

(7)(a) Land application of bulk Class AA biosolids fertilizer and biosolids compost products may not exceed the appropriate agronomic rate. Land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below

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the agronomic rate must be managed so that beneficial reuse, rather than biosolids disposal, is the primary objective as evidenced by the manner and circumstances of the application. As used in this subsection, the term "agronomic rate" means the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida Institute of Food and Agricultural Sciences, which considers plant nutrient requirements; site-specific characteristics, including soil conditions; characteristics of the biosolids fertilizer or biosolids compost products, including nutrient release rates and soil amendment functions; other nutrient inputs applied to the site; and the protection of groundwater and surface water resources.

(b) Bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited, and violations are subject to chapter 403. As used in this subsection, the term "disposal" means the bulk land application of biosolids, including any application exceeding the agronomic rate, when, considering the manner and circumstances of the application, the nutrients applied cannot reasonably be expected to be taken up by a crop or vegetative cover during the relevant growing season, and the application results in the discard of biosolids on the land application site.

(8)(a) The owner or operator of a land application site at which bulk agricultural land application of biosolids fertilizer or biosolids compost products occurs shall maintain application records for at least 5 years. Such records must be made

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available to the department upon request and must include all of the following:

1. The classification and characteristics of the biosolids applied to the land application site.

2. The physical address of the land application site.

3. The quantity of biosolids transported to the land application site and received by the owner or operator of the land application site.

4. The date on which such biosolids were received by the owner or operator of the land application site.

5. The name of the person or entity responsible for the transportation of the biosolids to the land application site.

6. The quantity of biosolids applied and the portion or area of the site to which the biosolids are applied.

7. The name of the person or entity responsible for the physical application of the biosolids on the land application site.

8. The date on which land application of such biosolids occurred.

(b) The department shall require that written notification of the recordkeeping requirements under paragraph (a) be provided to the owner or operator of the land application site at the time bulk Class AA biosolids are distributed for land application.

(9) The recordkeeping requirements of subsection (8) do not apply to Class AA biosolids products that have a moisture content of 25 percent or less at the time of distribution for use in land application and that maintain a stable, discrete particulate or granular form during storage, handling, and land

application. Any person who distributes such biosolids for use in land application shall maintain for at least 5 years and, upon request, provide to the department records identifying the characteristics and quantity of the biosolids distributed, the portion or area of the site to which the biosolids are applied, the date of distribution, and the recipient.

(10) The department shall initiate rulemaking no later than November 1, 2026, to amend rule 62-640, Florida Administrative Code, to implement the provisions of this section relating to the bulk distribution and marketing of Class AA biosolids, including provisions addressing recordkeeping at the time Class AA biosolids are distributed or marketed in bulk.

(11) The University of Florida Institute of Food and Agricultural Sciences shall, on a biennial basis, publish and make publicly available recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and biosolids compost products. The initial publication must occur on or before November 1, 2027. The recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and must include, but need not be limited to, all of the following:

(a) The characteristics of commonly produced biosolids products relevant to nutrient availability and environmental risk, including nutrient content, nutrient release characteristics, and physical form.

(b) Recommended agronomic rate ranges or application approaches that account for crop type, soil conditions, environmental vulnerabilities, seasonal factors, and management practices.

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(c) The scientific basis and degree of supporting research for recommended agronomic rates, distinguishing recommendations suitable for general application from those requiring site-specific evaluation.

(d) Data gaps and product types, conditions, or practices for which additional field verification or research would improve future recommendations, including identification of relevant research priorities and associated resource considerations.

(e) Best practices for on-the-ground implementation and verification consistent with agronomic principles.

(12) A Class AA biosolids fertilizer product may not be marketed or distributed for agricultural land application unless the product meets all applicable requirements of chapter 576.

(13) A Class AA biosolids compost product that does not claim any plant nutrients or beneficial plant growth properties, as described in s. 576.011(14), may not be marketed or distributed for agricultural land application unless the product is enrolled in and certified under the U.S. Composting Council Seal of Testing Assurance Program.

(14) Class AA biosolids may not be used for agricultural land application unless, before land application, the product meets all applicable requirements of chapter 576 as a biosolids fertilizer product or meets the specifications of subsection (13).

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

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

And the title is amended as follows:

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Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to biosolids management; amending s. 403.0855, F.S.; prohibiting the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate; specifying requirements for the management of the land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate; defining the term "agronomic rate"; prohibiting the bulk land application of biosolids when such bulk application constitutes disposal; defining the term "disposal"; requiring the owner or operator of certain land application sites to maintain application records for a specified timeframe and make such records available to the Department of Environmental Protection upon request; specifying requirements for such records; specifying that the department must require written notification of such recordkeeping requirements be provided to the owner or operator of such land at the time bulk Class AA biosolids are distributed for land application; providing that such recordkeeping requirements do not apply to certain biosolids; specifying requirements for the distribution of such biosolids; requiring the department to initiate rulemaking by a specified date; requiring the University of Florida Institute of Food and Agricultural Sciences, on a specified basis and

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beginning on a specified date, to publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products; specifying requirements for such recommendations; prohibiting Class AA biosolids fertilizer products and certain Class AA biosolids compost products from being marketed or distributed for agricultural land application unless specified requirements are met; prohibiting Class AA biosolids from being used for agricultural land application unless certain requirements are met; providing an effective date.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senator Bradley

601-02833-26 20261294c2

A bill to be entitled

An act relating to biosolids management; amending s. 403.0855, F.S.; prohibiting the land application of bulk Class AA biosolids fertilizer and compost products from exceeding the appropriate agronomic rate; providing requirements for the management of the land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate; defining the term "agronomic rate"; prohibiting the bulk land application of biosolids when such bulk application constitutes disposal; defining the term "disposal"; requiring the owner or operator of certain land application sites to maintain application records for a specified timeframe and make such records available to the Department of Environmental Protection upon request; providing requirements for such records; requiring the University of Florida Institute of Food and Agricultural Sciences to, on a specified basis and beginning on a specified date, publish and make publicly available recommended agronomic rates for the reuse of bulk Class AA biosolids fertilizer and compost products; providing requirements for such recommendations; providing applicability for specified inspection fees and tonnage reporting; prohibiting biosolids fertilizer products or biosolids compost products from being marketed or distributed for bulk land application as Class AA biosolids unless specified labeling and registration requirements are

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

601-02833-26 20261294c2

met; providing applicability; providing an effective date.

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

Section 1. Subsections (7) through (12) are added to section 403.0855, Florida Statutes, to read:

403.0855 Biosolids management.—

(7)(a) The land application of bulk Class AA biosolids fertilizer and biosolids compost products may not exceed the appropriate agronomic rate. Land application of bulk Class AA biosolids fertilizer and biosolids compost products at or below the agronomic rate must be managed so that beneficial reuse, rather than biosolids disposal, is the primary objective as evidenced by the manner and circumstances of the application. As used in this subsection, the term "agronomic rate" means the nutrient application rate established using generally accepted, science-based nutrient management principles, including recommendations published by the University of Florida Institute of Food and Agricultural Sciences, which considers plant nutrient requirements; site-specific characteristics, including soil conditions; characteristics of the biosolids fertilizer or biosolids compost products, including nutrient release rates and soil amendment functions; other nutrient inputs applied to the site; and the protection of groundwater and surface water resources.

(b) Bulk land application of biosolids, including Class AA biosolids, to the extent that such bulk land application constitutes disposal, is prohibited, and violations shall be

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

subject to chapter 403. As used in this subsection, the term "disposal" means the bulk land application of biosolids, including any application exceeding the agronomic rate, where, considering the manner and circumstances of the application, the nutrients applied cannot reasonably be expected to be taken up by a crop or vegetative cover during the relevant growing season, and the application results in the discard of biosolids on the land application site.

(8) The owner or operator of a land application site at which bulk agricultural land application of biosolids fertilizer or biosolids compost products occurs shall maintain application records for at least 5 years. Such records must be made available to the department upon request and must include all of the following:

(a) The classification and characteristics of the biosolids applied to the land application site.

(b) The physical address of the land application site.

(c) The quantity of biosolids transported to the land application site and received by the owner or operator of the land application site.

(d) The date on which such biosolids were received by the owner or operator of the land application site.

(e) The name of the person or entity responsible for the transportation of the biosolids to the land application site.

(f) The quantity of biosolids applied to the land application site.

(g) The name of the person or entity responsible for the physical application of the biosolids on the land application site.

(h) The date on which land application of such biosolids occurred.

(9) The University of Florida Institute of Food and Agricultural Sciences shall, on a biennial basis, publish and make publicly available recommended agronomic rates for the beneficial reuse of bulk Class AA biosolids fertilizer and biosolids compost products. The initial publication must occur by November 1, 2027. The recommendations must be informed by a review of the scientific literature and applicable available agronomic guidance and must include, but may not be limited to, all of the following:

(a) The characteristics of commonly produced biosolids products relevant to nutrient availability and environmental risk, including nutrient content, nutrient release characteristics, and physical form.

(b) Recommended agronomic rate ranges or application approaches that account for crop type, soil conditions, environmental vulnerabilities, seasonal factors, and management practices.

(c) The scientific basis and degree of supporting research for recommended agronomic rates, distinguishing recommendations suitable for general application from those requiring site-specific evaluation.

(d) Data gaps and product types, conditions, or practices for which additional field verification or research would improve future recommendations, including identification of relevant research priorities and associated resource considerations.

(e) Best practices for on-the-ground implementation and

verification consistent with agronomic principles.

(10) Applicable inspection fees and tonnage reporting requirements required pursuant to chapter 576 apply to all Class AA biosolids fertilizer and biosolids compost products marketed or distributed for land application, including such products that are not sold and products that are land applied on property owned or controlled by the biosolids generator, distributor, or applicator.

(11) A biosolids fertilizer product or biosolids compost product may not be marketed or distributed for bulk agricultural land application as Class AA biosolids unless the product meets all applicable labeling and registration requirements of chapter 576.

(12) Subsections (10) and (11) do not apply to Class AA biosolids compost products when the labeling does not claim any plant nutrients or beneficial plant growth properties, as described in s. 576.011(14), and when such biosolids compost products are enrolled in and certified under the U.S. Composting Council Seal of Testing Assurance program.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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

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

SENATOR JENNIFER BRADLEY
6th District

February 16, 2026

Senator Kathleen Passidomo, Chair
Seante Committee on Rules
400 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo:

I respectfully request that CS/CS/SB 1294 be placed on the committee's agenda at your earliest convenience. This bill relates to the management of biosolids.

Thank you for your consideration and please reach out if I can provide additional information or if you have questions about this legislation.

Sincerely,

Jennifer Bradley

Jennifer Bradley

cc: Shasta W. Kruse, Staff Director
Patrick Pinkerton, Deputy Staff Director
Cynthia Futch, Committee Administrative Assistant

REPLY TO:
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President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2-24-26
Meeting Date

Rules
Committee

SB 1294
Bill Number or Topic

Amendment Barcode (if applicable)

Name John November

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1340
INTRODUCER:	Senator Harrell
SUBJECT:	Coordinated Screening and Progress Monitoring
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	**Favorable**
2.	Gerbrandt	McKnight	AHS	**Favorable**
3.	Brick	Kruse	RC	**Favorable**

I. Summary:

SB 1340 revises district responsibilities when screening indicates that a student exhibits characteristics of dyslexia or dyscalculia. The bill:

- Requires specified district action when screening indicates that a student exhibits characteristics of dyslexia or dyscalculia.
- Requires the district to promptly pursue parental consent for an initial evaluation for exceptional student education when a screening provides reasonable suspicion that the student may be a student with a disability.
- Revises further screening requirements within the statewide coordinated screening and progress monitoring framework and requires State Board of Education rulemaking.

The bill has no fiscal impact on state expenditures or revenues. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Specific Learning Disabilities – Dyslexia and Dyscalculia

A child with a disability includes a child with a specific learning disability, defined as a disorder in one or more of the basic psychological processes that may manifest as difficulty listening, thinking, speaking, reading, writing, spelling, or doing mathematical calculations, including dyslexia.[1] An "exceptional student" includes a student with a disability determined eligible for a

[1] 34 C.F.R. s. 300.8(c)(10)(i).

special program in accordance with State Board of Education (SBE) rules, including a student with a specific learning disability.[2]

Dyslexia is a specific learning disability in basic reading skills that ranges in severity and is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, typically resulting from a deficit in the phonological component of language.[3] Dyscalculia is an associated condition of a specific learning disability and generally refers to difficulty learning and comprehending mathematics, including number sense and computation.[4]

Statewide Coordinated Screening and Progress Monitoring System

A statewide coordinated screening and progress monitoring (CSPM) system is required for use in public school Voluntary Prekindergarten Education Program (VPK) and public schools.[5] The system must:[6]

- Measure student progress in early literacy skills, early mathematics skills, and the English Language Arts (ELA) and mathematics standards to inform instruction.
- Provide screening and diagnostic capabilities.
- Identify students with substantial deficiencies in reading or mathematics.
- Identify students with characteristics of dyslexia or dyscalculia.

Results must be provided to teachers within one week after completion of the assessment period and to parents within two weeks after administration of the progress monitoring assessment.[7] A student identified by the CSPM system as having characteristics of dyslexia or dyscalculia must undergo further screening.[8]

The statewide CSPM program is implemented as the Florida Assessment of Student Thinking (FAST), administered in three progress monitoring windows each school year, using Renaissance Star assessments in kindergarten through grade 2 and Cambium testing and reporting systems for grades 3 through 10 ELA Reading and grades 3 through 8 Mathematics.[9]

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[2] Section 1003.01(9)(a), F.S.
[3] Rule 6A-6.053(7), F.A.C.
[4] American Psychiatric Association, *"What Is Specific Learning Disorder?,"* Psychiatry.org (Mar. 2024), https://www.psychiatry.org/patients-families/specific-learning-disorder/what-is-specific-learning-disorder (last visited Jan. 20, 2026).
[5] Section 1008.25(9)(a), F.S.
[6] Section 1008.25(9)(a)1.-4., F.S.
[7] Section 1008.25(9)(b)-(c), F.S.
[8] Section 1008.25(9)(a)3., F.S.
[9] Florida Department of Education, *Florida Assessment of Student Thinking (FAST), 2025–26 Statewide Assessment Administration Schedule (Progress Monitoring)*, *available at* https://www.fldoe.org/file/5663/2526StatewideAssessmentSched.pdf; Florida Department of Education, *Florida Assessment of Student Thinking (FAST), 2025–26 Grades K–2 Fact Sheet*, *available at* https://www.fldoe.org/file/20102/2526FASTK2FS.pdf; and Florida Department of Education, *Coordinated Screening & Progress Monitoring System Overview (Mar. 21, 2022)*, *available at* https://www.fldoe.org/file/7506/FOILStatewideAssessment.pdf, at 6, 9, 19.

Student Progression and Monitoring Plans

Each district school board adopts and implements a comprehensive program for student progression that addresses promotion, retention, remediation, and the use of assessment results to identify and assist students who are not meeting performance expectations.[10]

A student who is not meeting district or state requirements for satisfactory performance in ELA or mathematics must be covered by at least one of the following:[11]

- A federally required student plan (for example, an individual education plan (IEP)).
- A schoolwide system of progress monitoring for all students, subject to specified exemptions.
- An individualized progress monitoring plan.

A student with a substantial deficiency in reading or a substantial deficiency in mathematics must be covered by a federally required student plan, an individualized progress monitoring plan, or both, as necessary.[12] An individualized progress monitoring plan must be developed within 45 days after the CSPM results become available.[13]

At a minimum, an individualized progress monitoring plan must include:[14]

- The student's identified reading or mathematics skill deficiency.
- Goals and benchmarks for growth in reading or mathematics.
- The measures used to evaluate and monitor progress.
- For a substantial reading deficiency, the evidence-based literacy instruction grounded in the science of reading that will be provided.
- Strategies, resources, and materials to be provided to the parent to support the student's progress.
- Any additional services that the teacher deems available and appropriate to accelerate the student's skill development.

Reading and Mathematics Deficiencies

Reading and mathematics deficiencies, and characteristics of dyslexia or dyscalculia, may be identified using screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations.[15] Once a student is identified as having a substantial deficiency in early literacy skills, reading, or mathematics, the applicable interventions must begin immediately.[16]

For a student who exhibits characteristics of dyslexia, as defined in SBE rule, dyslexia-specific interventions must be provided.[17] Appropriate, evidence-based interventions must be initiated upon receipt of documentation from a licensed psychologist demonstrating that the student has

[10] Section 1008.25(2), F.S.
[11] Section 1008.25(4)(b)1.-3., F.S.
[12] Section 1008.25(4)(c), F.S.
[13] Section 1008.25(4)(c), F.S.
[14] Section 1008.25(4)(c)1.-6., F.S.
[15] Section 1008.25(5)(a) and (6)(a), F.S.
[16] Section 1008.25(5)(a) and (6)(a)1., F.S.
[17] Section 1008.25(5)(a)1., F.S.; Rule 6A-6.053(7), F.A.C.

been diagnosed with dyslexia or dyscalculia, and initiation may not wait for completion of an exceptional student education eligibility evaluation.[18]

Written parent notification is required when a student has been identified as having a substantial deficiency in reading or mathematics and must include specified information about the deficiency, current services, proposed interventions, and home-based supports and resources as applicable.[19] After the initial notification, written progress updates must be provided at least monthly and must include an explanation of any additional interventions implemented when progress is insufficient, with additional meetings and supports provided upon request.[20]

The reading intervention and parent notification requirements apply to students in public school VPK through grade 3.[21] The mathematics intervention and parent notification requirements apply to students in public school VPK through grade 4.[22]

Evaluation and IEP Timelines

Each district school board must provide exceptional student education and include professional services for diagnosis and evaluation.[23] The initial evaluation process is triggered when the school district has reasonable suspicion that a student may have a disability and need special education and related services.[24] Response-to-intervention strategies may not be used to delay or deny an evaluation for a child suspected of having a disability.[25]

A full and individual initial evaluation must be conducted before the initial provision of exceptional student education, and either a parent or the school district may initiate a request for an initial evaluation.[26]

When a parent requests, or when the school district suspects that a student may have a disability, parental consent for an evaluation must be requested within 30 days, unless the parent and school agree otherwise in writing, or the district rejects the parent's request.[27]

Before a school district requests an initial evaluation for a K-12 student suspected of having a disability, school personnel must document one of the following determinations in the student's educational record:[28]

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[18] Section 1008.25(5)(a)2. and (6)(a)4., F.S.
[19] Section 1008.25(5)(d) and (6)(c), F.S.
[20] Section 1008.25(5)(d) and (6)(c), F.S.
[21] Section 1008.25(5)(a)1., F.S.; Rule 6A-6.053(5)(b), F.A.C.
[22] Section 1008.25(6)(a)1., F.S.; Rule 6A-6.0533(7)(a)1., F.A.C.
[23] Section 1003.57(1)(a)-(b), F.S.
[24] 34 C.F.R. s. 300.111(c)(1); *Leigh Ann H. v. Riesel Indep. Sch. Dist.*, 18 F.4th 788, 796 n.6 (5th Cir. 2021) (citing *Krawietz ex rel. Parker v. Galveston Indep. Sch. Dist.*, 900 F.3d 673, 676 (5th Cir. 2018)).
[25] Office of Special Education Programs, U.S. Department of Education, *OSEP Memorandum 11-07, "A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)"* (Jan. 21, 2011).
[26] Rule 6A-6.0331(3), F.A.C.
[27] Rule 6A-6.0331(3)(b)-(c), F.A.C.
[28] Rule 6A-6.0331(3)(d)1.-3., F.A.C.

- General education intervention procedures have been implemented, and the data indicate that the student may be a student with a disability who needs special education and related services.
- The evaluation was initiated at parent request and the general education intervention activities will be completed concurrently with the evaluation, but before the determination of the student's eligibility for special education and related services.
- The nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the student's immediate needs.

Initial evaluations must be completed within 60 calendar days after receipt of parental consent, excluding specified school holidays and breaks and summer vacation, and subject to specified exceptions and extensions.[29] An IEP must be developed within 30 days after a determination that the child needs special education and related services, and services must be made available as soon as possible following IEP development.[30]

III. Effect of Proposed Changes:

The bill revises district responsibilities when screening indicates that a student exhibits characteristics of dyslexia or dyscalculia.

Student Progression and Monitoring Plans

The bill amends s. 1008.25, F.S., to require a school district to take specified actions when the statewide coordinated screening and progress monitoring system, or a district-approved screening instrument, indicates that a student exhibits characteristics of dyslexia or dyscalculia.

When a student exhibits characteristics of dyslexia or dyscalculia, the district must ensure the student is covered by the progress monitoring plan already required for students who need intervention supports. The plan must include evidence-based interventions specific to the identified characteristics of dyslexia or dyscalculia. The interventions must be aligned, as appropriate, with the required reading intervention framework and the required mathematics intervention framework for students with specific learning disabilities.

The bill also requires the district to treat the screening indication as reasonable suspicion that the student may be a student with a disability for purposes of the initial evaluation process for exceptional student education, and to promptly seek parental consent to conduct an initial evaluation consistent with SBE rule and applicable federal law.

In addition, the bill requires screening activities and required intervention procedures to occur concurrently with the evaluation process and prohibits using those activities or procedures to delay or deny an appropriate evaluation to determine eligibility for exceptional student education and related services.

[29] Rule 6A-6.0331(3)(g), F.A.C.
[30] 34 C.F.R. s. 300.323(c)(1)-(2).

Statewide Coordinated Screening and Progress Monitoring System

The bill retains the requirement for further screening when the statewide coordinated screening and progress monitoring (CSPM) system indicates that a student exhibits characteristics of dyslexia or dyscalculia. The bill adds a further screening requirement when the system is not capable of identifying characteristics of dyslexia or dyscalculia and a student meets performance thresholds established by SBE rule.

The bill specifies that further screening is used to refine instructional planning and parent communication and is not a prerequisite to the intervention and evaluation obligations in the bill. The bill requires further screening activities to occur concurrently with required interventions and the evaluation process and prohibits using screening activities to delay or deny an appropriate evaluation.

The bill requires the SBE to adopt rules establishing timelines, performance thresholds, and parental notification requirements for further screening required under the CSPM system provisions governing identification of characteristics of dyslexia or dyscalculia.

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 no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1008.25 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Harrell

31-01183-26 20261340__

A bill to be entitled

An act relating to coordinated screening and progress monitoring; amending s. 1008.25, F.S.; specifying requirements for a school district if a student exhibits characteristics of dyslexia or dyscalculia; providing circumstances under which a student is required to undergo further screening for dyslexia or dyscalculia; requiring the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (4) of section 1008.25, Florida Statutes, and paragraph (a) of subsection (9) of that section is amended, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(4) ASSESSMENT AND SUPPORT.—

(d) If the coordinated screening and progress monitoring system under subsection (9), or any district-approved screening instrument, identifies a student as exhibiting characteristics of dyslexia or dyscalculia, the school district shall:

1. Ensure that the student is covered by a plan under paragraph (b) which includes evidence-based interventions that are specific to the identified characteristics of dyslexia or dyscalculia and that are aligned, as appropriate, with the interventions required under subsection (5) for reading and subsection (6) for mathematics.

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2. Treat the screening result as reasonable suspicion that the student may be a student with a disability for purposes of s. 1003.57 and promptly seek parental consent to conduct an initial evaluation consistent with state board rule and applicable federal law.

3. Ensure that screening activities and intervention procedures, including interventions required under this subsection and subsections (5) and (6), occur concurrently with the evaluation process and are not used to delay or deny an appropriate evaluation.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(a) The Department of Education, in collaboration with the Office of Early Learning, shall procure and require the use of a statewide, standardized coordinated screening and progress monitoring system for the Voluntary Prekindergarten Education Program and public schools. The system must:

1. Measure student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts and mathematics standards as required by ss. 1002.67(1)(a) and 1003.41 and identify the educational strengths and needs of students.

2. For students in the Voluntary Prekindergarten Education Program through grade 3, measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level, and, at a minimum, provide interval level and norm-referenced data that measures equivalent levels of growth.

3. Be a valid, reliable, and developmentally appropriate

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computer-based direct instrument that provides screening and diagnostic capabilities for monitoring student progress; identifies students who have a substantial deficiency in reading or mathematics, including identifying students with characteristics of dyslexia, dyscalculia, and other learning disorders; and informs instruction. Any student identified by the system as having characteristics of dyslexia or dyscalculia shall undergo further screening. Any student whose performance in the system meets thresholds established by State Board of Education rule in circumstances in which the system is not capable of identifying characteristics of dyslexia or dyscalculia must undergo further screening. The further screening required under this subparagraph is used to refine instructional planning and parental communication and is not a prerequisite to the interventions or evaluation obligations described in subsection (4). The State Board of Education shall adopt rules establishing timelines, performance thresholds, and parental notification requirements for further screening under this subparagraph. Screening activities under this subsection shall occur concurrently with the interventions and evaluation obligations described in subsection (4) and may not be used to delay or deny an appropriate evaluation. Beginning with the 2023-2024 school year, the coordinated screening and progress monitoring system must be computer-adaptive.

4. Provide data for Voluntary Prekindergarten Education Program accountability as required under s. 1002.68.

5. Provide Voluntary Prekindergarten Education Program providers, school districts, schools, teachers, and parents with data and resources that enhance differentiated instruction and

parent communication.

6. Provide baseline data to the department of each student's readiness for kindergarten. The determination of kindergarten readiness must be based on the results of each student's initial progress monitoring assessment in kindergarten. The methodology for determining a student's readiness for kindergarten must be developed by the department and aligned to the methodology adopted pursuant to s. 1002.68(4).

7. Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels and provide information to the department to aid in the development of educational programs, policies, and supports for providers, districts, and schools.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1370
INTRODUCER:	Senator Martin
SUBJECT:	Habitual Traffic Offender Designation
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	**Favorable**
2.	Parker	Stokes	CJ	**Favorable**
3.	Shutes	Kruse	RC	**Favorable**

I. Summary:

SB 1370 amends the definition of "habitual traffic offender" to add the offense of driving a motor vehicle without a valid license to the list of offenses for which a specified number of convictions within a five-year period requires the Department of Highway Safety and Motor Vehicles (DHSMV) to designate a person as a habitual traffic offender. Generally, once a person is designated as a habitual traffic offender, he or she can be prosecuted for a third-degree felony for subsequently driving a motor vehicle.

The bill may have an indeterminate fiscal impact on the private and governmental sectors. See Section V., Fiscal Impact Statement for additional details.

The bill takes effect July 1, 2026.

II. Present Situation:

Requirements to Obtain a Driver License

Florida law provides that, unless exempted, a person may not drive a motor vehicle[1] upon a highway unless he or she has a valid driver license issued under ch. 322, F.S.[2] Generally, to obtain a Florida driver license, a person must:

- Be at least 16 years of age;
- Complete a drug, alcohol, and traffic awareness course; and

[1] Sections 316.003 and 322.001(29), F.S. defines "Motor vehicle" as any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and electric bicycles.

[2] Section 322.03, F.S.

- Pass a driving knowledge exam and driving skills test.[3,4]

A person younger than 18 years of age must also hold a learner's permit for a specified period of time, not be convicted of traffic infractions, and complete a specified amount of driving experience.[5]

Operating a Vehicle Without a Valid Driver License

A person who drives a motor vehicle without ever having been issued a valid driver license commits an offense of no valid driver license under s. 322.03(1), F.S. A person commits a:

- Second degree misdemeanor[6], upon a first conviction.
- First degree misdemeanor[7], upon a second conviction.
- First degree misdemeanor, and must serve 10 days in jail for a third or subsequent conviction.[8]

A person who operates a motor vehicle when his or her license has been expired for more than six months commits a criminal offense for which no points are assessed.[9,10]

Pursuant to s. 322.03(2), F.S., a person who drives a commercial motor vehicle[11] may not receive a driver license unless and until he or she surrenders to DHSMV all driver licenses issued by any other jurisdiction, or makes an affidavit that he or she does not possess such a driver license. A person commits a:

- Noncriminal infraction, punishable as a moving violation under ch. 318, F.S., if he or she fails to surrender such licenses.
- First degree misdemeanor, if he or she makes a false affidavit concerning such licenses.

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[3] *How to Get Your Florida Driver's License,* https://www.stateofflorida.com/drivers-license-steps/ (last visited February 9, 2026).
[4] See also *General Information*, FLHSMV, https://www.flhsmv.gov/driver-licenses-id-cards/general-information/ (last visited February 9, 2026).
[5] *Supra* note 3.
[6] A second degree misdemeanor is punishable by a definite term of imprisonment not exceeding 60 days and a $500 fine as provided by ss. 775.082 and 775.083, F.S.
[7] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a $1,000 fine as provided by ss. 775.082 and 775.083, F.S.
[8] Section 322.03(1), F.S. provides penalties for a violation of no valid driver license, do not apply to a violation of section 316.212, F.S., relating to the operation of golf carts. A golf cart is a type of motor vehicle as defined in section 320.01, F.S. Under section 316.212(7), F.S., a golf cart may be operated on public roads or streets by a certain person not possessing a valid driver license, including a person: a) who is under 18 years of age and possesses a valid learner's driver license or valid driver license; or b) who is 18 years of age or older who possesses a valid form of government-issued photographic identification. A person who violates section 316.212, F.S., commits a noncriminal traffic infraction, punishable pursuant to chapter 318 as a nonmoving violation.
[9] Section 322.03(6), F.S. Under s. 322.065, F.S., a person whose driver license has been expired for six months or less and who drives a motor vehicle commits an infraction and is subject to the penalty provided in s. 318.18, F.S.
[10] *See* FLHSMV (revised Apr. 2, 2025), https://www.flhsmv.gov/pdf/courts/utc/appendix_c.pdf (last visited February 9, 2026).
[11] Section 322.01(8), F.S. defines "Commercial motor vehicle" to mean any motor vehicle or motor vehicle combination used on the streets or highways, which: has a gross vehicle weight rating of 26,001 pounds or more; is designed to transport more than 15 persons, including the driver; or is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. part 172, subpart F.

Section 322.03(4), F.S., provides a Florida resident who is required to possess a commercial driver license may not operate a commercial motor vehicle in Florida unless he or she possesses a valid commercial driver license issued by Florida. A person who drives a commercial motor vehicle in violation of these requirements commits a:

- First degree misdemeanor.
- Nonmoving violation, punishable as provided in s. 318.18, F.S., if his or her commercial driver license has been expired for 30 days or less.

Pursuant to s. 322.03(5), F.S., a person may not operate a motorcycle unless he or she holds a driver license that authorizes such operation, subject to the appropriate restrictions and endorsements. A violation of this requirement is a criminal offense for which no points are assessed.[12]

Driving While License Suspended, Revoked, Canceled, or Disqualified (DWLS)

Section 322.34(2), F.S., provides a person whose driver license or driving privilege has been canceled, suspended, or revoked, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(42), F.S.,[13] who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives a motor vehicle upon a highway in Florida, commits a:

- Second degree misdemeanor, upon a first conviction.[14]
- First degree misdemeanor,[15] upon a second or subsequent conviction.[16]
- First degree misdemeanor, upon a third or subsequent specified conviction, and must serve 10 days in jail.[17]
- Third degree felony,[18] upon a third or subsequent conviction, if the current or most recent violation relates to a DWLS that resulted from a violation of:
  - Driving under the influence;
  - Refusal to submit to a urine, breath-alcohol, or blood alcohol test;
  - A traffic offense causing death or serious bodily injury; or
  - Fleeing or eluding. [19]

[12] *Supra* note 8.

[13] "Suspension or revocation equivalent status" is a designation for a person who does not have a driver license or driving privilege but would qualify for suspension or revocation of his or her driver license or driving privilege if licensed. DHSMV may designate a person as having suspension or revocation equivalent status in the same manner as it is authorized to suspend or revoke a driver license or driving privilege by law.

[14] Section 322.34(2)(a), F.S. A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Ss. 775.082 and 775.083, F.S.

[15] A first-degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Ss. 775.082 and 775.083, F.S.

[16] Section 322.34(2)(b)1., F.S.

[17] Section 322.34(2)(b)2., F.S.

[18] A third degree felony is punishable by up to five years in prison and a $5,000 fine. Ss. 775.082, 775.083, or 775.084, F.S.

[19] Section 322.34(2)(c), F.S. A person whose third or subsequent DWLS qualifies as a third degree felony under s. 322.34(2)(c), F.S., is not subject to the minimum mandatory period of 10 days in jail that applies to a third or subsequent DWLS under s. 322.34(2)(b), F.S.

Habitual Traffic Offender Designation

Section 322.264, F.S., provides that a person designated as a habitual traffic offender (HTO) is any person whose record, as maintained by DHSMV, shows that he or she has accumulated, within a five-year period:

- Three or more convictions, arising out of separate acts, for any of the following offenses:
  - Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle[20];
  - Driving under the influence[21] under s. 316.193, F.S.;[22]
  - Any felony in the commission of which a motor vehicle is used[23];
  - Driving while the license is suspended or revoked[24];
  - Failing to stop and render aid as required in the event of a motor vehicle crash resulting in the death of or personal injury to another person[25];or
  - Driving a commercial motor vehicle while his or her privilege is disqualified[26].
- Accumulating 15 convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, F.S.[27]

A person commits a third-degree felony if he or she drives any motor vehicle on the highways of Florida if he or she is designated an HTO.[28] Additionally, an HTO must have his or her driving privilege revoked and is not eligible to be relicensed for a minimum of five years from the date of revocation.[29] Currently, driving with no valid driver license is not a qualifying offense for HTO designation.

III. Effect of Proposed Changes:

The bill amends s. 322.264, F.S., to expand the definition of "habitual traffic offender" to include driving a motor vehicle without a valid license in violation of s. 322.03, F.S., that three or more convictions within five years, arising out of separate acts, requires DHSMV to designate a person as a "habitual traffic offender."

The act shall be known as "Isaiah's Law."

Once a person is designated as a habitual traffic offender, he or she may be prosecuted for a third degree felony for thereafter driving a motor vehicle and the DHSMV must revoke his or her driver license for a period of five years.[30]

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[20] Section 322.264(1)(a), F.S.
[21] Section 322.264(1)(b), F.S.
[22] Former ss. 316.1931, or former 860.01, F.S.
[23] Section 322.264(1)(c), F.S.
[24] Section 322.264(1)(d), F.S.
[25] Section 322.264(1)(e), F.S.
[26] Section 322.264(1)(f), F.S.
[27] Section 322.264(2), F.S.
[28] Section 322.34(5), F.S.
[29] *Supra* note 2.; s. 322.27, F.S.
[30] Section 322.27(5)(a), F.S. A person designated as a habitual traffic offender must wait 12 months from the date of his or her revocation before petitioning DHSMV for reinstatement of his or her driving privilege. Section 322.271(1)(b), F.S.

As required by s. 322.27(5)(a), F.S., DHSMV will revoke the driver license of any person designated as a habitual traffic offender for five years and such person will be eligible to apply for a restricted driver license after one year. A person who does not have a driver license (and has the requisite three or more convictions to be classified as a habitual traffic offender) will not be eligible to apply for a restricted driver license because such person has never had a driver license to which the restriction would apply. As a result, such person would be required to serve the entire five-year revocation period without driving.[31]

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:

Persons designated as a habitual traffic offender as result of the bill would be subject to enhanced penalties, and the indirect costs associated with the loss of driving privileges.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact to local and state governments. To the extent that more offenders are designated as habitual traffic offenders, and are thereafter

[31] Florida Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2026 House Bill 35*, p. 3-4 (Sept. 30, 2025).

convicted of specified driving offenses, such offenders may be subject to longer terms of incarceration.

Additionally, the DHSMV estimates that the bill will have a fiscal impact of $46,110 related to information technology programming and implementation costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Citing ongoing information technology projects, DHSMV recommends delaying the effective date of the bill from July 1, 2026, to October 1, 2026.

VIII. Statutes Affected:

This bill amends section 322.264 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Martin

33-01427A-26 20261370__

A bill to be entitled

An act relating to habitual traffic offender designation; providing a short title; amending s. 322.264, F.S.; revising the definition of the term "habitual traffic offender"; providing an effective date.

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

Section 1. This act may be cited as "Isaiah's Law."

Section 2. Subsection (1) of section 322.264, Florida Statutes, is amended to read:

322.264 "Habitual traffic offender" defined.—A "habitual traffic offender" is any person whose record, as maintained by the Department of Highway Safety and Motor Vehicles, shows that such person has accumulated the specified number of convictions for offenses described in subsection (1) or subsection (2) within a 5-year period:

(1) Three or more convictions of any one or more of the following offenses arising out of separate acts:

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Any violation of s. 316.193, former s. 316.1931, or former s. 860.01;

(c) Any felony in the commission of which a motor vehicle is used;

(d) Driving a motor vehicle while his or her license is suspended or revoked;

(e) Failing to stop and render aid as required under the

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

33-01427A-26 20261370__

laws of this state in the event of a motor vehicle crash resulting in the death or personal injury of another; ~~or~~

(f) Driving a commercial motor vehicle while his or her privilege is disqualified; or

(g) Driving a motor vehicle without a valid license in violation of s. 322.03.

Any violation of any federal law, any law of another state or country, or any valid ordinance of a municipality or county of another state similar to a statutory prohibition specified in subsection (1) or subsection (2) shall be counted as a violation of such prohibition. In computing the number of convictions, all convictions during the 5 years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension, revocation, or disqualification under another section does not exempt them from being used for suspension or revocation under this section as a habitual offender.

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

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

February 17, 2026

Chair Kathleen Passidomo
Committee on Rules
2000 The Capital
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1370 Habitual Traffic Offender Designation

Dear Chair Passidomo,

Please allow this letter to serve as my respectful request to place SB 1370 Habitual Traffic Offender Designation on the next committee agenda.

SB 1370 cites this act as "Isaiah's Law," revising the definition of the term "habitual traffic offender", etc.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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February 24, 2026
Meeting Date

Rules
Committee

1370
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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02/24/2026
Meeting Date

Rules
Committee

1370
Bill Number or Topic

Amendment Barcode (if applicable)

Name Molly Hudson

Phone (386) 214-5536

Address 123 W. Indiana Ave
Street
Deland fl. 32720
City State Zip

Email MHudson@Volusiasheriff.gov

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Volusia Sheriff's Office

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1434
INTRODUCER:	Rules Committee, Judiciary Committee; and Senator Calatayud
SUBJECT:	Infill Redevelopment
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1434 creates the "Infill Redevelopment Act," which preempts certain local land development regulations and oversight for "qualifying parcels" to promote infill redevelopment in urban areas.

Qualifying parcels are plots of land at least 5 acres in size located adjacent to other parcels zoned for residential uses in certain counties. They must also be environmentally impacted, which for purposes of the bill means contaminants or pollutants have been detected on the land above certain thresholds or the land has been designated a brownfield area under state law.

Under the bill, local governments must allow, using an administrative approval process, a qualifying parcel to be developed with residential uses up to either the average density of all applicable zoning districts within the same jurisdiction, or 25 dwelling units per acre, whichever is lower.

The bill includes additional requirements for qualifying parcels that have recreational facilities on them (such as golf courses or recreational areas adjacent to single family homes on all sides) and provides a framework for the sale of such properties to adjacent property owners if they wish to preserve their recreational use.

The bill applies to development applications submitted pursuant to the bill's provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or

a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

Growth Management and Comprehensive Planning

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

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

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

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

The Future Land Use Element

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

[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.

use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[8]

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

Infill Development

The Growth Policy Act,[10] establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores. Under the act, "urban infill and redevelopment area" means an area or areas designated by a local government where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress as defined by state law.[11]
- The area exhibits a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete which is higher than the average for the local government.
- More than 50 percent of the area is within quarter mile of a transit stop, or a sufficient number of transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or Federal Government as an urban redevelopment, revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.[12]

The act authorizes local governments to designate urban infill and redevelopment areas within their jurisdictions for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.[13] To designate an urban infill and redevelopment area, local governments must prepare and adopt, based on specified criteria, a comprehensive, community-based redevelopment plan. The plan must address land use, housing (including affordable housing), transportation, infrastructure, public safety, and economic development, and must be developed through a collaborative process involving residents, businesses, and other stakeholders.[14] Once designated, urban infill and redevelopment areas may issue revenue bonds, employ tax increment financing, and use state and federal funding mechanisms to support redevelopment activities.[15]

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[8] Section 163.3177(6)(a)2., F.S.
[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.2511(1), F.S. (providing that ss. 163.2511-163.2520, F.S., may be cited as the "Growth Policy Act").
[11] *See* s. 290.0058, F.S. (providing how to determine whether an area suffers from pervasive poverty, unemployment, or general distress).
[12] Section 163.2514(2), F.S.
[13] Section 163.2517(1), F.S.
[14] *See generally* s. 163.2517, F.S.
[15] Section 163.2520, F.S.

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[16]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[17] Local governments are encouraged to use innovative land development regulations[18] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[19] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[20]

Classification of Agricultural Lands

State property appraisers must classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.[21] Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.[22]

"Bona fide agricultural purposes" means good faith commercial agricultural use of the land.[23] "Agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.[24]

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.[25] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law and approved by a vote of the electors.[26] 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 prohibited by law.[27]

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[16] Section 163.3164(26), F.S.
[17] Section 163.3202(1), F.S.
[18] Section 163.3202(3), F.S.
[19] Sections 125.01055 and 166.04151, F.S.
[20] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[21] Section 193.461(1), F.S.
[22] Section 193.461(3)(b), F.S.
[23] *Id.*
[24] Section 193.461(5), F.S.
[25] FLA. CONST. art. VIII, s. 1(f).
[26] FLA. CONST. art. VIII, s. 1(g).
[27] FLA. CONST. art. VIII, s. 2(b); *see also* s. 166.021(1), F.S.

Preemption

An ordinance may 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.[28] 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.[29] 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.[30]

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)[31] is informally known as Superfund.[32] Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed. These sites include manufacturing facilities, processing plants, landfills, and mining sites.[33]

CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country.[34] Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites. It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.[35]

The first step in the process is determining whether a site requires cleanup before reuse. A series of tests and investigations are used to determine whether a site has a "recognized environmental condition," defined as:

- The presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment;
- The likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or
- The presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.[36]

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[28] *See City of Jacksonville v. American Environmental Services Inc.,* 699 So. 2d 255, 256 (Fla. 1st DCA 1997).
[29] *See id.*
[30] *See, e.g.,* s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).
[31] 42 U.S.C. ss. 9601 et seq.
[32] U.S. Environmental Protection Agency (U.S. EPA), *Superfund: CERCLA Overview,* https://www.epa.gov/superfund/superfund-cercla-overview (last visited Feb. 5, 2026).
[33] U.S. EPA, *What is Superfund?,* https://www.epa.gov/superfund/what-superfund (last visited Feb. 5, 2026).
[34] U.S. EPA, *Superfund: CERCLA Overview,* https://www.epa.gov/superfund/superfund-cercla-overview (last visited Feb. 5, 2026).
[35] U.S. EPA, *What is Superfund?,* https://www.epa.gov/superfund/what-superfund (last visited Feb. 5, 2026).
[36] ASTM International, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* s. 1.1.1 (Dec. 21, 2021), https://store.astm.org/e1527-21.html; Partner Engineering and Science, *Recognized Environmental Condition (REC)*, available at https://www.partneresi.com/resources/glossary/recognized-environmental-condition-rec/ (last visited Jan. 26, 2026).

Federal law provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.[37] These reports often take the form of a Phase I Environmental Site Assessment.[38] A Phase I Environmental Site Assessment uses existing information to help understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. When a potential owner conducts an investigation in compliance with Federal law, he or she may have a defense to liability if contamination is later discovered.[39]

Brownfields Program Overview

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.[40] The Florida Brownfields Redevelopment Act[41] was adopted by the Legislature in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites. Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.[42]

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.[43] A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.[44]

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.[45] These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (also known as a "BSRA"), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection.[46]

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[37] 40 C.F.R. s. 312.21(c).
[38] *See* U.S. EPA, *Assessing Brownfield Sites - EPA 560F20175* (Jun. 2020), available at https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf (explaining that performing a Phase I Environmental Site Assessment pursuant to ASTM International Standards E1527-13 prior to owning a property is often equivalent to conducting all appropriate inquiries).
[39] *Id*. (citing 40 C.F.R. pt. 312).
[40] Fla. Department of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, 4 (Aug. 2024) ["Brownfields"], available at https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf (last visited Feb. 5, 2026).
[41] Chapter 97-277, s. 1, Laws of Fla. (codifying ss. 376.77-376.85, F.S.).
[42] Brownfields, *supra* note 40, at 4.
[43] *Id.* at 5.
[44] Section 376.80(1)(b)2. and (2)(c), F.S.
[45] Brownfields, *supra* note 40, at 5.
[46] *Id.*

III. Effect of Proposed Changes:

The bill creates s. 163.2525, F.S., which preempts certain local land development regulations and oversight for "qualifying parcels" to promote infill redevelopment in urban areas.

Short Title

The bill provides that s. 163.2525, F.S., may be cited as the "Infill Redevelopment Act."

Legislative Findings

The bill includes the following legislative findings in the act:
- Florida's urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of supply.
- Parcels of land within or near urban areas are difficult to develop or redevelop because of environmental issues and local regulations.
- Facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction over significant areas, serves important public interests in remediating environmentally challenged land and increasing the housing supply.

Definitions

Under the bill:
- "Adjacent to" means located next to another parcel of land or portion thereof, including where the parcels are separated only by a roadway, railroad, or other public or private right-of-way or easement.
- "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.[47]
- "Designated agricultural land" means a parcel of land within a zoning district that allows for agricultural uses such as farming, raising livestock, or aquaculture as the main permitted uses and which land is classified as agricultural land under state law.[48] The term does not include a property within an interim or default zoning district.

The bill defines "environmentally impacted land" to mean a parcel of land:
- Upon any portion of which a contaminant or pollutant has been detected above the applicable local, state, or federal residential cleanup target levels from Phase II environmental site assessment activities; or
- Any portion of which is located in a brownfield area designated pursuant to state law.[49]

Additionally, under the bill:
- "Local government" means a county, municipality, special district, or political subdivision of the state.

[47] The bill incorporates by reference the definition of "density" found in s. 163.3164(13), F.S.
[48] *See* s. 193.461, F.S.
[49] *See* s. 376.80, F.S.

- "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.[50]
- "Qualifying parcel" means a parcel of land to which the bill applies as described below.
- "Recreational facilities" means one or more parcels of land any portion of which was previously used as a golf course, tennis court, swimming pool, or clubhouse, or another similar use.
- "Townhouse" means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.
- "Urban growth boundary" means a boundary established by a comprehensive plan or land development regulation beyond which the provision of urban services or facilities is limited. The term includes, but is not limited to, urban development boundaries and urban service boundaries.

Qualifying Parcels

The bill provides that except as provided below, the bill applies to environmentally impacted land consisting of at least 5 acres adjacent to a parcel of land within the same jurisdiction which is zoned for residential uses as of right and which is within a county that meets both of the following requirements:

- The county has a population of more than 1.475 million people according to the most recent decennial census.
- There are at least 15 municipalities within the county.[51]

The bill does not apply to any of the following:

- Designated agricultural land.
- Land owned or operated by a local government for public park purposes.
- Land outside an urban growth boundary.
- Land within one-quarter mile of a military installation.[52]

Development Regulations

The bill provides that notwithstanding any local law, ordinance, or regulation, a local government must permit a qualifying parcel to be developed with residential uses.

Additionally, to ensure compatibility with the character of the local community, the density of development authorized under the bill may not exceed the lower of:

- The average density of all zoning districts within the same jurisdiction which are applicable to parcels adjacent to the qualifying parcel and which allow residential uses as of right; or
- 25 dwelling units per acre.

[50] The bill incorporates by reference the definition of "parcel of land" found in s. 163.3164(37), F.S.
[51] Only Miami-Dade, Broward, and Palm Beach counties currently satisfy these criteria.
[52] *See* s. 163.3175(2), F.S.

The intensity of development must comply with the standards applicable to any parcel adjacent to the qualifying parcel.

Subdivision Approval

Under the bill, a local government must administratively approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of ch. 177, F.S.[53] A local government may not use the subdivision process to restrict development below the density and intensity authorized under the bill.

Buffer Requirements

The bill provides that if a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 20 feet between the new development and the single-family homes or townhouses. The buffer area must be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. For purposes of this provision, swales and water retention areas are considered open space.

Recreational Facilities

The bill provides that if a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

- Establish that such facilities or areas, or portions of them, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.
- Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed development, to compensate for the loss of open or recreational space.
- Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes the following information:
  - That the developer intends to develop the parcel in accordance with the bill.
  - That the adjacent property owners may elect to purchase some or all of the parcel containing recreational facilities or areas for the purpose of maintaining them as recreational areas or open space within 90 days after the date the notice is mailed.
  - The price at which the adjacent property owners may purchase the property.

Property owners who receive the required notice and wish to exercise the option to purchase some or all of the parcel containing the recreational facilities or areas must exercise the option and close on the property within 90 days after the notice is mailed or forfeit the option. At closing, the property must be subject to a recorded deed restriction or restrictive covenant that requires the property to be maintained as a recreational area or open space for at least 30 years.

The parcel or the portion of the parcel containing recreational facilities or areas must be offered to the property owners for purchase at a price that may not exceed the greater of:

- An amount equal to the price paid by the property owner plus 10 percent; or

[53] Chapter 177, F.S., governs land boundaries including platting.

- An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12 months.

Development Applications

Under the bill, the proposed development of a qualifying parcel which complies with the requirements of the bill must be administratively approved, and no further action by the governing body of a local government is required.

However, a local government may administratively require a proposed development to comply with local regulations relating to architectural design if review by a board is not required and if such regulations:

- Would apply, and are generally applicable, to comparable residential development within the jurisdiction; and
- Do not limit the density or intensity of development below that authorized by the bill.

A developer must establish consistency with applicable concurrency requirements consistent with when local regulations would require it for a comparable residential development within its jurisdiction.

Each local government must maintain on its website a policy containing procedures and expectations for administrative approval under the bill.

Application, Preemption, and Construction

The bill applies to development applications submitted pursuant to the bill's provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill. The new statute must be liberally construed to effectuate its intent.

Division of Law Revision

The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in the bill with the date it becomes a law.

Effective Date

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:

The bill will make it more cost effective for property owners to redevelop certain "qualifying" infill parcels in urban areas by streamlining the approval process.

C. Government Sector Impact:

By requiring the administrative approval of certain "qualifying" urban infill redevelopment projects, the bill will reduce the time and cost spent by local government staff reviewing and approving such projects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Retroactive Application

None.

VIII. Statutes Affected:

This bill creates section 163.2525 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on February 24, 2026:

The underlying bill provides that an eligible parcel containing recreational facilities must be offered to adjacent property owners for a price not exceeding the greater of the original price paid plus 10 percent, or a bona fide offer's purchase price plus 10 percent. The committee substitute removes the latter 10 percent.

CS by Judiciary on February 10, 2026:

The committee substitute:

- Revises the definition of "designated agricultural land" to remove the exclusion of properties within interim or default zoning districts.
- Revises the definition of "environmentally impacted land" to only include properties having either contaminants or pollutants above local, state, or federal residential clean-up target levels from Phase II environmental site assessment activities or a brownfield designation under state law.
- Deletes the definition of "intensity."
- Revises the eligibility criteria for "qualifying parcels" by requiring them to be adjacent to a parcel zoned for residential uses, increasing the number of municipalities that must be present in the county from 10 to 15, and excluding land that is or was owned at any time within the prior 15 years by a public utility as defined in state law.
- Requires local governments to allow qualifying parcels to be developed with residential uses.
- Revises the density and intensity restrictions on qualifying parcels by limiting the average density on them to the average density of all zoning districts within the same jurisdiction which are applicable to adjacent parcels allowing residential uses as of right or 25 dwelling units per acre, whichever is lower.
- Requires the intensity of development to comply with the standards applicable to adjacent parcels.
- Deletes density, height, lot size, setback, and parking restrictions.
- Requires local governments to "administratively" approve, not merely approve, applications for the subdivision of qualifying parcels.
- Reduces the required buffer between new developments on qualifying parcels and existing single-family homes and townhomes from 30 feet to 20 feet.
- Provides that swales and water retention areas must be considered open space.
- Revises application review requirements for qualifying parcels by allowing local governments to administratively require proposed developments to comply with local regulations relating to architectural design under certain conditions.
- Requires developers to establish consistency with applicable concurrency requirements consistent with comparable residential developments within the jurisdiction.
- Eliminates the provision in the bill providing for retroactive application to laws that are contrary to the bill.

- Revises the preemption provision in the bill to expressly preempt local governments from adopting or enforcing any laws that restrict or limit the development of qualifying parcels in accordance with the bill.

B. Amendments:

None.

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

935140

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment

Delete line 189
and insert:
months.

By the Committee on Judiciary; and Senator Calatayud

590-02690-26 20261434c1

A bill to be entitled

An act relating to infill redevelopment; creating s. 163.2525, F.S.; providing a short title; providing legislative findings; defining terms; providing applicability; requiring that a local government permit qualifying parcels to be developed with residential uses; limiting the density of certain development for a specified purpose; requiring the intensity of certain development to comply with certain standards; requiring a local government to administratively approve an application for the subdivision of a qualifying parcel under certain circumstances; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; providing requirements for such buffer areas; providing construction; requiring developers of qualifying parcels to establish that certain recreational facilities and areas reserved for recreational use have not been in operation or use for a certain timeframe; requiring developers of such parcels to pay double the parks and recreation facilities impact fees for a certain purpose and provide certain written notice to property owners; providing requirements for the written notice; requiring that property owners who receive such written notice and wish to exercise an

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

590-02690-26 20261434c1

option to purchase certain parcels or portions thereof meet specified requirements within a specified timeframe or forfeit the option; limiting the price at which such parcels or portions of parcels may be offered to the property owners for purchase; requiring the administrative approval of certain proposed developments; authorizing a local government to administratively require compliance with architectural design regulations under certain circumstances; requiring a developer to establish consistency with applicable concurrency requirements; requiring each local government to maintain a certain policy on its website; providing applicability; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations; requiring liberal construction of certain provisions; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 163.2525, Florida Statutes, is created to read:

163.2525 Infill Redevelopment Act.—

(1) SHORT TITLE.—This section may be cited as the "Infill Redevelopment Act."

(2) LEGISLATIVE FINDINGS.—The Legislature finds that this state's urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of

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

supply; that parcels of land within or near urban areas are difficult to develop or redevelop because of environmental issues and local regulations; and that facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction, serves important public interests in remediating environmentally challenged land and increasing the supply of housing.

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

(a) "Adjacent to" means located next to another parcel of land or portion thereof, including where the parcels are separated only by a roadway, railroad, or other public or private right-of-way or easement.

(b) "Density" has the same meaning as in s. 163.3164.

(c) "Designated agricultural land" means a parcel of land within a zoning district that allows for agricultural uses such as farming, raising livestock, or aquaculture as the main permitted uses and which land is classified as agricultural land under s. 193.461.

(d) "Environmentally impacted land" means a parcel of land:

1. Upon any portion of which a contaminant or pollutant has been detected above the applicable local, state, or federal residential cleanup target levels from Phase II environmental site assessment activities; or

2. Any portion of which is located in a brownfield area designated pursuant to s. 376.80.

(e) "Local government" means a county, municipality, special district, or political subdivision of the state.

(f) "Parcel of land" has the same meaning as in s. 163.3164.

(g) "Qualifying parcel" means a parcel of land to which this section applies under subsection (4).

(h) "Recreational facilities" means one or more parcels of land any portion of which was previously used as a golf course, tennis court, swimming pool, or clubhouse, or another similar use.

(i) "Townhouse" means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.

(j) "Urban growth boundary" means a boundary established by a comprehensive plan or land development regulation beyond which the provision of urban services or facilities is limited. The term includes, but is not limited to, urban development boundaries and urban service boundaries.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres adjacent to a parcel of land within the same jurisdiction which is zoned for residential uses as of right and which is within a county that meets both of the following requirements:

1. The county has a population of more than 1.475 million people according to the most recent decennial census.

2. There are at least 15 municipalities within the county.

(b) This section does not apply to any of the following:

1. Designated agricultural land.

2. Land owned or operated by a local government for public park purposes.

3. Land outside an urban growth boundary.

4. Land within one-quarter mile of a military installation identified in s. 163.3175(2).

5. Land that is owned, or that was owned at any time within the 15 years preceding the effective date of this act, by a public utility as defined in s. 366.02.

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation, a local government shall permit a qualifying parcel to be developed with residential uses. To ensure compatibility with the character of the local community, the density of development authorized under this section may not exceed the average density of all zoning districts within the same jurisdiction which are applicable to parcels adjacent to the qualifying parcel and which allow residential uses as of right or 25 dwelling units per acre, whichever is lower. The intensity of development must comply with the standards applicable to any parcel adjacent to the qualifying parcel.

(6) SUBDIVISION APPROVAL.—A local government must administratively approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of chapter 177. A local government may not use the subdivision process to restrict development below the density and intensity authorized under subsection (5).

(7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 20 feet between the new development and the single-family homes or townhouses. The buffer area must be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. For

purposes of this subsection, swales and water retention areas are considered open space.

(8) RECREATIONAL FACILITIES.—

(a) If a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

1. Establish that such facilities or areas, or portions thereof, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.

2. Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed development, to compensate for the loss of open or recreational space.

3. Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes all of the following information:

a. That the developer intends to develop the parcel in accordance with this section.

b. That the adjacent property owners may elect to purchase the parcel or portion thereof containing recreational facilities or areas for the purpose of maintaining the parcel, or portions thereof, as recreational areas or open space within 90 days after the date the notice is mailed.

c. The price at which the adjacent property owners may purchase the property.

(b) Property owners who receive the notice required under

subparagraph (a)3. and wish to exercise the option to purchase the parcel or portion thereof containing the recreational facilities or areas must exercise the option and close on the property, and accept a deed restriction or record a restrictive covenant requiring the property to be maintained as a recreational area or open space for at least 30 years, within 90 days after the notice is mailed or forfeit the option. The parcel or portion thereof must be offered to such property owners for purchase at a price that may not exceed the greater of:

1. An amount equal to the price paid by the property owner plus 10 percent; or

2. An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12 months plus 10 percent.

(9) DEVELOPMENT APPLICATIONS.—The proposed development of a qualifying parcel which complies with the requirements of this section must be administratively approved, and no further action by the governing body of a local government is required. However, a local government may administratively require a proposed development to comply with local regulations relating to architectural design if review by a board is not required and if such regulations would apply, and are generally applicable, to comparable residential development within the jurisdiction and do not limit the density or intensity of development below that authorized by this section. A developer must establish consistency with applicable concurrency requirements at such time as local regulations would require for a comparable residential development within its jurisdiction. Each local

government shall maintain on its website a policy containing procedures and expectations for administrative approval under this subsection.

(10) APPLICATION, PREEMPTION, AND CONSTRUCTION.—This section applies to development applications submitted pursuant to this section on or after the effective date of this act. A local government may not adopt or enforce a local law, an ordinance, or a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with this section. This section shall be liberally construed to effectuate its intent.

Section 2. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 11, 2026

I respectfully request that **Senate Bill #1434**, relating to Infill Redevelopment, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1434
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone 305-240-2917

Address 107 E College Ave
Street

Email DMartinez@AFPHQ.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1440
INTRODUCER:	Rules Committee; Banking and Insurance Committee; and Senator Martin
SUBJECT:	Public Records/Office of Financial Regulation
DATE:	February 24, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Moody	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1440, which is linked to the passage of CS/CS/CS/SB 540, makes confidential and exempt from public records disclosure requirements certain information held by the Office of Financial Regulation (the "Office") related to mortgage businesses, money services businesses, and financial institutions such as information relating to the cybersecurity requirements proposed in CS/CS/CS/SB 540, investigations conducted by the Office or a law enforcement agency (the "cybersecurity exemptions"), reports and specified information provided by securities dealers and investment advisers to the Office relating to financial exploitation of specified adults (the "specified adult exemption"), and information contained in a credit union's application for formation (the "credit union exemption").

The bill is also linked to the passage of CS/CS/SB 198, Virtual Currency Kiosks, and CS/CS/SB 314, Payment Stablecoins. The bill reenacts s. 560.129, F.S., relating to the expansion of public records exemptions for information and records relating to newly regulated virtual currency kiosk businesses in CS/CS/SB 198 and qualified payment stablecoin issuers in CS/CS/SB 314 (the "kiosk business and stablecoin issuer exemption").

The bill provides statements of public necessity as required by the state constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the membership of both houses of the Legislature for final passage.

The public records exemptions in the bill are subject to the Open Government Sunset Review Act. The cybersecurity exemptions will be repealed on October 2, 2031, unless the statutes are reviewed and reenacted by the Legislature before that date.

There is no impact to state revenues or expenditures. *See* **Section V., Fiscal Impact Statement**.

Except as otherwise expressly provided in the bill and the effective date section, which take effect upon becoming a law, the bill is effective on the same date that CS/CS/CS/SB 540 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:

Florida 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.[1] The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[2]

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.[3] The Public Records Act states that:

> [i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[4]

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.[5] 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.

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

[1] FLA. CONST., art. I, s. 24(a).
[2] *Id*.
[3] Public records laws are found throughout the Florida Statutes.
[4] Section 119.01(1), F.S.
[5] *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); *See also Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

> 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."[6]
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.[7] A violation of the Public Records Act may result in civil or criminal liability.[8]

Only the Legislature may create an exemption to public records requirements.[9] An exemption must be created by general law and must specifically state the public necessity justifying the exemption.[10] 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[11] and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.[12]

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*.[13] 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.[14] Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[15]

Open Government Sunset Review Act

The Open Government Sunset Review Act[16] (the Act) prescribes a legislative review process for newly created or substantially amended[17] public records or open meetings exemptions, with specified exceptions.[18] It requires the automatic repeal of such exemption on October 2 of the

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[6] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).
[7] Section 119.07(1)(a), F.S.
[8] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[9] FLA. CONST. art. I, s. 24(c).
[10] *Id.*
[11] The bill may, however, contain multiple exemptions that relate to one subject.
[12] FLA. CONST. art. I, s. 24(c)
[13] *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
[14] *Id.*
[15] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[16] Section 119.15, F.S.
[17] 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.
[18] Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.[19]

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.[20] An exemption serves an identifiable public purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;[21]
- 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;[22] or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.[23]

The Act also requires specified questions to be considered during the review process.[24] In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.[25] 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 sunset, the previously exempt records will remain exempt unless provided for by law.[26]

[19] Section 119.15(3), F.S.
[20] Section 119.15(6)(b), F.S.
[21] Section 119.15(6)(b)1., F.S.
[22] Section 119.15(6)(b)2., F.S.
[23] Section 119.15(6)(b)3., F.S.
[24] 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?
- 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?

[25] FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S.
[26] Section 119.15(7), F.S.

Public Records Exemption

Criminal Intelligence and Investigation Information

The Public Records Act provides an exemption from public records disclosure requirements for active criminal intelligence and active criminal investigation information.[27] The exemption includes a request from a law enforcement agency to inspect or copy a public record that is in the custody of another agency, the custodian's response, and any information that would identify whether a law enforcement agency has requested or received such public records. This exemption applies only during the period in which the information constitutes active criminal intelligence and investigation information.[28] The requesting law enforcement agency must give notice to the custodial agency when the criminal intelligence information or criminal investigative information is no longer active so the information may be made available to the public.[29]

Protection of Specified Adults

Florida law provides additional protections for specified adults who is a natural person age 65 years or older or a vulnerable adult[30] who have accounts with financial institutions and may be victims of suspected financial exploitation.[31] A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.[32]

A financial institution that reports a suspected financial exploitation of a specified adult may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- The financial institution must promptly initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.
- Within a specified time:
  - The financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
  - Creates and maintains for at least five years from the date of the delayed disbursement or transaction a written or electronic record of the delayed disbursement or transaction that includes specified information.[33]

[27] Section 119.071(2)(c)1., F.S.
[28] Section 119.071(2)(c)2.a., F.S.
[29] Section 119.071(2)(c)2.b., F.S.
[30] Sections 415.10341(1)(c) and 517.34(1)(b), F.S.
[31] Sections 415.10341 and 517.34, F.S.
[32] Section 415.102(29), F.S.
[33] Section 415.10341, F.S.

A dealer or investment adviser may delay disbursements or transactions of funds from an account of a specified adult or a vulnerable adult under the following conditions:

- A financial institution reasonably believes that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted in connection with the disbursement or transaction.
- Not later than three business days after the date on which the delay was first placed, the financial institution provides written notice to all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided on the account, unless the employee of the financial institution believes that any of the parties are involved in the suspected exploitation.
- Not later than three business days after the date on which the delay was first placed, a state-chartered financial institution notifies the Office of Financial Regulation of the delay.
- The financial institution must initiate an internal review of the facts and circumstances that caused the employee to reasonably believe that the financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted promptly.[34]

A delay in a disbursement or transaction expires in 15 business days and may be extended for an additional 30 business days. A court of competent jurisdiction may shorten or extend the length of any delay.[35]

Florida law grants immunity from any administrative or civil liability that might otherwise arise from a delay in a disbursement or transaction to any financial institution who in good faith and exercising reasonable care complies with the provisions of s. 415.10341, F.S. or s. 517.34, F.S.

Financial Regulation

The Office of Financial Regulation (Office or OFR) is responsible for regulating all activities of state-chartered banks, state-chartered credit unions, other financial institutions, finance companies, and the securities industry (together, the "financial services").[36] The number of licensees or state-chartered institutions[37] regulated by the office is summarized below:

Division	**Number of Persons Regulated**
Division of Consumer Finance	122,530
Division of Financial Institutions	196
Division of Securities	403,627
Total Regulated Persons	526,353

[3434] Section 517.34(3), F.S.
[35] Sections 415.10341(4) and 517.34(4), F.S.
[36] Section 20.121(3)(a)2., F.S.
[37] Florida Office of Financial Regulation, *Fast Facts* (Jan. 2025 ed.), https://flofr.gov/docs/default-source/documents/fast-facts.pdf (last visited Feb. 12, 2026) (hereinafter cited as "2025 OFR Fast Facts").

Money Services Businesses

The OFR regulates money services businesses[38] (MSB) under ch. 560, F.S. There are several types of money services businesses, including a payment instrument seller, foreign currency exchanger, check casher, or money transmitter. [39] The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.[40]

Confidentiality of Information and Records

Current law contains several provisions which make confidential and exempt from the Public Records Act certain records or information of money services businesses relating to:

- Investigations and examinations conducted by the OFR, including any customer complaint received by the OFR or the Department of Financial Services, until the investigation or examination ceases to be active;[41]
- Trade secrets[42] or personal financial information obtained by the OFR during its investigation or examination;[43]
- A consumer complaint or other information concerning an investigation or examination that are no longer active for a specified reason.[44]

Any person who willfully discloses any of the above confidential and exempt information commits a third degree felony.[45]

Financial Institutions

A financial institution must have a federal or state charter to accept deposits. Banks are chartered and regulated as national banks by the Office of the Comptroller of the Currency within the U.S. Department of the Treasury or as state banks by a state regulator.[46] The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust

[38] Section 560.103(23), F.S., defines "money services business" as any person located in or doing business in this state, from this state, or into this state from locations outside this state or country who acts as a payment instrument seller, foreign currency exchanger, check casher, or money transmitter.
[39] *Id.*
[40] Section 560.114(1), F.S.
[41] Section 560.129(1), F.S. (providing an investigation or examination is "active so long as the office or any other administrative, regulatory, or law enforcement agency of any jurisdiction is proceeding with reasonable dispatch and has a reasonable good faith belief that action may be initiated by the office or other administrative, regulatory, or law enforcement agency").
[42] "Trade secrets" is defined as information, including a formula, pattern, compilation, program, device, method, technique, or process that meets specified criteria. Section 688.002(4), F.S.
[43] Section 560.129(2), F.S.
[44] Section 560.129(4), F.S. (providing the reasons, including (a) Jeopardize the integrity of another active investigation; (b) Reveal personal financial information: (c) Reveal the identity of a confidential source; or (d) Reveal investigative techniques or procedures).
[45] A third degree felony is punishable by up to five years imprisonment and up to a $5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.
[46] Congressional Research Service, *Introduction to Financial Services: Banking* (April 1, 2025), p. 1, https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Feb. 12, 2026).

companies, and related entities.[47] There are 196 financial institutions regulated by the office, including 57 banks and 67 credit unions.[48]

Federally chartered banks, publicly or privately held, must comply with rigorous regulatory requirements to become chartered.[49] The office is required to make certain findings before approving an application to organize a bank or trust company.[50] An application for authority to organize a bank or trust company must be submitted on a form prescribed by the commission and must include certain information, such as detailed financial, business, and biographical information for each proposed director and executive officer, and information relating to initial share capital.[51] Organizers of credit unions must also submit an application on a form prescribed by the commission which contains specified information relating to the share value, board of directors, and information required to be submitted to the National Credit Union Administration.[52]

Confidential and Exempt Records in the Financial Institutions Codes

Florida law makes confidential and exempt from public disclosure certain information received by the Office of Financial Regulation (the "Office") pursuant to an application for authority to organize a new state bank[53] or new state trust company[54] under ch. 658, F.S., including:

- Personal financial information;
- A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity;
- Books and records of a current or proposed financial institutions; and
- The proposed business plan and supporting documentation.[55]

Current law also makes exempt from public disclosure requirements personal identifying information of a proposed officer or director who is currently employed by, or actively participates in the affairs of, another financial institution received by the office pursuant to an application for authority to organize a new state bank or new state trust company under ch. 658, F.S., until the application is approved or the charter is issued. The term "personal identifying information" is defined as names, home addresses, e-mail addresses, telephone numbers, names of relatives, work experience, professional licensing and educational

[47] Section 655.005(1)(k), F.S., states that the Financial Institutions Codes includes: ch. 655, financial institutions generally; ch. 657, credit unions; ch. 658, banks and trust companies; ch. 660, trust business; ch. 662, family trust companies; ch. 663, international banking; ch. 665, relating to associations; and ch. 667, savings banks.
[48] 2025 OFR Fast Facts.
[49] *See* 12 CFR 16; Office of the Comptroller of the Currency, *Comptroller's Licensing Manual Charters*, (December 2021), p. 4, https://www.occ.gov/publications-and-resources/publications/comptrollers-licensing-manual/files/charters.pdf (last visited Feb. 12, 2026).
[50] Section 658.21, F.S.
[51] Section 658.19, F.S.
[52] Section 657.005, F.S.
[53] Section 658.12(17), F.S., defines "state bank" as any bank which has a subsisting bank charter issued pursuant to the provisions of the financial institutions codes or the general banking laws of this state in effect prior to the enactment of the financial institutions codes.
[54] Section 658.12(19), F.S, defines "state trust company" as a corporation, other than a bank, which has a subsisting trust company charter issued pursuant to the provisions of the financial institutions codes or the applicable laws of the state in effect prior to the enactment of the financial institutions codes.
[55] Section 655.057(5)(a), F.S.

backgrounds, and photographs.[56] This will allow the office to disclose the personal identifying information to other governmental entities, e.g., the Florida Department of Law Enforcement or the Federal Bureau of Investigation to conduct a criminal background check in the course of its statutorily imposed duty to investigate these individuals.

Books and records of currently-chartered financial institutions are confidential and may be made available for inspection and examination only in limited circumstances, for instance:[57]

- To the office or its duly authorized representative;
- To any person duly authorized to act for the financial institution;
- To any federal or state instrumentality or agency authorized to inspect or examine the books and records of an insured financial institution;
- As compelled by a court of competent jurisdiction; and
- As compelled by legislative subpoena, as provided by law.

Florida law also contains several provisions which make confidential and exempt from the Public Records Act certain records or information of financial institutions relating to:

- Investigations conducted by the office;[58]
- Reports of examinations,[59] operations, or condition, including working papers,[60] or portions thereof, prepared by, or for the use of, the office or any state or federal agency responsible for the regulation or supervision of financial institutions[61] in Florida;[62]
- Informal enforcement actions;[63, 64]
- Trade secrets[65] held by the office;[66]
- Any portion of a required shareholder list which reveals the shareholders' identities;[67] and

[56] Section 655.057(5)(b), F.S.
[57] Section 655.059(1), F.S.
[58] Section 655.057(1), F.S.
[59] Section 655.057(13)(a), F.S., defines "examination report" as records submitted to or prepared by the office as part of the office's duties performed pursuant to s. 655.012, F.S., or s. 655.045(1), F.S.
[60] Section 655.057(13)(d), F.S., defines "working papers" as the records of the procedures followed, the tests performed, the information obtained, and the conclusions reached in an examination or investigation performed under s. 655.032, F.S., or s. 655.045, F.S. Working papers include planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of the books and records of a financial institution as defined in s. 655.005(1), F.S., and scheduled or commentaries prepared or obtained in the course of such examination or investigation.
[61] Section 655.005(1)(i), F.S., defines "financial institution" as a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq. Section 655.005(1)(i), F.S.
[62] Section 655.057(2), F.S.
[63] Section 655.057(13)(b), F.S., defines "informal enforcement actions" as a board resolution, a document of resolution, or an agreement in writing between the office and a financial institution which meets certain criteria.
[64] Section 655.057(3), F.S.
[65] Section 688.002(4), F.S., defines "trade secrets" as information, including a formula, pattern, compilation, program, device, method, technique, or process that meets specified criteria. The trade secret must also comply with s. 655.0591, F.S.
[66] Section 655.057(4), F.S.
[67] Section 655.057(9), F.S.

- Confidential documents supplied to the office or to employees of any financial institution by other state or federal governmental agencies.[68]

Any person who willfully discloses information made confidential commits a felony of the third degree.[69] There is no provision in the Financial Institutions Codes which makes confidential or exempts from the Public Records Act information received by the office in relation to an application for authority to organize a new credit union.[70] While some of the information submitted as part of an application may constitute a trade secret, protected under s. 655.057(4), F.S., other information, such as a driver's license number or passport number, are not specifically protected in that context. The exemptions do not prevent or restrict:

- Publishing certain reports that must be submitted to the office or that are required to be published by federal law or regulation;
- Providing records or information to any other state, federal, or foreign agency responsible for the regulation and supervision of financial institutions;
- Disclosing or publishing summaries of the economic condition or similar data of financial institutions;
- Reporting any suspicious criminal activity to appropriate law enforcement or prosecutorial agencies;
- Furnishing certain information requested by the Chief Financial Officer or specified agency of any financial institution that is, or has applied to be, designated as a qualified public depository; and
- Furnishing information to Federal Home Loan Banks regarding its member institutions.[71]

Orders to produce confidential records or information issued by courts or administrative law judges must provide for inspection in camera by the court or administrative law judge. Other procedural safeguards are provided for in the Financial Institutions Codes to protect the confidentiality of the records or information, including provisions that an order directing the release of information is reviewable by the office. [72]

Anit-Money Laundering Regulation

Federal Regulation

Suspicious Activity Reports

Federal law authorizes the Secretary of Treasury to require any financial institution or any of its directors, officers, employees, or agents to report any suspicious transaction to a possible violation of law or regulation.[73] Federal regulation requires a bank to file a suspicious activity report in certain circumstances, such as the transaction involves funds derived from illegal activities, the transaction is designed to evade any requirements of the Bank Secrecy Act, or the

[68] Section 655.057(10), F.S.
[69] Section 655.057(14), F.S. A third degree felony is punishable by up to five years imprisonment and up to a $5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.
[70] Section 657.002(4), F.S. defines "credit union" as any cooperative society organized pursuant to ch. 657, F.S.
[71] Section 655.057(6), F.S.
[72] Section 655.057(7), F.S.
[73] 31 U.S.C. s. 5318(g)(1).

transaction has no business or apparent lawful purpose.[74] Federal law prohibits the reporter of such information from disclosing the report.[75]

Currency Transaction Report

Federal law also requires a financial institution to file a report of each deposit, withdrawal, exchange of currency or other payment or transfer by, through, or to such financial institution in currency more than $10,000 unless an exception applies.[76] Federal law makes these reports confidential and prohibits state public-records laws.[77]

Florida Regulation

Florida law requires a financial institution to keep a record of each transaction in the state that involves currency or other monetary instrument that has a value greater than $10,000 and involves proceeds of specified unlawful activity, or is designed to evade certain reporting requirements, or which the financial institution reasonably believes is suspicious activity.[78] Multiple financial transactions must be treated as a single transaction.[79]

Each financial institution must file a report of the required records with the OFR.[80] Timely filing a report required under 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 with the appropriate federal agency is deemed compliance with the reporting requirements in Florida law unless the reports are not regularly and comprehensively transmitted by the federal agency to the OFR.[81] Florida makes the records that are required to be filed with the OFR confidential and exempt from public records disclosure requirements.[82]

Cybersecurity

There are federal standards for protecting customer information and Florida consumer protection laws for data security; however, there are no cybersecurity regulations under the financial services provisions. The Department of Legal Affairs (DLA) is responsible for enforcing a violation and may disclose information to office relating to a covered entity's[83] violation of data security requirements of confidential personal information under consumer protection laws but the office has no regulatory authority to enforce any violation of the data security provisions in the consumer protection laws.[84]

Federal Standards for Safeguarding Customer Information

[74] 31 C.F.R. s. 1020.320(2).
[75] 31 U.S.C. s. 5318(g)(2); 31 C.F.R. s. 1020.320(e).
[76] 31 U.S.C. s. 5313(a); 31 C.F.R. s. 1010.311.
[77] 31 U.S.C. s. 5319.
[78] Section 655.50(5), F.S.
[79] Section 655.50(5)(a), F.S.
[80] Section 655.50(5)(d), F.S.
[81] Section 655.50(5)(e), F.S.
[82] Section 655.50(7), F.S.
[83] Section 501.171(1)(b), F.S., defines "covered entity" as a sole proprietorship, partnership, corporation, trust, estate, cooperative, association, or other commercial entity that acquires, maintains, stores, or uses personal information. The term also includes governmental entities with respect to certain notice requirements.
[84] Section 501.171(9)(a), F.S.

Financial institutions[85] that are subject to the Federal Trade Commission's (FTC) jurisdiction are regulated under the Federal Standards for Safeguarding Customer Information (Safeguard Rules).[86] The Safeguard Rules do not apply to financial institutions that maintain customer information[87] for fewer than 5,000 customers.[88,89] Financial institutions subject to the Safeguard Rules are required to develop, implement, and maintain a comprehensive written information security program[90] that must be tailored to the size and complexity of the institution's system and activities, and must meet other specified criteria and elements,[91] such as basing the system on a risk assessment that identifies certain factors, evaluating and adjusting the program following the testing and monitoring results, and establishing a written incident response plan.[92] A financial institution must notify the FTC of a notification event[93] that involves information of at least 5,000 consumers.[94]

Florida Security of Confidential Personal Information

Section 501.171, F.S., provides covered entities, governmental entities, and third-party agents are required to take reasonable measures to protect and secure electronic data containing personal

[85] 16 C.F.R. 314.2 defines "financial institution" as any institution the business of which is engaging in activity that is financial in nature or incidental to such financial activities as described in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution.
[86] 16 C.F.R. 314.1(b).
[87] 16 C.F.R. 314.2(d) defines "customer information" as any record containing nonpublic personal information about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of a financial institution or a financial institution's affiliates. 16 C.F.R. 314.2(l) defines (1) "nonpublic personal information" as (i) Personally identifiable financial information; and (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available. (2) Nonpublic personal information does not include: (i) Publicly available information; or (ii) Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available. 16 C.F.R. 314.2(b)(1) defines "consumer" as an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative.
[88] 16 C.F.R. 314.2(c) defines "customer" as a consumer who has a customer relationship with a financial institution. 16 C.F.R. 314.2(e)(1) defines "customer relationship" as a continuing relationship between a consumer and a financial institution under which the financial institution provides one or more financial products or services to the consumer that are to be used primarily for personal, family, or household purposes. 16 C.F.R. 314.2(g)(1) defines "financial product or service" as any product or service that a financial holding company could offer by engaging in a financial activity under section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).
[89] 16 C.F.R. 314.6.
[90] 16 C.F.R. 314.2(i) defines "information security program" as the administrative, technical, or physical safeguards a financial institution uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
[91] 16 C.F.R. 314.3(a).
[92] 16 C.F.R. 314.4.
[93] 16 C.F.R. 314.2(m) defines "notification event" as acquisition of unencrypted customer information without the authorization of the individual to which the information pertains. Customer information is considered encrypted for this purpose if the encryption key was accessed by an unauthorized person. Unauthorized acquisition will be presumed to include unauthorized access to unencrypted customer information unless the financial institution has reliable evidence showing that there has not been, or could not reasonably have been, unauthorized acquisition of such information.
[94] 16 C.F.R. 314.4(j)(1).

information.[95,96] When the security of a data system is breached, a covered entity must provide notice to the Department of Legal Affairs (DLA), affected individuals, and credit reporting agencies in certain circumstances.[97] A covered entity that fails to provide the required notices may face civil penalties.[98]

Notice to the Department of Legal Affairs

Covered entities must provide written notice of any breach of security that affects 500 or more Floridians to the DLA within 30 days after the determination of the breach or a reason to believe a breach occurred.[99] The notice may be delayed an additional 15 days for good cause, if certain conditions are met.[100] The notice must include specified information.[101] A covered entity must also provide certain information upon request of the DLA,[102] and may provide any other information regarding the breach to the DLA at any time to supplement the required information.[103]

Notice to Individuals

A covered entity must provide notice to each individual in Florida whose personal information was, or is reasonably believed to have been, accessed as a result of a breach. Notice must be

[95] Section 501.171(1)(g), F.S., defines 1. "personal information" as a. An individual's first name or first initial and last name in combination with one of the following: (I) A social security number; (II) A driver license or identification card number, passport number, military identification number, or other number issued by a governmental entity used to verify identity; (III) A financial account number or credit or debit card number, in combination with any required security code, access code, or password needed to permit access to the financial account; (IV) An individual's medical history, mental or physical condition, or medical treatment or diagnosis; (V) An individual's health insurance policy number or subscriber identification number and any unique identifier used by a health insurer; (VI) An individual's biometric data; or (VII) Any information regarding an individual's geolocation. b. A user name or e-mail address, in combination with a password or security question and answer is also considered "personal information." 2. Information that is publicly available from a federal, state, or local governmental entity or information that is encrypted, secured, or modified by a method or technology that removes personally identifiable information is not considered "personal information." Section 501.702(4), F.S., defines "biometric data" as data generated by automatic measurements of an individual's biological characteristics. The term includes fingerprints, voiceprints, eye retinas or irises, or other unique biological patterns or characteristics used to identify a specific individual. The term does not include physical or digital photographs; video or audio recordings or data generated from video or audio recordings; or information collected, used, or stored for health care treatment, payment, or operations under the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. ss. 1320d et seq.

[96] Section 501.171(2), F.S.

[97] Section 501.171(3) - (5), F.S.

[98] Section 501.171(9), F.S.

[99] Section 501.171(3)(a), F.S.

[100] *Id.*

[101] Section 501.171(3)(b), F.S. (providing the information that must be included is: 1. A synopsis of the events surrounding the breach at the time the notice is provided; 2. The number of individuals in this state who were or potentially have been affected by the breach; 3. Any services related to the breach being offered or scheduled to be offered by the covered entity to individuals, without charge, and instructions as to how to use such services; 4. A copy of the notice sent to individuals affected or potentially affected by the breach or an explanation of other actions being taken, such as a delay in notification at the request of law enforcement, a determination that the breach was unlikely to cause harm, or notice provided in compliance with federal law; and 5. The name, address, telephone number, and e-mail address of the employee of the covered entity from whom additional information may be obtained about the breach).

[102] Section 501.171(3)(c), F.S. (providing the information that must be provided is: 1. A police report, incident report, or computer forensics report; 2. A copy of the policies in place regarding breaches; and 3. Any steps taken by the covered entity to rectify the breach).

[103] Section 501.171(3)(d), F.S.

provided as quickly as possible, taking into account the time needed to determine the scope of the breach of security, to identify affected individuals, and to restore reasonable integrity of the data system that was breached. However, notice must be provided within 30 days of determination of the breach or reason to believe a breach occurred unless specified exceptions apply.[104] The notice must be sent to the individual's mailing address or e-mail address and must include specified information.[105]

This notice may be substituted in lieu of direct notice to the individual if the cost of providing notice will exceed $250,000, the number of affected individuals exceeds 500,000, or the covered entity does not have an e-mail address or mailing address for the affected individuals.[106] The substitute notice must include a conspicuous notice on the Internet website of the covered entity, if the entity maintains a website, and notice in print and broadcast media, including major media in urban and rural areas where the affected individuals reside.[107]

Notice to Credit Reporting Agencies

If a breach requires more than 1,000 individuals to be notified at a single time, the covered entity must also notify all consumer reporting agencies that compile and maintain files on a nationwide basis of the timing, distribution, and content of the notices.[108]

Committee Substitute for Committee Substitute for Senate Bill 198

CS/CS/SB 198 (2026) establishes a regulatory framework for virtual currency kiosks and protects users of kiosks by:

- Requiring a virtual currency kiosk business (except licensed money transmitters) to comply with registration requirements, and updating disciplinary actions and unlicensed activities sections to apply to registered entities.
- Requiring that virtual currency kiosks must:
  - Ask each customer the amount of any of the customer's other virtual currency transactions conducted the same calendar day; and
  - Provide a notice to customers that fraud that begins with contact from strangers lying about their identity.
- Restricting the total dollar amount of all transactions per customer each calendar day to $2,000 for new customers and $10,000 for existing customers.
- Requiring a customer to be provided with the choice of a physical or electronic receipt.
- Requiring a full refund in specified circumstances.

Committee Substitute for Committee Substitute for Senate Bill 314

[104] Section 501.171(4)(a), F.S.
[105] Section 501.171(4)(d) and (e), F.S. (providing the notice must include: 1. The date, estimated date, or estimated date range of the breach of security; 2. A description of the personal information that was accessed or reasonably believed to have been accessed as a part of the breach of security; and 3. Information that the individual can use to contact the covered entity about the breach of security and the individual's personal information maintained by the covered entity).
[106] Section 501.171(4)(f), F.S.
[107] *Id.*
[108] Section 501.171(5), F.S.

CS/CS/SB 314 establishes a regulatory framework for state qualified payment stablecoin issuers ("issuers") of stablecoins that is substantially similar to the Guiding and Establishing National Innovation for U.S. Stablecoins Act ("GENIUS Act"). The bill establishes issuers as a separate category of money services business (MSB) which requires issuers to be licensed and subject to the supervision and enforcement provisions of money services businesses in ch. 560, F.S. Similarly, the bill establishes an approval process for trust companies under ch. 658, F.S, to obtain a certificate of approval as an issuer. All issuers are required to comply with minimum prudential requirements.

Committee Substitute for Committee Substitute for Senate Bill 540

Committee Substitute for Committee Substitute for Senate Bill 540 (2026) regulates information security programs and cybersecurity event investigations of mortgage brokers and lenders, and money services businesses substantially similar to the Safeguard Rules. The bill provides that covered entities are not relieved from complying with Florida Security of Confidential Personal Information under consumer protection laws in s. 501.171, F.S., and any licensee that is a covered entity under that chapter remains subject to the requirements of that section. The bill authorizes the Financial Services Commission (the "commission") to adopt rules that allow a licensee that is in full compliance with the Safeguard Rules to be deemed in compliance with information security program requirements.

Committee Substitute for Committee Substitute for Senate Bill 540 (2026) requires each financial institution to take reasonable measures to protect and secure data that are in electronic form and that contain personal information. The legislation is substantially similar to the Florida Security of Confidential Personal Information in ch. 501, F.S., consumer protection laws.

III. Effect of Proposed Changes:

CS/CS/SB 1440, which is linked to the passage of CS/CS/CS/SB 540, makes confidential and exempt from public records disclosure certain information related to mortgage businesses, money services businesses, and financial institutions. Certain sections of the bill are linked to the passage of CS/CS/SB 198 and CS/CS/SB 314, which expand public records exemptions in the money businesses services or financial institutions chapters to exempt virtual currency kiosk businesses and qualified payment stablecoin issuers. The bill provides the public records exemptions are subject to the Open Government Sunset Review Act and are repealed unless reviewed and reenacted by the Legislature. Public necessity statements for each public records exemption are included in the bill.

Section 1 amends s. 494.00125, F.S., to make confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution (together, the "public record disclosure requirements") all mortgage broker information received by the Office of Financial Regulation (OFR or office) regarding information security as required in ch. 560, F.S., and established in CS/CS/CS/SB 540 (2026), or received by the office as result of an investigation by the office or a law enforcement agency of a cybersecurity event, until such time as the investigation is completed or ceases to be active. The public records exemption of the information received by the office must be construed in conformity with the public records exemption for criminal intelligence and investigation

information in the Public Records Act.[109] The exemption is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 2 provides the following public necessity statement for the public records exemption in Section 1 of the bill:

> The Legislature finds that it is a public necessity that information on cybersecurity events submitted to or obtained by the Office of Financial Regulation [as required in ch. 494, F.S., and established in CS/CS/CS/SB 540 (2026),] or as a result of an investigation by the office which involve information security programs of loan originators, mortgage brokers, and mortgage lenders and nonpublic personal data of customers of such loan originators, mortgage brokers, and mortgage lenders be made confidential and exempt from [public records disclosure requirements.]
>
> Premature or unrestricted release of information on cybersecurity events[110]…could compromise ongoing investigations, expose system vulnerabilities, and hinder the office's ability to protect consumers and regulate financial institutions effectively. Disclosure of such information could also place affected individuals at heightened risk of identity theft and financial fraud while revealing trade secrets, proprietary data, and technical safeguards that could be exploited by malicious actors.
>
> Protecting information on cybersecurity events ensures that entities cooperate fully with regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of the financial and cybersecurity infrastructure of this state.
>
> It is therefore a public necessity that all information received by the office pursuant to s. 494.00123, Florida Statutes,[111] or through an investigation by the office or a law enforcement agency of a cybersecurity event pursuant to s. 494.00123, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the Florida Constitution.

Section 3 amends s. 517.2015, F.S., to expand the confidentiality of information relating to investigations and examinations of securities transactions to protect a report of financial exploitation and broadens the list of reasons information and records relative to an investigation or examination remain confidential and exempt to the extent disclosure would:

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[109] Section 119.071(2)(c), F.S.; *See supra* notes 27 through 29.
[110] Section 494.00123(1)(c), F.S., created in CS/CS/CS/SB 540 (2026), defines "cybersecurity event" as an event resulting in unauthorized access to, or disruption or misuse of, an information system, information stored on such information system, or customer information held in physical form.
[111] Section 494.00123, F.S., is created in CS/CS/CS/SB 540 (2026).

- Reveal the specified adult;[112] and
- Disclose financial information or personal health or medical conditions of a complainant, customer, or specified adult.

This provision is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4 provides a public necessity statement for the public records exemption in section 3 that declares that the exemption is:

> …necessary to ensure the office's ability to administer its regulatory duties while preventing unwarranted damage to the good name or reputation of a specified adult or jeopardizing his or her safety. Such disclosure could also result in the spread of inaccurate information, which could harm the specified adult. The Legislature finds that the release of information in a report of financial exploitation under s. 517.34, Florida Statutes, which contains sensitive personal nonfinancial information related to the physical and mental health or condition of the exploited person could result in the disclosure of personal health and medical conditions, as well as the further targeting and exploitation of the specified adult.

Section 5 reenacts or creates exemptions in s. 560.129, F.S., relating to the following provisions:

- Reenacts current law public records exemptions relating to active investigations and examinations,[113] information obtained by the OFR relating to trade secrets or personal financial information,[114] and information exempted from public disclosure after an investigation or examination is no longer active.[115] These subsections in current law are 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.
- Creates a public records exemption for all information received by the Office of Financial Regulation (OFR or office) as required in ch. 560, F.S., and established in CS/CS/CS/SB 540 (2026), or as a result of an investigation by the office or a law enforcement agency is confidential and exempt from [public records disclosure requirements], until such time as the investigation is completed or ceases to be active. The public records exemption must be construed in conformity with the public records exemption for criminal intelligence and investigation information in the Public Records Act.[116] The exemption is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 6 provides for the following public necessity statement for the public records exemption in section 3:

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[112] *Supra* note 30.
[113] *Supra* note 41.
[114] *Supra* notes 42 and 43.
[115] *Supra* note 44.
[116] Section 119.071(2)(c), F.S.; *See supra* notes 27 - 29.

The Legislature finds all of the following:

It is a public necessity that all information concerning an investigation or examination of a money services business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from [public records disclosure requirements] until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from [public records disclosure requirements] after the investigation or examination ceases to be active if its disclosure would jeopardize the office's investigations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation, or if disclosure would reveal personal financial information or a confidential source.

It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from [public records disclosure requirements], unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.

It is a public necessity that information related to cybersecurity incidents, data breaches, and information security programs submitted to or obtained by the Office of Financial Regulation be made confidential and exempt from public disclosure.

The Legislature finds that it is a public necessity that information related to cybersecurity incidents, data breaches, and information security programs submitted to or obtained by the Office of Financial Regulation be made confidential and exempt from public disclosure. Premature or unrestricted release of such information could compromise ongoing investigations, expose system vulnerabilities, and hinder the office's ability to protect consumers and regulate money services businesses effectively. Disclosure could also place affected individuals at heightened risk of identity theft and financial fraud while revealing trade secrets, proprietary data, and technical safeguards that could be exploited by malicious actors. Protecting this information ensures that entities cooperate fully with regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of this state's financial and cybersecurity infrastructure.

Section 7 reenacts provisions in s. 560.129, F.S., that contain current law public records exemptions relating to active investigations and examinations,[117] information obtained by the OFR relating to trade secrets or personal financial information,[118] and information exempted

[117] *Supra* note 41.
[118] *Supra* notes 42 – 43.

from public disclosure after an investigation or examination is no longer active.[119] These subsections in current law are 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 8 provides, effective upon becoming a law, notwithstanding section 5, if section 3 of the bill becomes law, the amendment to subsection (7) of section 560.129, F.S., creating an exemption relating to cybersecurity programs in section 5 of the bill may not take effect.

Section 9 provides for the following public necessity statement for the public records exemption in Section 7:

> The Legislature finds all of the following:
>
> It is a public necessity that all information concerning an investigation or examination of a money services business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from [public records disclosure requirements] until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from [public records disclosure requirements] after the investigation or examination ceases to be active if its disclosure would jeopardize the office's investigations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation, or if disclosure would reveal personal financial information or a confidential source.
>
> It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from [public records disclosure requirements], unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.
>
> Information held by the office in conjunction with its investigations and examinations of money services businesses, which include virtual currency kiosk businesses, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida. Virtual currency kiosk businesses are thus subject to investigation or examination by the office. As a result, the office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 560, Florida Statutes. An exemption from public records requirements provides the same protections to virtual currency kiosk businesses as are afforded to other money services businesses, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently

[119] *Supra* note 44.

> classified as money services businesses. An exemption from public records requirements for reports of examinations, operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done. Release of such information could compromise the office's examinations or investigations, reveal investigative techniques, or result in the disclosure of an individual's personal financial information. Such disclosure could also result in the release of inaccurate information, which could harm the subject of the examination or investigation, or otherwise impair commerce relating to money services businesses. The Legislature finds that there is little public benefit derived from access to such information during the office's examinations or investigations, and that the exemption is narrowly tailored to allow for release except where the public benefit is outweighed by harm to either the office's investigations or to individuals whose personal financial information may be disclosed.

This section is effective on the same date that CS/CS/SB 198 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 10 provides for the following public necessity statement for the public records exemption in Section 7:

> The Legislature finds all of the following:
>
> It is a public necessity that all information concerning an investigation or examination of a money services business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from [public records disclosure requirements] until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from [public records disclosure requirements] after the investigation or examination ceases to be active if its disclosure would jeopardize the office's investigations or examinations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation or examinations, or if disclosure would reveal personal financial information or a confidential source.
>
> It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from [public records disclosure requirements], unless an administrative law

judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.

Information specified held by the office in conjunction with its investigations and examinations of money services businesses, which include qualified payment stablecoin issuers, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida. Qualified payment stablecoin issuers are thus subject to investigation or examination by the office. As a result, the office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 560, Florida Statutes. An exemption from public records requirements provides the same protections to qualified payment stablecoin issuers as are afforded to other money services businesses, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as money services businesses. An exemption from public records requirements for reports of examinations, operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Investigations and examinations also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done. Release of such information could compromise the office's investigations and examinations, reveal investigative techniques, or result in the disclosure of an individual's personal financial information. Such disclosure could also result in the release of inaccurate information, which could harm the subject of the investigation or examination, or otherwise impair commerce relating to money services businesses. The Legislature finds that there is little public benefit derived from access to such information during the office's investigation or examination, and that the exemption is narrowly tailored to allow for release except where the public benefit is outweighed by harm to either the office's investigations or examinations or to individuals whose personal financial information may be disclosed.

This section is effective on the same date that CS/CS/SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 11 creates a new public records exemption in s. 655.0171, F.S., which makes confidential and exempt from public records disclosure requirements all information received by the office as required in ch. 655, F.S., and established in CS/CS/CS/SB 540 (2026), or received by the office pursuant to an investigation by the office or a law enforcement agency as provided in ch. 655, F.S., and established in CS/CS/CS/SB 540 (2026), is confidential and exempt from public records disclosure requirements until such time as the investigation is completed or ceases

to be active. This exemption shall be construed in conformity with the public records exemption for criminal intelligence and investigation information in the Public Records Act.[120]

During an active investigation, information made confidential and exempt in Section 5 of the bill may be disclosed by the office:

- In the furtherance of its official duties and responsibilities;
- For print, publication, or broadcast if the office determines that such release would assist in notifying the public or locating or identifying a person that the office believes to be a victim of a data breach or improper disposal of customer records, except for information made confidential and exempt even after the investigation is completed or ceases to be active as provided in section 5 of the bill; or
- To another governmental entity in the furtherance of its official duties and responsibilities.

The following information received by the office remains confidential and exempt from public records disclosure requirements upon completion of an investigation or once an investigation ceases to be active:

- All information to which another public records exemption applies.
- Personal information.
- A computer forensic report.
- Information that would otherwise reveal weaknesses in a financial institution's data security.
- Information that would disclose a financial institution's proprietary information.

The bill defines "proprietary information" to mean information that:

- Is owned or controlled by the financial institution.
- Is intended to be private and is treated by the financial institution as private because disclosure would harm the financial institution or its business operations.
- Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.
- Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the office.

The term "proprietary information" includes trade secrets,[121] and competitive interests, the disclosure of which would impair the competitive business of the financial institution that is the subject of the information.

The bill defines "customer records" to mean any material, regardless of the physical form, on which personal information is recorded or preserved by any means, such as written or spoken words, graphically depicted, printed, or electromagnetically transmitted which are provided by an individual in this state to a financial institution for the purpose of purchasing or leasing a product or obtaining a service.

Section 5 is subject to the Open Government Sunset Review and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

[120] Section 119.071(2)(c), F.S.; *See supra* notes 27 through 29.
[121] *Supra* note 65.

Section 12 provides for the following public necessity statement for the public records exemption in Section 5:

> The Legislature finds that it is a public necessity that all information received by the Office of Financial Regulation pursuant to a notification of a violation of s. 655.0171, Florida Statutes [as established in CS/CS/CS/SB 540], or received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency relating to a violation of s. 655.0171, Florida Statutes, be made confidential and exempt from public records disclosure requirements for the following reasons:
>
> A notification of a violation of s. 655.0171, Florida Statutes, is likely to result in an investigation. The premature release of such information could frustrate or thwart the investigation and impair the ability of the office to effectively and efficiently administer s. 655.0171, Florida Statutes. In addition, release of such information before completion of an active investigation could jeopardize the ongoing investigation.
>
> The Legislature finds that it is a public necessity to continue to protect from public disclosure all information to which another public record exemption applies once an investigation is completed or ceases to be active. Release of such information by the office would undo the specific statutory exemption protecting that information.
>
> An investigation of a data breach or improper disposal of customer records is likely to result in the gathering of sensitive personal information, including social security numbers, identification numbers, and personal financial information of customers of financial institutions. Such information could be used for the purpose of identity theft, and release of such information could subject possible victims of the data breach or improper disposal of customer records to further financial harm.
>
> Release of a computer forensic report or other information that would otherwise reveal weaknesses in a covered financial institution's data security could compromise the future security of that financial institution, or other financial institutions, if such information were available upon conclusion of an investigation or once an investigation ceased to be active. The release of such report or information could compromise the security of current financial institutions and make those financial institutions susceptible to future data breaches. Release of such report or information could result in the identification of vulnerabilities and further breaches of that system.
>
> Notices received by the office and information received during an investigation of a data breach are likely to contain proprietary information, including trade secrets, about the security of the breached system. The

> release of the proprietary information could result in the identification of vulnerabilities and further breaches of that system. In addition, a trade secret derives independent, economic value, actual or potential, from being generally unknown to, and not readily ascertainable by, other persons. Allowing public access to proprietary information, including a trade secret, through a public records request could destroy the value of the proprietary information and cause a financial loss to the financial institution submitting the information. Release of such information could give business competitors an unfair advantage and weaken the position of the financial institution supplying the proprietary information in the marketplace.

Section 13 amends s. 655.057, F.S., to provide the following information received by the office pursuant to an application for authority to organize a new state credit union (the "credit union exemption") is confidential and exempt from public records disclosure requirements:

- Personal financial information.
- A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity.
- Books and records of a current or proposed financial institution.
- The proposed credit union's proposed business plan.

The personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution received by the office in an application for authority to organize a new state credit union under ch. 667, F.S., is exempt from public records disclosure requirements until the application is approved and the charter is issued. The term "personal identifying information" includes names, home addresses, e-mail addresses, telephone numbers, names of relatives, work experience, professional licensing and educational backgrounds, and photographs.

Section 7 is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 14 provides the following <u>public necessity statement</u> for the public records exemption in Section 7:

> The Legislature finds that it is a public necessity that information received by the Office of Financial Regulation pursuant to an application for authority to organize a new state credit union pursuant to the Financial Institutions Codes, chapters 655-667, Florida Statutes, be made confidential and exempt from [public records disclosure requirements] to the extent that disclosure would reveal:
>
> - Personal financial information;
> - A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity;
> - Books and records of a current or proposed financial institution; or

- A proposed credit union's business plan and any attached supporting documentation.

The Legislature further finds that it is a public necessity that the personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution be made confidential and exempt from [public records disclosure requirements] for the duration of the application process, until the application is approved and a charter is issued.

The office may receive sensitive personal, financial, and business information in conjunction with its duties related to the review of applications for the organization or establishment of new state credit union. The exemptions from public records requirements … are necessary to ensure the office's ability to administer its regulatory duties while preventing unwarranted damage to the proposed new state credit union or certain proposed officers or proposed directors of new state credit unions in this state. The release of information that could lead to the identification of an individual involved in the potential establishment of a new state credit union may subject such individual to retribution and jeopardize his or her current employment with, or participation in the affairs of, another financial institution. Thus, the public availability of such information has a chilling effect on the establishment of new state credit union. Further, the public availability of the books and financial records of a current or proposed state credit union presents an unnecessary risk of harm to the business operations of such credit union. Finally, the public availability of a proposed state credit union's business plan may cause competitive harm to its future business operations and presents an unfair competitive advantage for existing state credit unions that are not required to release such information.

Section 15 reenacts portions of public records exemptions in the financial institutions provisions at s. 655.057, F.S., relating to the following information or records:

- Active investigations and after an investigation is completed if certain conditions are met;[122]
- Specified reports prepared by or for the use of the OFR or any state or federal agency;[123]
- Certain records related to informal enforcement actions;[124]
- Trade secrets held by the OFR;[125]
- Any portion of a required shareholder list which reveals the shareholders' identities;[126]
- Confidential documents that are supplied to the OFR or to employees of any financial institution by other state or federal governmental agencies.[127]

[122] *Supra* notes 58.
[123] *Supra* notes 59 – 62.
[124] *Supra* notes 63 – 64.
[125] *Supra* notes 65 – 66.
[126] *Supra* note 67.
[127] *Supra* note 68.

The expanded exemption in s. 655.057(1)-(4), (6), and (10), F.S., are subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and reenacted by the Legislature before that date.

Section 16 provides the following public necessity statement for the public records exemption in Section 15:

> The Legislature finds that it is a public necessity that all records and information relating to an investigation by the Office of Financial Regulation undertaken pursuant to chapter 655, Florida Statutes, be made confidential and exempt from [public records disclosure requirements] until the investigation ceases to be active. The Legislature further finds that such information should remain confidential and exempt from [public records disclosure requirements] after the investigation ceases to be active if its disclosure would jeopardize the office's investigations by revealing techniques or procedures, or otherwise reveal information that is being used in another investigation; reveal personal financial information or a confidential source; or defame or cause unwarranted damage to an individual's reputation or jeopardize his or her safety.
>
> Information specified in s. 655.057(1)-(4), (6), and (10), Florida Statutes, is held by the office in conjunction with examinations and investigations of trust companies which may include records concerning payment stablecoin issuer products or services offered by such trust companies, as authorized in s. 658.997, Florida Statutes. As a result, the office may receive sensitive personal and financial information relating to such trust companies in conjunction with its duties under chapter 655, Florida Statutes. An exemption from public records requirements provides the same protections to trust companies that are qualified payment stablecoin issuers as are afforded to other financial institutions, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as financial institutions. An exemption from public records requirements for reports of examinations, operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations and investigation also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done.
>
> The Legislature finds that it is a public necessity to make confidential and exempt from [public records disclosure requirements] records and information relating to an examination or investigation by the Office of Financial Regulation; portions of records relating to a completed or inactive examination or investigation by the office which would jeopardize the integrity of another active examination or investigation, impair the safety

and soundness of the financial institution, reveal personal financial information, reveal the identity of a confidential source, defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual, or reveal investigative techniques or procedures; reports of examinations, operations, or conditions, including working papers, or portions thereof, prepared by, or for the use of, the office or any state or federal agency responsible for the regulation or supervision of financial institutions in this state, until 1 year after the appointment of a liquidator; any portion of such reports which discloses the identities of depositors, bondholders, members, borrowers, or stockholders, other than directors, officers, or controlling stockholders of the institution; trade secrets held by the office in accordance with its statutory duties under chapter 655, Florida Statutes, unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice; and materials supplied to the office or to employees of any financial institution by other state or federal governmental agencies.

Release of information specified in s. 655.057(1)-(4), (6), and (10), Florida Statutes, could compromise the office's examinations and investigations, reveal investigative techniques, result in the disclosure of an individual's personal financial information, or defame or cause unwarranted damage to the good name or reputation of an individual or entity or jeopardize his or her safety. Such disclosure could also result in the spread of inaccurate information, which could harm the subject of the examination or investigation, or otherwise impair commerce conducted by financial institutions in this state. Any portion of a record or information relating to an examination or investigation which reveals personal financial information or the identity of a confidential source may defame, or cause unwarranted damage to the good name or reputation of, those individuals, or jeopardize their safety.

A trade secret derives independent economic value, actual or potential, from not being generally known to, and not readily ascertainable by, other persons who can obtain economic value from the disclosure or use of the trade secret. Without an exemption for a trade secret held by the office in accordance with its duties prescribed by chapter 655, Florida Statutes, that trade secret becomes a public record when received and must be divulged upon request. Divulging a trade secret under the public records law would give business competitors an unfair advantage and destroy the value of that property, causing a financial loss to the person or entity submitting the trade secret and weakening the position of that person or entity in the marketplace.

The Legislature finds that there is little public benefit derived from access to such information during the office's examination or investigation, and that the exemption is narrowly tailored to allow for release except when the

> public benefit is outweighed by harm to individuals or institutions, when the disclosure would jeopardize other examinations or investigations, reveal the office's investigative techniques or procedures, or expose personal financial information or a confidential source.

Section 16 is effective on the same date that CS/CS/SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 17 reenacts the public records exemption for all reports and records filed with the OFR under the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act ("Control of Money Laundering and Terrorist Financing Act").

Section 18 provides the following public necessity statement for the public records exemption in Section 17:

> The Legislature finds that it is a public necessity that all reports and records filed with the Office of Financial Regulation be made confidential and exempt from [public record disclosure requirements] unless disclosure is requested by a federal, state, or local law enforcement or prosecutorial agency or any federal or state agency responsible for the regulation or supervision of financial institutions. Information regarding potential money laundering or terrorism must be safeguarded to prevent the potential offender from being tipped off or circumventing an investigation conducted by the office, and disclosure of such information could harm the office's investigations.
>
> These reports and records are held by the office in conjunction with its duties pursuant to 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 and its examinations or investigations of trust companies' transactions involving monetary instruments concerning payment stablecoin products or services offered by such companies, as authorized in s. 658.997, Florida Statutes, to include any transactions involving payment stablecoin products or services offered by such financial institutions. As a result, the office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 655, Florida Statutes. An exemption from public records requirements provides the same protections to trust companies that hold a certificate of authority as a qualified payment stablecoin issuer as are afforded to other financial institutions, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as financial institutions. An exemption from public records requirements for reports and records submitted to the office is necessary to ensure the office's ability to effectively and efficiently administer its investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations and investigations also provide a means of

early detection of violations, allowing for corrective action to be taken before any harm can be done.

Section 18 is effective on the same date that CS/CS/SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 19 provides, except as otherwise expressly provided in the bill and the section providing the effective date of the bill, which takes effect upon becoming a law, the effective date is the same date that CS/CS/CS/SB 540 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:

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

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. SB 1440 enacts a new exemption for specified public records relating to mortgage businesses, money services businesses, and financial institutions such as information relating to the cybersecurity requirements proposed in CS/CS/CS/SB 540, investigations conducted by office, and information contained in a credit union's application for formation.

The bill also expands the public records exemptions related to money services businesses to exempt information and records related to virtual currency kiosks businesses and qualified payment stablecoin issuers that are subject to the newly established regulatory requirements under CS/CS/SB 198 and CS/CS/SB 314, respectively.

Therefore, the bill will require two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires the law state with specificity the public necessity to justify a new or substantially amended exemption. Sections 2, 4, 6, 9, 10, 12, 14, 16, and 18 of the bill contain statements of public necessity for the exemptions.

Scope of Exemption

Article I, s. 24(c) of the Florida Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemptions in the bill relating to information security and cybersecurity investigations do not appear to be broader than necessary to accomplish the purpose of the law. The exemptions reduce potential interference with investigations, and the office's ability to protect consumers and regulate financial institutions. The exemptions safeguard against the risk of potential identity theft, financial fraud, and trade secret exploitation. The exemptions help ensure that entities cooperate with regulators, encourage accurate reporting, and maintain overall integrity of the financial and cybersecurity infrastructure.

The specified adult exemption does not appear broader than necessary to accomplish the purpose of the law. The exemption prevents unwarranted damage to the good name or reputation of a specified adult or jeopardizing his or her safety. The exemption reduces the spread of inaccurate information which could harm a specified adult and protects sensitive personal financial and health information.

The kiosk business and stablecoin issuer exemption does not appear broader than necessary to accomplish the purpose of the law. The exemptions provide the same protections to kiosk businesses and qualified payment stablecoin issuers as are afforded other money services businesses or financial institutions, thereby preventing any disadvantage to these similarly situated entities. The exemptions are necessary to ensure the Office's ability to administer its examinations and investigation duties which are an essential function to deter fraud and ensure the safety and soundness of the financial system. The exemptions protect investigative techniques and individuals' personal financial information.

The credit union exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law. The bill provides that specific information would be made confidential and exempt to prevent unwarranted damage or unnecessary risk of harm to the proposed new credit union, or the proposed officer or director.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector will be subject to the cost, to the extent imposed, associated with redactions made in response to a public record request.

Those individuals or businesses that wish to protect trade secret information submitted to the office as part of their application to organize a new state credit union may no longer be required to use court processes to declare the information trade secret, and thus exempt from production as a public record.[128] The submitter will be able to rely on the public record exemption for specific information instead.

C. Government Sector Impact:

The bill does not impact state revenues or expenditures. The bill does not appear to have a fiscal impact on local government. Staff responsible for compliance with public record requests may require training related to the new public record exemptions. Additionally, the Office of Financial Regulation (office) may experience additional workload associated with the redaction of exempt information prior to the release of a record. However, this workload should be absorbed as part of the day-to-day agency responsibilities and offset by fees collected for the preparation and copying of public records.[129]

The office reports that "the lack of protection for this sensitive information in Florida may influence an applicant to choose a national charter over a state charter." The new public records exemption may cause an increase in the number of applications for new state banks or state trust companies that the office receives.[130]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[128] *See* s. 655.0591, F.S.
[129] Section 119.07(2) and (4), F.S.
[130] Florida Office of Financial Regulation, *2026 Agency Legislative Bill Analysis for SB 1014*, (Jan. 21, 2026), p. 4, (on file with the Senate Committee on Banking and Insurance).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 494.00125, 517.2015, 560.129, 655.0171, 655.057, and 655.50.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on February 24, 2026:

This committee substitute:

- Expands current public records exemptions for information and records related to securities transactions after an investigation or examination ceases to be active to include reports received by the OFR when a transaction is delayed due to suspicion of financial exploitation of specified adults.
- Reenacts s. 560.129, F.S., relating to public records' exemptions for money services businesses, to exempt the expanded scope of information and records relating to newly regulated virtual currency kiosk businesses in CS/CS/SB 198 and qualified payment stablecoin issuers in CS/CS/SB 314.
- Reenacts s. 655.057, F.S., relating to public records' exemptions for financial institutions, and s. 655.50, relating to public records exemptions for money laundering and terrorist financing of financial institutions, to exempt the expanded scope of information and records relating to newly regulated qualified payment stablecoin issuers in CS/CS/SB 314.
- Provides public necessity statements and Open Government Sunset Review provisions for the new and reenacted exemptions.
- Provides effective dates linked to the passage of CS/CS/SB 198 and CS/CS/SB 314.

CS by Banking and Insurance on January 28, 2026:

- Removes the new public records exemption for certain information in an application to organize a financial institution and instead expands an existing provision in current law that exempts such information for some financial institutions to apply to such information contained in an application to organize a new state credit union.
- Updates the public necessity statement to apply to new state credit unions.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2026	.	
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	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 92 - 338
and insert:
Section 3. Subsection (4) is added to section 517.2015, Florida Statutes, and paragraph (b) of subsection (1) of that section is amended, to read:
517.2015 Confidentiality of information relating to investigations and examinations.—
(1)
(b) Except as necessary for the office to enforce the

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provisions of this chapter, a consumer complaint, a report of financial exploitation, and other information relative to an investigation or examination shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution after the investigation or examination is completed or ceases to be active to the extent disclosure would:

1. Jeopardize the integrity of another active investigation or examination.

2. Reveal the name, address, telephone number, social security number, or any other identifying number or information of any complainant, customer, specified adult as defined in s. 517.34, or account holder.

3. Disclose the identity of a confidential source.

4. Disclose investigative techniques or procedures.

5. Reveal a trade secret as defined in s. 688.002.

6. Disclose financial information or personal health or medical conditions of a complainant, customer, or specified adult as defined in s. 517.34.

(4) Paragraph (1)(b) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. The Legislature finds that it is a public necessity that information in the possession of the Office of Financial Regulation arising from a report of financial exploitation under s. 517.34 concerning the financial exploitation of specified adults be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The exemptions from public records

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requirements provided under s. 517.2015 (1)(b) are necessary to ensure the office's ability to administer its regulatory duties while preventing unwarranted damage to the good name or reputation of a specified adult or jeopardizing his or her safety. Such disclosure could also result in the spread of inaccurate information, which could harm the specified adult. The Legislature finds that the release of information in a report of financial exploitation under s. 517.34, Florida Statutes, which contains sensitive personal nonfinancial information related to the physical and mental health or condition of the exploited person could result in the disclosure of personal health and medical conditions, as well as the further targeting and exploitation of the specified adult.

Section 5. Present subsection (7) of section 560.129, Florida Statutes, is redesignated as subsection (9), new subsections (7) and (8) are added to that section, and subsections (1), (2), and (4) of that section, are reenacted, to read:

560.129 Confidentiality.—

(1) Except as otherwise provided in this section, all information concerning an investigation or examination conducted by the office pursuant to this chapter, including any customer complaint received by the office or the Department of Financial Services, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active. For purposes of this section, an investigation or examination is considered "active" so long as the office or any other administrative, regulatory, or law enforcement agency of any jurisdiction is proceeding with

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reasonable dispatch and has a reasonable good faith belief that action may be initiated by the office or other administrative, regulatory, or law enforcement agency.

(2) All information obtained by the office in the course of its investigation or examination which is a trade secret, as defined in s. 688.002, or which is personal financial information shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. If any administrative, civil, or criminal proceeding against a money services business, its authorized vendor, or an affiliated party is initiated and the office seeks to use matter that a licensee believes to be a trade secret or personal financial information, such records shall be subject to an in camera review by the administrative law judge, if the matter is before the Division of Administrative Hearings, or a judge of any court of this state, any other state, or the United States, as appropriate, for the purpose of determining if the matter is a trade secret or is personal financial information. If it is determined that the matter is a trade secret, the matter shall remain confidential. If it is determined that the matter is personal financial information, the matter shall remain confidential unless the administrative law judge or judge determines that, in the interests of justice, the matter should become public.

(4) Except as necessary for the office or any other administrative, regulatory, or law enforcement agency of any jurisdiction to enforce the provisions of this chapter or the law of any other state or the United States, a consumer complaint and other information concerning an investigation or examination shall remain confidential and exempt from s.

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119.07(1) and s. 24(a), Art. I of the State Constitution after the investigation or examination ceases to be active to the extent that disclosure would:

(a) Jeopardize the integrity of another active investigation;

(b) Reveal personal financial information;

(c) Reveal the identity of a confidential source; or

(d) Reveal investigative techniques or procedures.

(7) All information received by the office related to cybersecurity incidents, security breaches, or an information security program notification or required submission pursuant to s. 560.1311 or as a result of an investigation by the office or a law enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information received as a result of an investigation by the office or a law enforcement agency shall remain confidential and exempt until such time as the investigation is completed or ceases to be active. Information that is exempt as a result of an investigation shall be construed in conformity with s. 119.071(2)(c). 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.

(8) Subsections (1), (2), and (4) are 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 6. (1) The Legislature finds all of the following:

(a) It is a public necessity that all information

concerning an investigation or examination of a money services business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution after the investigation or examination ceases to be active if its disclosure would jeopardize the office's investigations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation, or if disclosure would reveal personal financial information or a confidential source.

(b) It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.

(c) It is a public necessity that information related to cybersecurity incidents, data breaches, and information security programs submitted to or obtained by the Office of Financial Regulation be made confidential and exempt from public disclosure.

(2) Information specified in subsection (1) is held by the

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office in conjunction with its investigations and examinations of money services businesses, which includes documents relating to cybersecurity incidents, data breaches, and information security programs. Premature or unrestricted release of such information could compromise ongoing investigations, expose system vulnerabilities, and hinder the office's ability to protect consumers and regulate money services businesses effectively. Disclosure could also place affected individuals at heightened risk of identity theft and financial fraud while revealing trade secrets, proprietary data, and technical safeguards that could be exploited by malicious actors. Protecting this information ensures that entities cooperate fully with regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of this state's financial and cybersecurity infrastructure.

Section 7. Present subsection (7) of section 560.129, Florida Statutes, is redesignated as subsection (8), a new subsection (7) is added to that section, and subsections (1), (2), and (4) of that section are reenacted, to read:

560.129 Confidentiality.—

(1) Except as otherwise provided in this section, all information concerning an investigation or examination conducted by the office pursuant to this chapter, including any customer complaint received by the office or the Department of Financial Services, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation or examination ceases to be active. For purposes of this section, an investigation or examination is considered "active" so long as the office or any other administrative, regulatory,

or law enforcement agency of any jurisdiction is proceeding with reasonable dispatch and has a reasonable good faith belief that action may be initiated by the office or other administrative, regulatory, or law enforcement agency.

(2) All information obtained by the office in the course of its investigation or examination which is a trade secret, as defined in s. 688.002, or which is personal financial information shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. If any administrative, civil, or criminal proceeding against a money services business, its authorized vendor, or an affiliated party is initiated and the office seeks to use matter that a licensee believes to be a trade secret or personal financial information, such records shall be subject to an in camera review by the administrative law judge, if the matter is before the Division of Administrative Hearings, or a judge of any court of this state, any other state, or the United States, as appropriate, for the purpose of determining if the matter is a trade secret or is personal financial information. If it is determined that the matter is a trade secret, the matter shall remain confidential. If it is determined that the matter is personal financial information, the matter shall remain confidential unless the administrative law judge or judge determines that, in the interests of justice, the matter should become public.

(4) Except as necessary for the office or any other administrative, regulatory, or law enforcement agency of any jurisdiction to enforce the provisions of this chapter or the law of any other state or the United States, a consumer complaint and other information concerning an investigation or

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examination shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution after the investigation or examination ceases to be active to the extent that disclosure would:

(a) Jeopardize the integrity of another active investigation;

(b) Reveal personal financial information;

(c) Reveal the identity of a confidential source; or

(d) Reveal investigative techniques or procedures.

(7) Subsections (1), (2), and (4) are 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 8. Effective upon becoming a law, notwithstanding section 5 of this act, if section 3 of this act becomes law, the amendment to subsection (7) of section 560.129, Florida Statutes, in section 5 of this act may not take effect.

Section 9. (1) The Legislature finds all of the following:

(a) It is a public necessity that all information concerning an investigation or examination of a money services business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution after the investigation or examination ceases to be active if

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its disclosure would jeopardize the office's investigations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation, or if disclosure would reveal personal financial information or a confidential source.

(b) It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.

(2) Information specified in paragraphs (1)(a) and (b) is held by the office in conjunction with its investigations and examinations of money services businesses, which include virtual currency kiosk businesses, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida. Virtual currency kiosk businesses are thus subject to investigation or examination by the office. As a result, the office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 560, Florida Statutes. An exemption from public records requirements provides the same protections to virtual currency kiosk businesses as are afforded to other money services businesses, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as money services businesses. An exemption from public records requirements for reports of examinations,

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operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done. Release of such information could compromise the office's examinations or investigations, reveal investigative techniques, or result in the disclosure of an individual's personal financial information. Such disclosure could also result in the release of inaccurate information, which could harm the subject of the examination or investigation, or otherwise impair commerce relating to money services businesses. The Legislature finds that there is little public benefit derived from access to such information during the office's examinations or investigations, and that the exemption is narrowly tailored to allow for release except where the public benefit is outweighed by harm to either the office's investigations or to individuals whose personal financial information may be disclosed.

(3) This section shall take effect on the same date that SB 198 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 10. (1) The Legislature finds all of the following:

(a) It is a public necessity that all information concerning an investigation or examination of a money services

business conducted by the Office of Financial Regulation pursuant to chapter 560, Florida Statutes, including a consumer complaint, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active. The Legislature further finds that such information should remain confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution after the investigation or examination ceases to be active if its disclosure would jeopardize the office's investigations or examinations by revealing techniques or procedures or otherwise reveal information that is being used in another investigation or examinations, or if disclosure would reveal personal financial information or a confidential source.

(b) It is a public necessity that trade secrets or personal financial information obtained by the office in the course of an investigation or examination pursuant to chapter 560, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice.

(2) Information specified in paragraphs (1)(a) and (b) is held by the office in conjunction with its investigations and examinations of money services businesses, which include qualified payment stablecoin issuers, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida. Qualified payment stablecoin issuers are thus subject to investigation or examination by the office. As a result, the

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office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 560, Florida Statutes. An exemption from public records requirements provides the same protections to qualified payment stablecoin issuers as are afforded to other money services businesses, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as money services businesses. An exemption from public records requirements for reports of examinations, operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Investigations and examinations also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done. Release of such information could compromise the office's investigations and examinations, reveal investigative techniques, or result in the disclosure of an individual's personal financial information. Such disclosure could also result in the release of inaccurate information, which could harm the subject of the investigation or examination, or otherwise impair commerce relating to money services businesses. The Legislature finds that there is little public benefit derived from access to such information during the office's investigation or examination, and that the exemption is narrowly tailored to allow for release except where the public benefit is outweighed by harm to either the office's

investigations or examinations or to individuals whose personal financial information may be disclosed.

(3) This section shall take effect on the same date that SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 11. Subsection (6) is added to section 655.0171, Florida Statutes, as created by SB 540, 2026 Regular Session, to read:

655.0171 Requirements for customer data security and for notices of security breaches.—

(6) PUBLIC RECORDS EXEMPTION.—

(a) All information received by the office pursuant to a notification required by this section, or received by the office pursuant to an investigation by the office or a law enforcement agency under this section, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information received by the office pursuant to an investigation by the office or a law enforcement agency under this section shall remain confidential and exempt until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c).

(b) During an active investigation, information made confidential and exempt pursuant to paragraph (a) may be disclosed by the office:

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

2. For print, publication, or broadcast if the office

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determines that such release would assist in notifying the public or locating or identifying a person that the office believes to be a victim of a data breach or improper disposal of customer records, except that information made confidential and exempt by paragraph (c) may not be released pursuant to this subparagraph; or

3. To another governmental entity in the furtherance of its official duties and responsibilities.

(c) Upon completion of an investigation or once an investigation ceases to be active, the following information received by the office remains confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. All information to which another public records exemption applies.

2. Personal information.

3. A computer forensic report.

4. Information that would otherwise reveal weaknesses in a financial institution's data security.

5. Information that would disclose a financial institution's proprietary information.

a. As used in this subparagraph, the term "proprietary information" means information that:

(I) Is owned or controlled by the financial institution.

(II) Is intended to be private and is treated by the financial institution as private because disclosure would harm the financial institution or its business operations.

(III) Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.

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(IV) Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the office.

b. The term includes:

(I) Trade secrets as defined in s. 688.002.

(II) Competitive interests, the disclosure of which would impair the competitive business of the financial institution that is the subject of the information.

(d) As used in this subsection, the term "customer records" means any material, regardless of the physical form, on which personal information is recorded or preserved by any means, including, but not limited to, written or spoken words, graphically depicted, printed, or electromagnetically transmitted, which is provided by an individual in this state to a financial institution for the purpose of purchasing or leasing a product or obtaining a service.

(e) 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 12. The Legislature finds that it is a public necessity that all information received by the Office of Financial Regulation pursuant to a notification of a violation of s. 655.0171, Florida Statutes, or received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency relating to a violation of s. 655.0171, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for the following reasons:

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(1) A notification of a violation of s. 655.0171, Florida Statutes, is likely to result in an investigation. The premature release of such information could frustrate or thwart the investigation and impair the ability of the office to effectively and efficiently administer s. 655.0171, Florida Statutes. In addition, release of such information before completion of an active investigation could jeopardize the ongoing investigation.

(2) The Legislature finds that it is a public necessity to continue to protect from public disclosure all information to which another public record exemption applies once an investigation is completed or ceases to be active. Release of such information by the office would undo the specific statutory exemption protecting that information.

(3) An investigation of a data breach or improper disposal of customer records is likely to result in the gathering of sensitive personal information, including social security numbers, identification numbers, and personal financial information of customers of financial institutions. Such information could be used for the purpose of identity theft, and release of such information could subject possible victims of the data breach or improper disposal of customer records to further financial harm.

(4) Release of a computer forensic report or other information that would otherwise reveal weaknesses in a covered financial institution’s data security could compromise the future security of that financial institution, or other financial institutions, if such information were available upon conclusion of an investigation or once an investigation ceased

to be active. The release of such report or information could compromise the security of current financial institutions and make those financial institutions susceptible to future data breaches. Release of such report or information could result in the identification of vulnerabilities and further breaches of that system.

(5) Notices received by the office and information received during an investigation of a data breach are likely to contain proprietary information, including trade secrets, about the security of the breached system. The release of the proprietary information could result in the identification of vulnerabilities and further breaches of that system. In addition, a trade secret derives independent, economic value, actual or potential, from being generally unknown to, and not readily ascertainable by, other persons. Allowing public access to proprietary information, including a trade secret, through a public records request could destroy the value of the proprietary information and cause a financial loss to the financial institution submitting the information. Release of such information could give business competitors an unfair advantage in the marketplace and weaken the position of the financial institution supplying the proprietary information.

Section 13. Subsection (5) of section 655.057, Florida Statutes, is amended to read:

655.057 Records; limited restrictions upon public access.—

(5)(a) The following information received by the office pursuant to an application for authority to organize a new state bank or new state trust company under chapter 658, or pursuant to an application for authority to organize a new state credit

union under chapter 657, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Personal financial information.

2. A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity.

3. Books and records of a current or proposed financial institution.

4. The proposed state bank's, ~~or~~ proposed state trust company's, or proposed state credit union's proposed business plan.

(b) The personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution received by the office pursuant to an application for authority to organize a new state bank or new state trust company under chapter 658, or pursuant to an application for authority to organize a new state credit union under chapter 657, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the application is approved and the charter is issued. As used in this paragraph, the term "personal identifying information" means names, home addresses, e-mail addresses, telephone numbers, names of relatives, work experience, professional licensing and educational backgrounds, and photographs.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed October 2, 2031 ~~2029~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 14. (1)(a) The Legislature finds that it is a public necessity that information received by the Office of Financial Regulation pursuant to an application for authority to organize a new state credit union under chapter 657, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to the extent that disclosure would reveal:

1. Personal financial information;

2. A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity;

3. Books and records of a current or proposed financial institution; or

4. A proposed new state credit union's business plan and any attached supporting documentation.

(b) The Legislature further finds that it is a public necessity that the personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution which is received by the office pursuant to an application for authority to organize a new state credit union under chapter 657, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for the duration of the application process, until the application is approved and a charter is issued.

(2) The office may receive sensitive personal, financial, and business information in conjunction with its duties related to the review of applications for the organization or

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establishment of new state credit unions. The exemptions from public records requirements provided under subsection (1) are necessary to ensure the office's ability to administer its regulatory duties while preventing unwarranted damage to the proposed state credit unions or certain proposed officers or proposed directors of new state credit unions in this state. The release of information that could lead to the identification of an individual involved in the potential establishment of a new state credit union may subject such individual to retribution and jeopardize his or her current employment with, or participation in the affairs of, another financial institution. Thus, the public availability of such information has a chilling effect on the establishment of new state credit unions. Further, the public availability of the books and financial records of a current or proposed state credit union presents an unnecessary risk of harm to the business operations of such credit union. Finally, the public availability of a proposed state credit union's business plan may cause competitive harm to its future business operations and presents an unfair competitive advantage for existing state credit unions that are not required to release such information.

Section 15. Effective on the same date that SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, subsection (15) is added to section 655.057, Florida Statutes, and subsections (1) through (4), (6), and (10) of that section are reenacted, to read:

655.057 Records; limited restrictions upon public access.—

(1) Except as otherwise provided in this section and except

for such portions thereof which are otherwise public record, all records and information relating to an investigation by the office are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such investigation is completed or ceases to be active. For purposes of this subsection, an investigation is considered "active" while such investigation is being conducted by the office with a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the office is proceeding with reasonable dispatch, and there is a good faith belief that action may be initiated by the office or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, portions of the records relating to the investigation are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution to the extent that disclosure would:

(a) Jeopardize the integrity of another active investigation;

(b) Impair the safety and soundness of the financial institution;

(c) Reveal personal financial information;

(d) Reveal the identity of a confidential source;

(e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

(f) Reveal investigative techniques or procedures.

(2) Except as otherwise provided in this section and except for such portions thereof which are public record, reports of

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examinations, operations, or condition, including working papers, or portions thereof, prepared by, or for the use of, the office or any state or federal agency responsible for the regulation or supervision of financial institutions in this state are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such reports or papers or portions thereof may be released to:

(a) The financial institution under examination;

(b) Any holding company of which the financial institution is a subsidiary;

(c) Proposed purchasers if necessary to protect the continued financial viability of the financial institution, upon prior approval by the board of directors of such institution;

(d) Persons proposing in good faith to acquire a controlling interest in or to merge with the financial institution, upon prior approval by the board of directors of such financial institution;

(e) Any officer, director, committee member, employee, attorney, auditor, or independent auditor officially connected with the financial institution, holding company, proposed purchaser, or person seeking to acquire a controlling interest in or merge with the financial institution; or

(f) A fidelity insurance company, upon approval of the financial institution’s board of directors. However, a fidelity insurance company may receive only that portion of an examination report relating to a claim or investigation being conducted by such fidelity insurance company.

(g) Examination, operation, or condition reports of a financial institution shall be released by the office within 1

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year after the appointment of a liquidator, receiver, or conservator to the financial institution. However, any portion of such reports which discloses the identities of depositors, bondholders, members, borrowers, or stockholders, other than directors, officers, or controlling stockholders of the institution, shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Any confidential information or records obtained from the office pursuant to this subsection shall be maintained as confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) Except as otherwise provided in this section and except for those portions that are otherwise public record, after an investigation relating to an informal enforcement action is completed or ceases to be active, informal enforcement actions are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution to the extent that disclosure would:

(a) Jeopardize the integrity of another active investigation.

(b) Impair the safety and soundness of the financial institution.

(c) Reveal personal financial information.

(d) Reveal the identity of a confidential source.

(e) Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual.

(f) Reveal investigative techniques or procedures.

(4) Except as otherwise provided in this section and except

for those portions that are otherwise public record, trade secrets as defined in s. 688.002 which comply with s. 655.0591 and which are held by the office in accordance with its statutory duties with respect to the financial institutions codes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(6) This section does not prevent or restrict:

(a) Publishing reports that are required to be submitted to the office pursuant to s. 655.045(2) or required by applicable federal statutes or regulations to be published.

(b) Furnishing records or information to any other state, federal, or foreign agency responsible for the regulation or supervision of financial institutions.

(c) Disclosing or publishing summaries of the condition of financial institutions and general economic and similar statistics and data, provided that the identity of a particular financial institution is not disclosed.

(d) Reporting any suspected criminal activity, with supporting documents and information, to appropriate law enforcement and prosecutorial agencies.

(e) Furnishing information upon request to the Chief Financial Officer or the Division of Treasury of the Department of Financial Services regarding the financial condition of any financial institution that is, or has applied to be, designated as a qualified public depository pursuant to chapter 280.

(f) Furnishing information to Federal Home Loan Banks regarding its member institutions pursuant to an information sharing agreement between the Federal Home Loan Banks and the office.

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Any confidential information or records obtained from the office pursuant to this subsection shall be maintained as confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(10) Materials supplied to the office or to employees of any financial institution by other state or federal governmental agencies remain the property of the submitting agency or the corporation, and any document request must be made to the appropriate agency. Any confidential documents supplied to the office or to employees of any financial institution by other state or federal governmental agencies are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information shall be made public only with the consent of such agency or the corporation.

(15) Subsections (1)-(4), (6), and (10) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and are repealed October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 16. (1) The Legislature finds that it is a public necessity that all records and information relating to an investigation by the Office of Financial Regulation undertaken pursuant to chapter 655, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation ceases to be active. The Legislature further finds that such information should remain confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution after the investigation ceases to be active

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if its disclosure would jeopardize the office's investigations by revealing techniques or procedures, or otherwise reveal information that is being used in another investigation; reveal personal financial information or a confidential source; or defame or cause unwarranted damage to an individual's reputation or jeopardize his or her safety.

(2) Information specified in s. 655.057(1)-(4), (6), and (10), Florida Statutes, is held by the office in conjunction with examinations and investigations of trust companies which may include records concerning payment stablecoin issuer products or services offered by such trust companies, as authorized in s. 658.997, Florida Statutes. As a result, the office may receive sensitive personal and financial information relating to such trust companies in conjunction with its duties under chapter 655, Florida Statutes. An exemption from public records requirements provides the same protections to trust companies that are qualified payment stablecoin issuers as are afforded to other financial institutions, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as financial institutions. An exemption from public records requirements for reports of examinations, operations, or condition, including working papers, is necessary to ensure the office's ability to effectively and efficiently administer its examination and investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations and investigation also provide a means of early detection of violations, allowing for corrective action to

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be taken before any harm can be done.

(3) The Legislature finds that it is a public necessity to make confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution records and information relating to an examination or investigation by the Office of Financial Regulation; portions of records relating to a completed or inactive examination or investigation by the office which would jeopardize the integrity of another active examination or investigation, impair the safety and soundness of the financial institution, reveal personal financial information, reveal the identity of a confidential source, defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual, or reveal investigative techniques or procedures; reports of examinations, operations, or conditions, including working papers, or portions thereof, prepared by, or for the use of, the office or any state or federal agency responsible for the regulation or supervision of financial institutions in this state, until 1 year after the appointment of a liquidator; any portion of such reports which discloses the identities of depositors, bondholders, members, borrowers, or stockholders, other than directors, officers, or controlling stockholders of the institution; trade secrets held by the office in accordance with its statutory duties under chapter 655, Florida Statutes, unless an administrative law judge or circuit judge determines that the release of personal financial information to the public is in the interest of justice; and materials supplied to the office or to employees of any financial institution by other state or federal governmental

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agencies.

(4) Release of information specified in s. 655.057(1)-(4), (6), and (10), Florida Statutes, could compromise the office's examinations and investigations, reveal investigative techniques, result in the disclosure of an individual's personal financial information, or defame or cause unwarranted damage to the good name or reputation of an individual or entity or jeopardize his or her safety. Such disclosure could also result in the spread of inaccurate information, which could harm the subject of the examination or investigation, or otherwise impair commerce conducted by financial institutions in this state. Any portion of a record or information relating to an examination or investigation which reveals personal financial information or the identity of a confidential source may defame, or cause unwarranted damage to the good name or reputation of, those individuals, or jeopardize their safety.

(5) A trade secret derives independent economic value, actual or potential, from not being generally known to, and not readily ascertainable by, other persons who can obtain economic value from the disclosure or use of the trade secret. Without an exemption for a trade secret held by the office in accordance with its duties prescribed by chapter 655, Florida Statutes, that trade secret becomes a public record when received and must be divulged upon request. Divulging a trade secret under the public records law would give business competitors an unfair advantage and destroy the value of that property, causing a financial loss to the person or entity submitting the trade secret and weakening the position of that person or entity in the marketplace.

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(6) The Legislature finds that there is little public benefit derived from access to such information during the office's examination or investigation, and that the exemption is narrowly tailored to allow for release except when the public benefit is outweighed by harm to individuals or institutions, when the disclosure would jeopardize other examinations or investigations, reveal the office's investigative techniques or procedures, or expose personal financial information or a confidential source.

(7) This section shall take effect on the same date that SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 17. Effective on the same date that SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, subsection (7) of section 655.50, Florida Statutes, is amended, and paragraph (d) of subsection (5) of this section is reenacted, to read:

655.50 Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act.—

(5) A financial institution shall keep a record of each financial transaction occurring in this state known to it which involves currency or other monetary instrument, as the commission prescribes by rule, has a value greater than $10,000, and involves the proceeds of specified unlawful activity, or is designed to evade the reporting requirements of this section, chapter 896, or similar state or federal law, or which the financial institution reasonably believes is suspicious

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activity. Each financial institution shall maintain appropriate procedures to ensure compliance with this section, chapter 896, and other similar state or federal law. Any report of suspicious activity made pursuant to this subsection is entitled to the same confidentiality provided under 31 C.F.R. s. 1020.320, whether the report or information pertaining to or identifying the report is in the possession or control of the office or the reporting institution.

(d) Each financial institution shall file a report of the records required under this subsection with the office. Each report shall be filed at such time and must contain such information as the commission requires by rule.

(7) All reports and records filed with the office pursuant to this section are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the office shall provide any report filed pursuant to this section, or information contained therein, to federal, state, and local law enforcement and prosecutorial agencies, and any federal or state agency responsible for the regulation or supervision of financial institutions.

Section 18. (1) The Legislature finds that it is a public necessity that all reports and records filed with the Office of Financial Regulation be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution unless disclosure is requested by a federal, state, or local law enforcement or prosecutorial agency or any federal or state agency responsible for the regulation or supervision of financial institutions. Information regarding potential money laundering or terrorism must be safeguarded to

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prevent the potential offender from being tipped off or circumventing an investigation conducted by the office, and disclosure of such information could harm the office's investigations.

(2) These reports and records are held by the office in conjunction with its duties pursuant to 31 U.S.C. s. 5313 and 31 C.F.R. part 1020 and its examinations or investigations of trust companies' transactions involving monetary instruments concerning payment stablecoin products or services offered by such companies, as authorized in s. 658.997, Florida Statutes, to include any transactions involving payment stablecoin products or services offered by such financial institutions. As a result, the office may receive sensitive personal and financial information relating to such entities in conjunction with its duties under chapter 655, Florida Statutes. An exemption from public records requirements provides the same protections to trust companies that hold a certificate of authority as a qualified payment stablecoin issuer as are afforded to other financial institutions, thereby preventing any disadvantage to these similarly regulated entities in comparison to other entities currently classified as financial institutions. An exemption from public records requirements for reports and records submitted to the office is necessary to ensure the office's ability to effectively and efficiently administer its investigation duties. Examination and investigation are essential components of financial institutions regulation. They deter fraud and ensure the safety and soundness of the financial system. Examinations and investigations also provide a means of early detection of violations, allowing for

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corrective action to be taken before any harm can be done.

(3) This section shall take effect on the same date that SB 314 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 19. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect on the same date that

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

And the title is amended as follows:

Delete lines 13 - 41

and insert:

public necessity; amending s. 517.2015, F.S.; providing a public records exemption for certain information in reports of financial exploitation; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; reenacting and amending s. 560.129, F.S.; expanding a public records exemption for certain information obtained by the Office of Financial Regulation concerning or during the course of an investigation or examination conducted by the office, including customer and consumer complaints, to incorporate the inclusion of documents relating to cybersecurity incidents, data breaches, and information security programs; providing an exemption from public records requirements for information received by the office pursuant to certain

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cybersecurity events, documents relating to information systems, and customer information of money services businesses and for information received by the office as a result of investigations and examinations of such cybersecurity events; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; amending s. 560.129, F.S.; expanding a public records exemption for certain information obtained by the Office of Financial Regulation concerning or during the course of an investigation or examination conducted by the office, including customer and consumer complaints, to incorporate the inclusion of documents relating to virtual currency businesses and qualified payment stablecoin issuers; providing for future legislative review and repeal of the exemptions; specifying that certain provisions do not become effective under certain circumstances; providing statements of public necessity; amending s. 655.0171, F.S.; providing an exemption from public records requirements for customer personal information received by the office relating to breaches of security of financial institutions or received by the office as a result of investigations of such breaches under certain circumstances; providing exceptions; providing definitions; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 655.057, F.S.; providing an exemption from public

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records requirements for certain information received by the office pursuant to applications for authority to organize new state credit unions and for certain information relating to specified persons; providing exceptions; defining the term "personal identifying information"; revising the date for future legislative review and repeal of the exemption; providing a statement of public necessity; reenacting and amending s. 655.057, F.S.; expanding a public records exemption for certain information obtained by the office concerning an investigation or examination conducted by the office, including reports or papers of examinations, operations, or condition, and trade secrets to incorporate the inclusion of trust companies that are qualified payment stablecoin issuers; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; reenacting and amending s. 655.50, F.S.; expanding a public records exemption for reports and records filed with the office to incorporate the inclusion of financial institutions that are trust companies that are qualified payment stablecoin issuers; providing a statement of public necessity; providing contingent effective dates.

By the Committee on Banking and Insurance; and Senator Martin

597-02293-26 20261440c1

A bill to be entitled

An act relating to public records; amending s. 494.00125, F.S.; providing an exemption from public records requirements for information received by the Office of Financial Regulation pursuant to certain cybersecurity event provisions relating to information systems and customer information of loan originators, mortgage brokers, and mortgage lenders and for information received by the office as a result of investigations and examinations of such cybersecurity events; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 560.129, F.S.; providing an exemption from public records requirements for information received by the office pursuant to certain cybersecurity event provisions relating to information systems and customer information of money services businesses and for information received by the office as a result of investigations and examinations of such cybersecurity events; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 655.0171, F.S.; providing an exemption from public records requirements for customer personal information received by the office relating to breaches of security of financial institutions or received by the office as a result of investigations of such breaches under certain circumstances; providing exceptions; providing definitions; providing for future

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

597-02293-26 20261440c1

legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 655.057, F.S.; providing an exemption from public records requirements for certain information received by the office pursuant to applications for authority to organize new state credit unions and for certain information relating to specified persons; providing exceptions; defining the term "personal identifying 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. Subsection (4) is added to section 494.00125, Florida Statutes, to read:

494.00125 Public records exemptions.—

(4) INFORMATION SECURITY; CYBERSECURITY.—All information received by the office pursuant to s. 494.00123, or received by the office as result of an investigation by the office or a law enforcement agency of a cybersecurity event pursuant to s. 494.00123, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the investigation is completed or ceases to be active. The public records exemption of the information received by the office under this subsection shall be construed in conformity with s. 119.071(2)(c). This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand

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

repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that information on cybersecurity events submitted to or obtained by the Office of Financial Regulation pursuant to s. 494.00123, Florida Statutes, or as a result of an investigation by the office which involve information security programs of loan originators, mortgage brokers, and mortgage lenders and nonpublic personal data of customers of such loan originators, mortgage brokers, and mortgage lenders be made confidential and exempt from public disclosure.

(2)(a) Premature or unrestricted release of information on cybersecurity events, as defined in s. 494.00123(1), Florida Statutes, could compromise ongoing investigations, expose system vulnerabilities, and hinder the office's ability to protect consumers and regulate financial institutions effectively. Disclosure of such information could also place affected individuals at heightened risk of identity theft and financial fraud while revealing trade secrets, proprietary data, and technical safeguards that could be exploited by malicious actors.

(b) Protecting information on cybersecurity events ensures that entities cooperate fully with regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of the financial and cybersecurity infrastructure of this state.

(3) It is therefore a public necessity that all information received by the office pursuant to s. 494.00123, Florida Statutes, or through an investigation by the office or a law

enforcement agency of a cybersecurity event pursuant to s. 494.00123, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

Section 3. Subsection (7) of section 560.129, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

560.129 Confidentiality.—

(7) All information received by the office pursuant to s. 560.1311 or as a result of an investigation by the office or a law enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c). 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 4. The Legislature finds that it is a public necessity that information related to cybersecurity incidents, data breaches, and information security programs submitted to or obtained by the Office of Financial Regulation be made confidential and exempt from public disclosure. Premature or unrestricted release of such information could compromise ongoing investigations, expose system vulnerabilities, and hinder the office's ability to protect consumers and regulate money services businesses effectively. Disclosure could also place affected individuals at heightened risk of identity theft and financial fraud while revealing trade secrets, proprietary

data, and technical safeguards that could be exploited by malicious actors. Protecting this information ensures that entities cooperate fully with regulators, encourages accurate reporting of security incidents, and maintains the overall integrity of this state's financial and cybersecurity infrastructure.

Section 5. Subsection (6) is added to section 655.0171, Florida Statutes, as created by SB 540, 2026 Regular Session, to read:

655.0171 Requirements for customer data security and for notices of security breaches.—

(6) PUBLIC RECORDS EXEMPTION.—

(a) All information received by the office pursuant to a notification required by this section, or received by the office pursuant to an investigation by the office or a law enforcement agency under this section, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c).

(b) During an active investigation, information made confidential and exempt pursuant to paragraph (a) may be disclosed by the office:

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

2. For print, publication, or broadcast if the office determines that such release would assist in notifying the public or locating or identifying a person that the office believes to be a victim of a data breach or improper disposal of

customer records, except that information made confidential and exempt by paragraph (c) may not be released pursuant to this subparagraph; or

3. To another governmental entity in the furtherance of its official duties and responsibilities.

(c) Upon completion of an investigation or once an investigation ceases to be active, the following information received by the office remains confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. All information to which another public records exemption applies.

2. Personal information.

3. A computer forensic report.

4. Information that would otherwise reveal weaknesses in a financial institution's data security.

5. Information that would disclose a financial institution's proprietary information.

a. As used in this subparagraph, the term "proprietary information" means information that:

(I) Is owned or controlled by the financial institution.

(II) Is intended to be private and is treated by the financial institution as private because disclosure would harm the financial institution or its business operations.

(III) Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.

(IV) Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the office.

b. The term includes:

(I) Trade secrets as defined in s. 688.002.

(II) Competitive interests, the disclosure of which would impair the competitive business of the financial institution that is the subject of the information.

(d) As used in this subsection, the term "customer records" means any material, regardless of the physical form, on which personal information is recorded or preserved by any means, including, but not limited to, written or spoken words, graphically depicted, printed, or electromagnetically transmitted which are provided by an individual in this state to a financial institution for the purpose of purchasing or leasing a product or obtaining a service.

(e) 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 6. The Legislature finds that it is a public necessity that all information received by the Office of Financial Regulation pursuant to a notification of a violation of s. 655.0171, Florida Statutes, or received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency relating to a violation of s. 655.0171, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for the following reasons:

(1) A notification of a violation of s. 655.0171, Florida Statutes, is likely to result in an investigation. The premature release of such information could frustrate or thwart the

investigation and impair the ability of the office to effectively and efficiently administer s. 655.0171, Florida Statutes. In addition, release of such information before completion of an active investigation could jeopardize the ongoing investigation.

(2) The Legislature finds that it is a public necessity to continue to protect from public disclosure all information to which another public record exemption applies once an investigation is completed or ceases to be active. Release of such information by the office would undo the specific statutory exemption protecting that information.

(3) An investigation of a data breach or improper disposal of customer records is likely to result in the gathering of sensitive personal information, including social security numbers, identification numbers, and personal financial information of customers of financial institutions. Such information could be used for the purpose of identity theft, and release of such information could subject possible victims of the data breach or improper disposal of customer records to further financial harm.

(4) Release of a computer forensic report or other information that would otherwise reveal weaknesses in a covered financial institution's data security could compromise the future security of that financial institution, or other financial institutions, if such information were available upon conclusion of an investigation or once an investigation ceased to be active. The release of such report or information could compromise the security of current financial institutions and make those financial institutions susceptible to future data

breaches. Release of such report or information could result in the identification of vulnerabilities and further breaches of that system.

(5) Notices received by the office and information received during an investigation of a data breach are likely to contain proprietary information, including trade secrets, about the security of the breached system. The release of the proprietary information could result in the identification of vulnerabilities and further breaches of that system. In addition, a trade secret derives independent, economic value, actual or potential, from being generally unknown to, and not readily ascertainable by, other persons. Allowing public access to proprietary information, including a trade secret, through a public records request could destroy the value of the proprietary information and cause a financial loss to the financial institution submitting the information. Release of such information could give business competitors an unfair advantage and weaken the position of the financial institution supplying the proprietary information in the marketplace.

Section 7. Subsection (5) of section 655.057, Florida Statutes, is amended to read:

655.057 Records; limited restrictions upon public access.—

(5)(a) The following information received by the office pursuant to an application for authority to organize a new state bank or new state trust company under chapter 658, or pursuant to an application for authority to organize a new state credit union under chapter 657, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Personal financial information.

2. A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity.

3. Books and records of a current or proposed financial institution.

4. The proposed state bank's, ~~or~~ proposed state trust company's, or proposed state credit union's proposed business plan.

(b) The personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution received by the office pursuant to an application for authority to organize a new state bank or new state trust company under chapter 658, or pursuant to an application for authority to organize a new state credit union under chapter 657, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the application is approved and the charter is issued. As used in this paragraph, the term "personal identifying information" means names, home addresses, e-mail addresses, telephone numbers, names of relatives, work experience, professional licensing and educational backgrounds, and photographs.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 8. (1)(a) The Legislature finds that it is a public necessity that information received by the Office of Financial Regulation pursuant to an application for authority to

organize a new state credit union under chapter 657, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution to the extent that disclosure would reveal:

1. Personal financial information;

2. A driver license number, a passport number, a military identification number, or any other number or code issued on a government document used to verify identity;

3. Books and records of a current or proposed financial institution; or

4. A proposed new state credit union's business plan and any attached supporting documentation.

(b) The Legislature further finds that it is a public necessity that the personal identifying information of a proposed officer or proposed director who is currently employed by, or actively participates in the affairs of, another financial institution which is received by the office pursuant to an application for authority to organize a new state credit union under chapter 657, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for the duration of the application process, until the application is approved and a charter is issued.

(2) The office may receive sensitive personal, financial, and business information in conjunction with its duties related to the review of applications for the organization or establishment of new state credit unions. The exemptions from public records requirements provided under subsection (1) are necessary to ensure the office's ability to administer its

regulatory duties while preventing unwarranted damage to the proposed state credit unions or certain proposed officers or proposed directors of new state credit unions in this state. The release of information that could lead to the identification of an individual involved in the potential establishment of a new state credit union may subject such individual to retribution and jeopardize his or her current employment with, or participation in the affairs of, another financial institution. Thus, the public availability of such information has a chilling effect on the establishment of new state credit unions. Further, the public availability of the books and financial records of a current or proposed state credit union presents an unnecessary risk of harm to the business operations of such credit union. Finally, the public availability of a proposed state credit union's business plan may cause competitive harm to its future business operations and presents an unfair competitive advantage for existing state credit unions that are not required to release such information.

Section 9. This act shall take effect on the same date that SB 540 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

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1440
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ash Mason Phone

Address Email

Street

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: FL. Office of Financial Regulation

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1474
INTRODUCER:	Rules Committee; Environment and Natural Resources Committee; and Senator Gaetz
SUBJECT:	Biosolids Management
DATE:	February 24, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.	Reagan	Betta	AEG	**Favorable**
3.	Barriero	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1474 prohibits the Department of Environmental Protection from issuing or renewing a permit for a land application site which authorizes the disposal or land application of septage as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 30 miles from a proposed Class B biosolids land application site;
- Owned or operated by the federal government or a federal agency, a state government body or agency, or a political subdivision of this state; and
- Not defunct, used for other purposes, or out of capacity.

The bill has no fiscal impact on state expenditures or revenue. See Section V., Fiscal Impact Statement.

The bill has an effective date of July 1, 2027.

II. Present Situation:

Biosolids

The proper treatment and disposal or reuse of domestic wastewater is an important part of protecting Florida's water resources. The majority of Florida's domestic wastewater is controlled and treated by centralized treatment facilities regulated by the Department of Environmental

Protection (DEP). Florida has approximately 2,000 permitted domestic wastewater treatment facilities.[1]

When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids[2] accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly.[3] Biosolids also include products and treated material from biosolids treatment facilities and septage management facilities regulated by the DEP.[4] The collected residue is high in organic content and contains moderate amounts of nutrients, which can make biosolids suitable for use as a soil amendment or fertilizer under appropriate conditions.[5]

Wastewater treatment facilities produce about 461,000 dry tons of biosolids each year.[6] Biosolids can be disposed of in several ways including placement in a landfill, distribution and marketing as fertilizer, and land application on pasture or agricultural lands.[7] Biosolids are subject to regulatory requirements established by the DEP to protect public health and the environment.[8]

The DEP regulates three classes of biosolids for beneficial use: Class AA, Class A, and Class B biosolids.[9] The classes are categorized based on treatment and quality, with Class AA biosolids receiving the highest level of treatment, and Class B receiving the lowest.[10] Consistent with federal standards, treatment of biosolids must reduce pathogens, the attractiveness of the biosolids for pests like insects and rodents, and the amount of toxic metals in the biosolids.[11]

Class AA biosolids can be distributed and marketed like other commercial fertilizers.[12] Such biosolids may be sold or given away.[13] Class AA biosolids compost products that are distributed and marketed outside of the Lake Okeechobee, St. Lucie River, and Caloosahatchee River watersheds do not have be to distributed and marketed as a fertilizer if the biosolids compost product is enrolled and certified under the U.S. Composting Council's (USCC) Seal of Testing Assurance program.[14]

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[1] Department of Environmental Protection (DEP), *General facts and statistics about wastewater in Florida,* https://floridadep.gov/water/domestic-wastewater/content/general-facts-and-statistics-about-wastewater-florida (last visited Jan. 19, 2025).

[2] Section 373.4595, F.S., defines biosolids as the solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility and include products and treated material from biosolids treatment facilities and septage management facilities. The term does not include the treated effluent or reclaimed water from a domestic wastewater treatment facility, solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, or ash generated during the incineration of biosolids. *See also* Fla. Admin. Code R. 62-640.200(6).

[3] DEP, *Domestic wastewater biosolids*, https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids (last visited Jan. 19, 2025).

[4] Fla. Admin. Code R. 62-640.200(6).

[5] DEP, *Domestic wastewater biosolids*.

[6] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 6 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.

[7] *See id*.

[8] Fla. Admin. Code R. 62-640.

[9] Fla. Admin. Code R. 62-640.200.

[10] *Id.*; DEP, *Domestic wastewater biosolids*.

[11] Fla. Admin. Code R. 62-640.200; 40 C.F.R. part 503.

[12] DEP, *Domestic wastewater biosolids*; National Biosolids Data Project, *Florida biosolids*, https://www.biosolidsdata.org/florida (last visited Jan. 19, 2025); Fla. Admin. Code R. 62-640.850.

[13] Fla. Admin. Code R. 62-640.850(2).

[14] *Id.*

Biosolids are regulated under Rule 62-640 of the Florida Administrative Code. The rules provide minimum requirements, including monitoring and reporting requirements, for the treatment, management, use, and disposal of biosolids. The rules are applicable to wastewater treatment facilities, appliers, and distributors[15] and include permit requirements for both treatment facilities and biosolids application sites.[16]

Land Application of Biosolids

Land application of biosolids involves spreading biosolids on the soil surface or incorporating or injecting biosolids into the soil at a DEP-permitted site.[17] This practice provides nutrients and organic matter to the soil on agricultural land, golf courses, forests, parks, mine reclamation sites, and other disturbed lands. Composted and treated biosolids are used by landscapers and nurseries and by homeowners for their lawns and home gardens.[18] Biosolids must be treated to at least Class B standards to be land applied.[19] Permits are required for the land application of biosolids unless they have been marketed and distributed as fertilizer.[20]

Each permit application for a biosolids application site must include a site-specific nutrient management plan (NMP) that establishes the specific rates of application and procedures to apply biosolids to land.[21] Biosolids may only be applied to land application sites that are permitted by the DEP and have a valid NMP.[22] Biosolids must be applied at rates established in accordance with the NMP and may be applied to a land application site only if all concentrations of minerals do not exceed ceiling and cumulative concentrations determined by rule.[23] According to the St. Johns Water Management District, application rates of biosolids are determined by crop nitrogen demand, which can often result in the overapplication of phosphorus to the soil and can increase the risk of nutrient runoff into nearby surface waters.[24]

Once a facility or site is permitted, it is subject to monitoring, record-keeping, reporting, and notification requirements.[25] The requirements are site-specific and can be increased or reduced by the DEP based on the quality or quantity of wastewater or biosolids treated; historical variations in biosolids characteristics; industrial wastewater or sludge contributions to the facility; the use, land application, or disposal of the biosolids; the water quality of surface and ground water and the hydrogeology of the area; wastewater or biosolids treatment processes; and the compliance history of the facility or application site.[26]

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[15] Fla. Admin. Code R. 62-640.100.
[16] Fla. Admin. Code R. 62-640.300.
[17] Environmental Protection Agency (EPA), *Land application of biosolids*, https://www.epa.gov/biosolids/land-application-biosolids (last visited Jan. 19, 2025).
[18] *Id.*
[19] Fla. Admin. Code R. 62-640.700(2).
[20] Fla. Admin. Code R. 62-640.700(1) and 62-640.850.
[21] Fla. Admin. Code R. 62-640.500.
[22] *Id*.
[23] Fla. Admin. Code R. 62-640.700.
[24] V. R. Hoge et al., *Developing a biosolids database for watershed modeling efforts*, Environmental Scientist IV, St. Johns River Water Management District, *abstract available at* http://archives.waterinstitute.ufl.edu/symposium2018/abstract_detail.asp?AssignmentID=1719 (last visited Jan. 19, 2025).
[25] Fla. Admin. Code R. 62-640.650.
[26] *Id*.

The land application of Class A and Class B biosolids is also prohibited within priority focus areas in effect for Outstanding Florida Springs if the land application is not in accordance with a NMP that has been approved by the DEP.[27] The NMP must establish the rate at which all biosolids, soil amendments, and nutrient sources at the land application site can be applied to the land for crop production while minimizing the amount of pollutants and nutrients discharged into groundwater and waters of the states.[28] In addition, the DEP may not authorize the land application of domestic wastewater biosolids within the Lake Okeechobee, Caloosahatchee River, or St. Lucie River watersheds unless the applicant demonstrates that the biosolids will not contribute to nutrient loadings in the applicable watershed, with a limited exception for Class AA biosolids that are marketed and distributed as fertilizer.[29]

Permittees applying Class A or Class B biosolids must ensure a minimum unsaturated soil depth of two feet between the depth of biosolids placement and the water table level at the time of application.[30] Permittees must also be enrolled in the Department of Agriculture and Consumer Services best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.[31]

Historically, about two-thirds of all biosolids produced have been land applied.[32] However, between 2018 and 2024, the number of biosolids land application sites decreased from 120 to 58.[33] These reductions are expected to continue in the future.[34] Other disposal methods, including distribution and marketing of Class AA biosolids products and landfilling, are increasing.[35] Florida Class AA and Class B biosolids are also marketed and distributed out of state.[36]

III. Effect of Proposed Changes:

Section 1 amends s. 403.0855, F.S., regarding biosolids management. The bill provides that the DEP may not issue or renew a permit for a land application site which authorizes disposal or land application of septage, as defined by rule 62-640.200(43) of the Florida Administrative Code,[37] as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

- Less than 30 miles from a proposed Class B biosolids land application site;
- Owned or operated by the Federal Government or a federal agency, a state government body or agency, or a political subdivision of this state; and

[27] Section 373.811(4), F.S.
[28] *Id*.
[29] Section 373.4595(3)(b)16., (4)(b)5., and (4)(d)5., F.S.
[30] Section 403.0855(3)(a), F.S.
[31] Section 403.0855(3)(b), F.S.
[32] DEP, *Biosolids in Florida*, 5 (2019), *available at* https://www.florida-stormwater.org/assets/MemberServices/Conference/AC19/02%20-%20Frick%20Tom.pdf.
[33] DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resource*, 5 (Dec. 9, 2025), *available at* https://www.flsenate.gov/Committees/DownloadMeetingDocument/7981.
[34] *Id.*
[35] *Id.* at 6.
[36] Email from DEP on file with Senate Committee on Environment and Natural Resources.
[37] This rule defines "septage" as a mixture of sludge, fatty materials, human feces, and wastewater removed during pumping of an onsite sewage treatment and disposal system. Excluded from this definition are the contents of portable toilets, holding tanks, and grease interceptors. Fla. Admin. Code R. 62-640.200(43).

- Not defunct, used for other purposes, or out of capacity.

Section 2 provides an effective date of July 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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.0855 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on Feb. 24, 2026:
Reduced the distance requirement from less than 50 miles to less than 30 miles from a proposed Class B biosolids land application site and extended the effective date from July 1, 2026, to July 1, 2027.

CS by Environment and Natural Resources on Jan. 27, 2026:
Clarified that the prohibition applies to the land application of septage as defined in rule 62-640.200(43) of the Florida Administrative Code.

B. Amendments:

None.

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

835512

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gaetz) recommended the following:

Senate Amendment

Delete lines 23 - 30
and insert:
(a) Less than 30 miles from a proposed Class B biosolids land application site;
(b) Owned or operated by the Federal Government or a federal agency, a state government body or agency, or a political subdivision of this state; and
(c) Not defunct, used for other purposes, or out of capacity.

835512

Section 2. This act shall take effect July 1, 2027.

By the Committee on Environment and Natural Resources; and Senator Gaetz

592-02263-26 20261474c1

A bill to be entitled

An act relating to biosolids management; amending s. 403.0855, F.S.; prohibiting the Department of Environmental Protection from issuing or renewing a permit for certain biosolids land application sites if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment and which meets specified requirements; providing an effective date.

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

Section 1. Present subsection (6) of section 403.0855, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

403.0855 Biosolids management.—

(6) The department may not issue or renew a permit for a land application site which authorizes disposal or land application of septage, as defined in rule 62-640.200(43), Florida Administrative Code, as Class B biosolids if there is a permitted wastewater treatment facility that accepts septage for higher levels of treatment which is:

(a) Less than 50 miles from a proposed Class B biosolids land application site;

(b) Owned or operated by the Federal Government or a federal agency, a state government body or agency, or a political subdivision of this state; and

(c) Not defunct, used for other purposes, or out of capacity.

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

Florida Senate - 2026 CS for SB 1474

592-02263-26 20261474c1

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill #1474**, relating to Biosolids Management, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1504
INTRODUCER:	Banking and Insurance Committee and Senator Calatayud
SUBJECT:	Insurance Customer Representative Licensing Qualifications
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Knudson	Knudson	BI	**Fav/CS**
2.	Sanders	Betta	AEG	**Favorable**
3.	Knudson	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1504 creates an alternative to the requirement under current law that a customer representative licensee must, within four years of applying for licensure, have either earned a degree from an accredited institution of higher learning that included at least nine credit hours of insurance instruction or have earned one of various specified insurance-related designations issued by specified entities. The bill provides that an insurance customer representative licensee may instead have earned a diploma from a Florida high school which includes one-half credit hour in insurance and personal finance. The high school diploma must have been earned within four years preceding the date an application for licensure as a customer representative is filed with the Department of Financial Services (DFS).

The bill requires the Department of Education (DOE), in consultation with the DFS, to develop a 0.5 credit course in insurance and personal finance which is available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations provided under s. 626.7351(3), F.S., for licensure as an insurance customer representative.

The bill does not impact state revenues or expenditures. See Section V., Fiscal Impact Statement.

The effective date of the bill is January 1, 2027.

II. Present Situation:

Licensure of Insurance Agents and Agencies by the Department of Financial Services

The Florida Insurance Code provides that "no person may be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the department and appointed by an appropriate appointing entity or person." The DFS issues licenses for general lines agents, life and health insurance agents, title insurance agents, and bail bond agents. The general lines agent license has the broadest scope of the foregoing, as general lines agents are defined in statute as an agent that transacts one or more of the following: property insurance, casualty insurance, surety insurance, health insurance, or marine insurance. The DFS also licenses insurance agencies[1], which are the business locations (other than the business location of an insurer or adjuster) that house the activities of licensed insurance agents.[2]

Insurance Customer Representatives

A customer representative is defined under the Florida Licensing Procedures Law as an individual appointed by a general lines agent or agency to assist that agent or agency in transacting the business of insurance from the office of the agent or agency.[3] A customer representative may take insurance applications, give quotes, interpret policies, explain procedures, give insurance advice, solicit new customers at the agent's office or by phone from that office, and bind new or additional coverages.[4] A customer representative must work under the direct supervision of a licensed and appointed Florida resident general lines agent. All business transacted by a customer representative under his or her license must be in the name of the agent or agency by which he or she is appointed, and the agent or agency is responsible for all acts of the customer representative within the scope of such appointment.[5]

A customer representative may be employed by only one agent or agency and the agency must appoint one designated agent within the agency who will supervise the work of the applicant and his or her conduct in the insurance business.[6] A customer representative must be a salaried employee of the agent or agency and the customer representative's salary may not be primarily based on commissions, the production of applications, insurance, or premiums. A customer representative may not transact insurance outside of the office of his or her supervising agent or agency.[7] A customer representative must be housed wholly and completely within the actual confines of the office of the agent or agency whom he or she represents.[8] A customer representative may not be employed from any location except where an agent licensed to write such lines spends his or her full time in charge of such location.

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[1] Section 626.172, F.S.
[2] Section 626.015(10), F.S.
[3] Section 626.015(6), F.S.
[4] Department of Financial Services, *Insurance Agent and Agency Services Compliance Information: General Linces Agents and Customer Representatives – Customer Representative Authority*, https://myfloridacfo.com/division/agents/compliance/general-lines-agents-customer-reps (last visited February 3, 2026).
[5] Section 626.7354(5), F.S.
[6] Section 626.7351(5), F.S.
[7] Section 626.7354(4), F.S.
[8] Section 626.7352, F.S.

Customer Representative Licensure

A customer representative must be currently licensed by the DFS and appointed by an appropriate appointing entity or person.[9] The customer representative's license is limited to the kinds of insurance for which the agent or agency by which he or she is employed is licensed and cannot include life insurance or any kind.[10] To obtain licensure from the DFS as a customer representative, a prospective licensee must apply for licensure with the DFS, meet the requirements for licensure, and pay all applicable fees.[11]

The license of a customer representative must cover all classes of insurance that his or her appointing general lines agent or agency is currently authorized to transact.[12]

Section 626.7351, F.S., sets forth the following mandatory requirements for licensure as a customer representative:

- The applicant for licensure must be found by the DFS to be trustworthy and competent to hold licensure and be a natural person at least 18 years of age.
- The applicant must be either a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a bona fide resident of this state and will actually reside in the state at least six months out of the year[13], or a resident of another state sharing a common boundary with this state and has been employed in this state for a period of not less than six months by a Florida resident general lines agent licensed and appointed under this chapter.
- The applicant must meet all requirements in ch. 626, F.S., for licensure as a customer representative.
- The applicant will be employed by only one agent or agency and the agency must appoint one designated agent within the agency who will supervise the work of the applicant, and the applicant will spend all of his or her business time in the employment of the agent or agency and will be domiciled in the office of the appointing agent or agency.
- The applicant must satisfy an educational requirement within four years preceding applying for licensure. The education requirement is satisfied if the applicant earned a degree from an accredited institution of higher learning approved by the DFS that includes at least nine credit hours of insurance instruction including specific instruction in property, casualty, and inland marine insurance, or if the applicant has earned one of various designations related to being an insurance professional which are set forth in statute.[14]

[9] Section 626.112, F.S.
[10] Section 626.7354(2), F.S.
[11] Section 626.171, F.S.
[12] Section 626.311, F.S.
[13] An individual who is a bona fide resident of this state shall be deemed to meet the residence requirements of this subsection, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of the other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing. *See* s. 627.7351(2)(a), F.S.
[14] Section 627.7351(3), F.S. The designations specified in statute are the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative (CPSR) from the National Foundation for CPSR; the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service

- A customer representative licensee may not be a licensed agent or licensed service representative[15].

Florida Requirements for a Standard High School Diploma

Receipt of a standard high school diploma in Florida requires successful completion of 24 credits, which must include:

- Four credits in English Language Arts;
- 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;
- Seven and one-half credits in electives; and
- One-half credit in personal financial literacy.[16]

The credit requirement for personal financial literacy was established through the Dorothy L. Hukill Financial Literacy Act (Hukill Act), which requires that, beginning with students entering grade nine in the 2023-2024 school year, students must earn one-half credit in personal financial literacy and money management in order to receive a standard high school diploma.[17] The purpose of the Hukill Act is to better prepare young people in Florida for adulthood by providing them with the requisite knowledge to achieve financial stability and independence. The one-half credit in personal financial literacy and money management must include discussion of or instruction in all the following:

- Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.
- Balancing a checkbook.
- Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.
- Completing a loan application.
- Receiving an inheritance and related implications.
- Basic principles of personal insurance policies.
- Computing federal income taxes.
- Local tax assessments.
- Computing interest rates by various mechanisms.

Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Chartered Customer Service Representative (CCSR) from American Insurance College; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject.

[15] Section 626.015(19), F.S., defines a "service representative" as an individual employed by an insurer or managing general agent for the purpose of assisting a general lines agent in negotiating and effecting insurance contracts (other than life insurance) when accompanied by a licensed general lines agent.

[16] Section 1003.4282, F.S.

[17] Chapter 2022-17, Laws of Florida.

- Simple contracts.
- Contesting an incorrect billing statement.
- Types of savings and investments.
- State and federal laws concerning finance.
- Costs of postsecondary education, including cost of attendance, completion of the Free Application for Federal Student Aid, scholarships and grants, and student loans.

High School Elective Courses

Florida law requires school districts to develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a Science, Technology, Engineering, and Mathematics (STEM) or liberal arts focus.[18] Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

III. Effect of Proposed Changes:

Section 1 amends s. 626.7351, F.S., which sets forth the requirements the DFS must follow when granting or issuing a license as a customer representative. Current law requires that a customer representative licensee must have within four years of applying for licensure either earned a degree from an accredited institution of higher learning that included at least nine credit hours in certain insurance-related instruction or have earned one of various specified insurance-related designations issued by certain entities. The bill provides that an insurance customer representative licensee may instead have earned a diploma from a Florida high school which includes one-half credit hour in insurance and personal finance. The high school diploma must have been earned within four years preceding the date an application for licensure as a customer representative is filed with the Department of Financial Services.

Section 2 creates s. 1003.4207, F.S., to require that no later than January 1, 2027, the Department of Education, in consultation with the DFS, must develop a 0.5 credit course in insurance and personal finance which will be available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations for licensure as a customer representative provided under s. 626.7351(3), F.S.

Section 3 provides that the act is effective January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[18] Section 1003.4282(3)(g), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Increasing opportunities for high school students to take elective courses related to insurance that meet statutory educational requirements for customer representatives, should enhance job opportunities for those students in the insurance industry and create a larger pool of potential employees for insurers and insurance agencies.

C. Government Sector Impact:

The bill has a minimal impact to state revenues or expenditures. Any costs associated with developing the insurance and personal finance course can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 626.7351 of the Florida Statutes.

This bill creates section 1003.4207 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 Banking and Insurance on January 28, 2026:

- Provides that the alternative educational requirement for licensure as an insurance customer representative created by the bill is satisfied by a high school diploma that includes one-half credit hour in insurance and personal finance.
- Requires the Department of Education, in consultation with the Department of Financial Services, to develop a 0.5 credit course in insurance and personal finance which is available to school districts for use beginning with the 2027-2028 school year.

B. Amendments:

None.

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

By the Committee on Banking and Insurance; and Senator Calatayud

597-02287-26 20261504c1

A bill to be entitled

An act relating to insurance customer representative licensing qualifications; amending s. 626.7351, F.S.; revising the qualifications for applicants for a license as an insurance customer representative; creating s. 1003.4207, F.S.; requiring the Department of Education, in consultation with the Department of Financial Services, to develop a specified insurance and personal finance course no later than a specified date; providing an effective date.

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

Section 1. Subsection (3) of section 626.7351, Florida Statutes, is amended to read:

626.7351 Qualifications for customer representative's license.—The department shall not grant or issue a license as customer representative to any individual found by it to be untrustworthy or incompetent, or who does not meet each of the following qualifications:

(3) Within 4 years preceding the date that the application for license was filed with the department, the applicant has earned the designation of Accredited Advisor in Insurance (AAI), Associate in General Insurance (AINS), or Accredited Customer Service Representative (ACSR) from the Insurance Institute of America; the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors; the designation of Certified Professional Service Representative (CPSR) from the National Foundation for CPSR; the designation of

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597-02287-26 20261504c1

Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives; the designation of Certified Insurance Representative (CIR) from All-Lines Training; the designation of Chartered Customer Service Representative (CCSR) from American Insurance College; the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute; the designation of Insurance Customer Service Representative (ICSR) from Statewide Insurance Associates LLC; the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in the state whose curriculum is approved by the department and includes comprehensive analysis of basic property and casualty lines of insurance and testing which demonstrates mastery of the subject; a diploma from a Florida high school in which the applicant completed the insurance and personal finance course provided in s. 1003.4207; or a degree from an accredited institution of higher learning approved by the department when the degree includes a minimum of 9 credit hours of insurance instruction, including specific instruction in the areas of property, casualty, and inland marine insurance. The department shall adopt rules establishing standards for the approval of curriculum.

Section 2. Section 1003.4207, Florida Statutes, is created to read:

1003.4207 Insurance and personal finance course.—No later than January 1, 2027, the Department of Education, in consultation with the Department of Financial Services, shall develop a 0.5 credit course in insurance and personal finance

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which is available to school districts for use beginning with the 2027-2028 school year. The course must include a comprehensive analysis of basic property and casualty lines of insurance consistent with the instructional designations provided under s. 626.7351(3).

Section 3. This act shall take effect January 1, 2027.

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

The Florida Senate

Committee Agenda Request

To: Chair Kathleen Passidomo
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #1504**, relating to Insurance Customer Representative Licensing Qualifications, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24
Meeting Date

Rules
Committee

1504
Bill Number or Topic

Amendment Barcode (if applicable)

Name BG Murphy

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Address 3195 Shamrock St. S.
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Tallahassee FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida Association of Insurance Agents

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1504
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

Address 107 E College Ave
Street

Email DMartinez@afphq.org

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1536
INTRODUCER:	Senator Pizzo
SUBJECT:	Digital Voyeurism
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Stokes	CJ	**Favorable**
2.	Kolich	Harkness	ACJ	**Favorable**
3.	Parker	Kruse	RC	**Pre-meeting**

I. Summary:

SB 1536 amends s. 810.145, F.S., to revise the definition of the term "reasonable expectation of privacy" for purposes relating to the offense of digital voyeurism, to include a privately fenced yard.

This bill is estimated to have a positive indeterminate prison bed impact on the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Digital voyeurism is a growing issue in Florida, with cases involving the secret recording of people in private settings. On January 3, 2026, a deputy with the Palm Beach County Sheriff's Office was called to Target in Royal Palm Bach for reports of voyeurism. A 14-year-old victim told deputies that she was in a fitting room with her shirt off when a stranger in an adjacent stall stuck his arm over into her stall and used a phone to take a photograph of her while she was changing.[1]

In another incident a 20-year-old Gainesville man was arrested and charged with voyeurism and burglary of an occupied dwelling after he allegedly snuck onto a lawn and peered at a teenager through her bedroom window. According to police reports, the man either scaled a 6-foot fence or entered through a closed gate to get into the backyard of the teen's home. He allegedly

[1] Bellinghausen, Grace, ABC NEWS, *Man accused of filming teen in Target dressing room arrested after weeks-long search*, published on January 26, 2026, available at https://abc3340.com/news/nation-world/man-accused-of-filming-teen-in-target-dressing-room-arrested-after-weeks-long-search-palm-beach-county-sheriffs-office-clewiston-royal-palm-beach-florida-january-26-2026 (last visited February 5, 2026).

watched the 15-year-old through the window secretly and was spotted by the girl's mother who reported the incident to police.[2]

In 2024, Florida renamed and expanded the offense of "video voyeurism" to "digital voyeurism," strengthening penalties and reclassifying the offense under state law to better address privacy violations committed through modern digital recording devices, including smartphones and hidden cameras.

Digital Voyeurism

Section 810.145, F.S., provides that a person commits the offense of digital voyeurism if that person:

- For his or her own amusement, entertainment, sexual arousal, gratification, or profit, or for the purpose of degrading, exploiting, or abusing another person, intentionally uses or installs an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;[3]
- For the amusement, entertainment, sexual arousal, gratification, or profit of another, or on behalf of another, intentionally permits the use or installation of an imaging device to secretly view, broadcast, or record a person, without that person's knowledge and consent, who is dressing, undressing, or privately exposing the body, at a place and time when that person has a reasonable expectation of privacy;[4] or
- For the amusement, entertainment, sexual arousal, gratification, or profit of oneself or another, or on behalf of oneself or another, intentionally uses an imaging device to secretly view, broadcast, or record under or through the clothing being worn by another person, without that person's knowledge and consent, for the purpose of viewing the body of, or the undergarments worn by, that person.[5]

For purposes of digital voyeurism, the term "reasonable expectation of privacy" means circumstances under which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, bathroom, changing room, fitting room, dressing room, or tanning booth.[6]

A person who is under 19 years of age and who commits this offense commits a first degree misdemeanor.[7,8]

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[2] Whittel & Melton, *Man arrested for Voyeurism, Alleged Victim was 15*, available at https://www.floridasexcrimeattorney.com/man-arrested-for-voyeurism-alleged-victim-was-15.html (last visited February 5, 2026).
[3] Section 810.145(2)(a)1., F.S.
[4] Section 810.145(2)(a)2., F.S.
[5] Section 810.145(2)(a)3., F.S.
[6] Section 810.145(1)(f), F.S.
[7] Section 810.145(2)(b), F.S.
[8] A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a $1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

A person who is 19 years of age or older who commits this offense commits a third degree felony.[9,10]

Digital Voyeurism Dissemination

A person commits the offense of digital voyeurism dissemination if that person, knowing or having reason to believe that an image or recording was created by committing digital voyeurism and he or she intentionally disseminates, distributes, or transfers the image or recording to another person for the purpose of the amusement, entertainment, sexual arousal, or gratification of any person, or for the purpose of degrading, exploiting, or abusing another person.[11] A person who commits the offense of digital voyeurism dissemination commits a third degree felony.[12]

A person commits the offense of commercial digital voyeurism dissemination if that person:

- Knowing or having reason to believe that an image or recording was created by committing digital voyeurism and sells the image or recording for consideration to another person;[13] or
- Having created the image by committing digital voyeurism, and disseminates, distributes, or transfers the image or recording to another person for that person to sell the image or recording to others.[14]

Commercial digital voyeurism dissemination is a third degree felony.

Digital voyeurism penalties

Each instance of viewing, broadcasting, recording, disseminating, distributing, or transferring of an image or recording made in violation of this section is a separate offense for which a separate penalty is authorized.

A person who commits the offense of digital voyeurism, digital voyeurism dissemination, or commercial digital voyeurism and has previously been convicted of or adjudicated delinquent for any of those offenses commits a felony of the second degree.[15]

If a person who is 19 years of age or older and is convicted of committing any violation of s. 810.145, F.S., relating to digital voyeurism and is a family or household member of the victim, or holds a position of authority or trust with the victim, the court shall reclassify the felony to the next higher degree as follows:

- A felony of the third degree is reclassified as a felony of the second degree.[16]
- A felony of the second degree is reclassified as a felony of the first degree.[17]

[9] Section 810.145(2)(c), F.S.
[10] A third degree felony is punishable by a term of imprisonment not exceeding 5 years and a $5,000 fine, as provided in ss. 775.082 and 775.083. A person who is designated as a violent career criminal, habitual felony offender, habitual violent felony offender, or three-time violent felony offender is subjected to enhanced penalties provided in 775.084, F.S.
[11] Section 810.145(3)(a), F.S.
[12] Section 810.145(3)(b), F.S.
[13] Section 810.145(4)(a), F.S.
[14] Section 810.145(4)(b), F.S.
[15] Section 810.145(7)(a), F.S.
[16] Section 810.145(7)(b)1., F.S.
[17] Section 810.145(7)(b)2., F.S.

For purposes of sentencing under ch. 921, F.S., and incentive gain-time eligibility under ch. 944, F.S., a felony that is reclassified is ranked one level above the ranking in s. 921.0022, F.S.

III. Effect of Proposed Changes:

The bill amends s. 810.145, F.S., to revise the definition of the term "reasonable expectation of privacy" for purposes relating to the offense of digital voyeurism.

The bill adds *privately fenced yard* to the places in which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned the person undressing was being viewed, recorded, or broadcasted by another.

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 Art. 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:

The Legislature's Office of Economic and Demographics 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 on the Department of Corrections (DOC), meaning that the bill may increase the number of individuals admitted to prison. The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 13 new commitments to prison for felonies under s. 810.145, F.S. It is not known how many additional offenders there would be with the addition of privately fenced yard to where someone would have a reasonable expectation of privacy.[18]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 810.145 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

[18] Office of Economic and Demographic Research Preliminary Estimate, *SB 1536- Digital Voyeurism,* (on file with the Senate Committee on Criminal Justice).

By Senator Pizzo

37-01560-26 20261536__

A bill to be entitled

An act relating to digital voyeurism; amending s. 810.145, F.S.; revising the definition of the term "reasonable expectation of privacy" for purposes relating to the offense of digital voyeurism; providing an effective date.

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

Section 1. Paragraph (f) of subsection (1) of section 810.145, Florida Statutes, is amended to read:

810.145 Digital voyeurism.—

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

(f) "Reasonable expectation of privacy" means circumstances under which a reasonable person would believe that he or she could fully disrobe in privacy, without being concerned that the person's undressing was being viewed, recorded, or broadcasted by another, including, but not limited to, the interior of a residential dwelling, privately fenced yard, bathroom, changing room, fitting room, dressing room, or tanning booth.

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

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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1612
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator DiCeglie
SUBJECT:	Electronic Payments Made to Units of Local Governments
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Favorable**
2.	White	McVaney	GO	**Fav/CS**
3.	Tolmich	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1612 amends s. 215.322, F.S., to require each unit of local government[1] to accept payments by use of credit cards, charge cards, bank debit cards, and electronic fund transfers for financial obligations owed to the local government. Currently, local governments and certain subdivisions thereof are authorized, but not required, to accept payments by use of credit cards, charge cards, bank debit cards, and electronic fund transfers for financial obligations that are owing to such unit of local government. The bill additionally requires the local governments to have an online method to accept payments.

The bill has a finding and declaration of important state interest.

The bill may require local governments to expend funds to make necessary technological updates and to maintain required websites.

The bill takes effect January 1, 2027.

[1] A unit of local government includes a municipality, special district, or board of county commissioners or other governing body of a county, a consolidated or metropolitan government, and any clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections.

II. Present Situation:

Electronic Payments to Governments

Current law encourages state agencies, the judicial branch, and units of local government to make their goods, services, and information more convenient to the public through the acceptance of electronic payments to the maximum extent practicable when the benefits outweigh the costs of accepting such payments.[2]

Local governments may accept payment by credit card, charge card, bank debit card, or electronic fund transfer for financial obligations that are owed to the local government.[3] Local governments in this instance include, but are not limited to:

- Municipalities;
- Special districts;
- Boards of county commissioners or other governing bodies of a county;
- Consolidated or metropolitan governments;
- Clerks of the circuit court;
- Sheriffs;
- Property appraisers;
- Tax collectors; and
- Supervisors of elections.

If electronic payment is used for taxes, license fees, tuition, fines, civil penalties, court-ordered payments, or court costs, or other statutorily prescribed revenues, a local government may add a surcharge to the payment sufficient to cover the service fee charged by the financial institution, vending service company, or credit card company. The local government is responsible for verifying the validity of the method of payment used and whether the person using the card or transfer has sufficient credit to complete the transaction.[4]

The modernization of government financial transactions has taken place around the world in an attempt to address the inefficiencies and security risks associated with paper-based payments.[5] On March 25, 2025, President Trump signed Executive Order 14247, *Modernizing Payments To and From America's Bank Account*, to direct the U.S. Department of the Treasury to advance the transition to fully electronic federal payments.[6] The policy included the phase-out of paper tax refunds to the extent permitted by law.[7] The Treasury Department estimates that each paper check costs $1.05 to process, whereas electronic payments costs just $0.02 per transaction, resulting in millions in annual savings.[8]

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[2] Section 215.322(1), F.S.
[3] Section 215.322(5), F.S.
[4] *Id*.
[5] Steve Ostroff, *Accelerating Digital Payments in Government* (Apr. 2, 2025), CATALIS, available at https://catalisgov.com/accelerating-digital-payments-in-government/ (last visited Jan. 26, 2026).
[6] IRS, *Modernizing payments to and from America's bank account*, available at https://www.irs.gov/newsroom/modernizing-payments-to-and-from-americas-bank-account (last visited Jan. 26, 2026).
[7] *Id*.
[8] Ostroff, *supra* note 5.

III. Effect of Proposed Changes:

Section 1 amends s. 215.322, F.S., to require each unit of local government[9] to accept payments by use of credit cards, charge cards, bank debit cards, and electronic fund transfers for financial obligations owed to the local government; the local governments must also maintain an online method (website) to accept these payments. The bill provides an exception to this requirement where another form of payment is required by law.

Section 1 also updates the legislative intent of s. 215.322, F.S., to reflect the rest of the bill. This revised language provides that units of local governments are *required* to make their goods, services, and information more convenient to the public through acceptance of payments by use of credit cards, charge cards, bank debit cards, and electronic fund transfers; and are required to have an online method (website) to accept such payments. The bill also strikes the legislative intent for state and local government to only accept such payments "to the maximum extent practicable when the benefits to the participating agency and the public substantiate the cost of accepting these types of payments."

Section 2 provides that the Legislature finds and declares the bill fulfills an important state interest.

Section 3 provides that the bill takes effect January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the State Constitution provides, in relevant 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. If the bill does not meet an exemption or exception, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each chamber.

To accept electronic payments, counties and municipalities may have to expend funds to update their technology to be able to accept electronic payments. Counties and municipalities are further required to expend funds to maintain an online method (website) capable of accepting electronic payments. The bill requires counties and municipalities to accept electronic payments in all instances; counties and municipalities are still authorized to surcharge service fee costs for electronic payments made for any reason other than payment of taxes, license fees, tuition, fines, civil penalties, court-ordered payments, or court costs, or other statutorily prescribed revenues. Counties and municipalities will be required to absorb costs for service fees for electronic payments that must be accepted in those circumstances the local governments are not authorized to

[9] A unit of local government includes a municipality, special district, or board of county commissioners or other governing body of a county, a consolidated or metropolitan government, and any clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections.

surcharge the payor. The bill, therefore, may require counties and municipalities to expend funds.

The bill may qualify for an exemption, meaning it needs neither a two-thirds vote nor a finding of important state interest to be binding. The bill may be exempted if it has an insignificant fiscal impact, which for Fiscal Year 2026-2027 is forecast at approximately $2.4 million.[10] The estimated costs for the bill are unknown at this time. If the costs imposed by the bill exceed $2.4 million in the aggregate, the mandates provisions may apply.

If the bill exceeds $2.4 million in the aggregate, it may need a finding of important state interest and approval by a two-thirds vote of the membership of each chamber in order to be binding on counties and municipalities. The bill currently contains a finding of important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

[10] FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Nov. 3, 2025). Based on the Florida Demographic Estimating Conference's June 30, 2025, population forecast for 2026 of 23,681,366. Office of Economic and Demographic Research, Demographic Estimating Conference Executive Summary June 30, 2025, available at https://www.edr.state.fl.us/Content/conferences/population/demographicsummary.pdf (last visited Nov. 3, 2025).

C. Government Sector Impact:

Local governments that do not already accept electronic payments may incur initial administrative and technology costs to establish such systems. Local governments that do not currently have an online platform that can accept electronic payments may additionally incur ongoing costs to establish and upkeep a website able to process electronic fees.

Current law protects local governments from incurring additional processing charges for certain payments; this cost is placed on the payor. The local government can recoup any funds for service charges on payment of taxes, licensing fees, tuition, fines, civil penalties, court-order payments, or court costs, or other statutorily prescribed revenue. Outside these instances, however, local governments and subdivisions thereof cannot surcharge a payor to cover service fees. Under the bill, the local governments are required to accept electronic payments in *all* instances, not just those where the local government is permitted to surcharge. Local governments and subdivisions thereof will incur costs of service fees for electronic payments of obligations other than taxes, licensing fees, tuition, fines, civil penalties, court-order payments, or court costs, or other statutorily prescribed revenue.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Local governments and subdivisions thereof must surcharge a sufficient amount to pay any service fee charges incurred for electronic payments of taxes, licensing fees, tuition, fines, civil penalties, court-order payments, or court costs, or other statutorily prescribed revenue. Local governments and subdivisions thereof are not, however, permitted to charge a surcharge in any other instances. The Legislature may wish to permit local governments and subdivisions thereof to make such a surcharge in all instances in which the local government and subdivision thereof accept electronic payments.

VIII. Statutes Affected:

This bill substantially amends section 215.322 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 February 11, 2026:

- Updates the statute's legislative intent language to better align with the bill by
  - Striking certain language; and
  - Providing explicitly that the Legislature intends to require units of local government to accept online payments.

- Clarifies that units of local government must accept electronic payments in all instances, not just online, but still requires units of local government to have an online platform available to accept electronic payments;
- Creates an exception where other law requires the unit of local government to accept another form of payment;
- Authorizes, but no longer requires, local governments to surcharge an amount sufficient to pay for service fee charges (this aligns with the current statute);
- Provides a finding and declaration of an important state interest; and
- Delays the effective date to January 1, 2027.

B. Amendments:

None.

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

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

585-02776-26 20261612c1

A bill to be entitled

An act relating to electronic payments made to units of local governments; amending s. 215.322, F.S.; revising legislative intent; requiring units of local government to accept certain forms of payments; providing an exception; requiring such local governments to accept payments online; providing a finding and declaration of important state interest; providing an effective date.

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

Section 1. Subsections (1) and (5) of section 215.322, Florida Statutes, are amended to read:

215.322 Acceptance of credit cards, charge cards, debit cards, or electronic funds transfers by state agencies, units of local government, and the judicial branch; acceptance of online payments by units of local government.—

(1)(a) It is the intent of the Legislature to encourage state agencies~~,~~ and the judicial branch, and require units of local government, to make their goods, services, and information more convenient to the public through the acceptance of payments by credit cards, charge cards, debit cards, or other means of electronic funds transfers ~~to the maximum extent practicable when the benefits to the participating agency and the public substantiate the cost of accepting these types of payments~~.

(b) It is the intent of the Legislature to require units of local government to accept payments online.

(5)(a) Each ~~A~~ unit of local government, including a municipality, special district, or board of county commissioners or other governing body of a county, a consolidated or metropolitan government, and any clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections, shall ~~is authorized to~~ accept payment by use of credit cards, charge cards, bank debit cards, and electronic funds transfers for financial obligations that are owing to such unit of local government, except when another form of payment is required by law, and is authorized to surcharge the person who uses a credit card, charge card, bank debit card, or electronic funds transfer in payment of taxes, license fees, tuition, fines, civil penalties, court-ordered payments, or court costs, or other statutorily prescribed revenues an amount sufficient to pay the service fee charges by the financial institution, vending service company, or credit card company for such services. Such ~~A~~ unit of local government shall verify both the validity of any credit card, charge card, bank debit card, or electronic funds transfer used pursuant to this subsection and the existence of appropriate credit with respect to the person using the card or transfer. The unit of local government does not incur any liability as a result of such verification or any subsequent action taken.

(b) A unit of local government accepting payment under paragraph (a) is required to have a method for accepting such payment online.

Section 2. The Legislature finds and declares that this act fulfills an important state interest.

Section 3. This act shall take effect on January 1, 2027.

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.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1656
INTRODUCER:	Senator Burgess
SUBJECT:	Designation of the Official State Flagship
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bellamy	Proctor	MS	**Favorable**
2.	White	McVaney	GO	**Favorable**
3.	Bellamy	Kruse	RC	**Favorable**

I. Summary:

SB 1656 amends 15.0465, F.S., to redesignate the state flagship. Instead of the current state flagship, the schooner Western Union, the bill designates the S.S. American Victory, as the official state flagship.

The bill is not expected to impact state or local government revenues and expenditures.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Florida State Symbols

Chapter 15, F.S., designates official state symbols. State symbols represent the state's heritage and natural treasures. To date there are over 30 designations, including numerous animals and plants; an anthem, song, and motto; several cultural events; and a flagship—the schooner Western Union.[1]

The Western Union Schooner

In 2012, the Florida Legislature designated the schooner Western Union as the state's official flagship.[2] When designated as the official state flagship, the Western Union was one of the oldest working wooden schooners in the United States.

The Western Union is a 130-foot historic sailing vessel of the tall ship class. Construction of the ship began in Grand Cayman, but it was completed in Key West and first launched on April 7,

[1] Section 15.0465, F.S.
[2] Chapter 2012-158, Laws of Fla.

1939. The schooner is made of yellow pine and mahogany. For 35 years the schooner served as a cable vessel for the Western Union Telegraph Company, repairing underwater cables throughout the Keys, Cuba, and the Caribbean. Since retiring, the schooner was used as a charter boat in various events.[3]

After 1973, the schooner was bought, sold, and finally donated to a not-for-profit called the Schooner Western Union Preservation Society, Inc. (SWUPS). Their mission was "to restore and maintain the historic vessel to benefit the local community and for education and outreach programs." SWUPS has faced numerous challenges, however. In 2011, the 130-foot schooner underwent a million-dollar restoration project; the vessel's ability to sail, however, was short-lived and the ship soon fell into disrepair.[4] SWUPS is facing an estimated $5 million restoration costs as the historic vessel currently is dry-docked in a boatyard, "being eaten away by the elements." The riggings and masts have been removed and many of the planks on the side of the vessel are gone as well.[5]

The ship remains the official flagship of Key West and it is on the National Register of Historic Places.[6]

S.S. American Victory

The S.S. American Victory is a merchant marine vessel used to deliver cargo and troops around the world in World War II, the Korean War, and the Vietnam War.[7] After serving three wars, the ship went through a $2.5 million restoration in June 1985. In October of 1996, Captain John C. Timmel learned the S.S. American Victory was earmarked for scrap if not acquired for memorial purposes and saved the ship. The ship now sits by the Florida Aquarium in Tampa, Florida; where it has been for over 20 years.[8] Out of the 534 Victory ships made between 1944 and 1946, the S.S. America Victory is one of only three left, with the other two on the West Coast of the United States.[9] The S.S. American Victory is on the National Register of Historic Places and now cared for by the American Victory Ship and Museum, a non-profit 501(c)3 organization.[10]

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[3] Analysis of HB 395 (2012), Comm. on State Affairs, The Florida House of Representatives, available at https://www.flsenate.gov/Session/Bill/2012/395/Analyses/h0395c.SAC.PDF.

[4] Brad Bertelli, KeysWeekly, *Keys History: Historic Schooner Dry Docked on Stock Island Has Seen Better Days* (May 3, 2024), https://keysweekly.com/42/keys-history-historic-schooner-dry-docked-on-stock-island-has-seen-better-days/ (last visited Jan 20, 2026).

[5] Timothy O'Hara, Keysnews.com, *Faded Glory: Schooner Western Union is far from its glory days* (Feb. 3, 2021), https://www.keysnews.com/news/local/schooner-western-union-is-far-from-its-glory-days/article_b447e974-64b8-11eb-b286-8ff5a3dd85c6.html (last visited Jan. 20, 2026).

[6] *Id.*; National Register of Historic Places, National Parks Service, *National Register Database and Research*, https://www.nps.gov/subjects/nationalregister/database-research.htm (last visited Jan. 20, 2026).

[7] Charles M. Fuss Jr., United States Naval Institute, SS American Victory, Tampa, Florida, 15 NAVAL HISTORY NO. 3 (June 2001), available at https://www.usni.org/magazines/naval-history-magazine/2001/june/ss-american-victory-tampa-florida (last visited Jan. 20, 2026).

[8] *Mission and History,* American Victory Ship and Museum, https://www.americanvictory.org/about/mission-and-history/ (last visited Jan. 20, 2026).

[9] FOX 13 News Tampa Bay, *At 76 years of age, the SS American Victory lives on in Tampa* (Aug. 31, 2001), https://www.fox13news.com/news/at-76-years-of-age-the-ss-american-ship-lives-on-in-tampa (last visited Jan. 20, 2026); Charles M. Fuss Jr., *supra* note 8.

[10] National Register of Historic Places, National Parks Service, *National Register Database and Research*, https://www.nps.gov/subjects/nationalregister/database-research.htm (last visited Jan 20, 2026); *Home*, https://www.americanvictory.org/ (last visited Jan 20, 2026).

III. Effect of Proposed Changes:

The bill's preamble recognizes the historical significance of the S.S. American Victory, highlighting the ship's service in American war efforts during World War II, the Korean War, and Vietnam War, as well as the ship's contributions to the Tampa and state-wide community and its support of community, charitable, and educational groups and causes.

Section 1 amends s. 15.0465, F.S., to designate the S.S. American Victory, instead of the schooner Western Union, as the official state flagship.

Section 2 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or 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:

Obtaining the status of state flagship could increase the marketability of S.S. American Victory Museum, thereby generating additional revenue that may be used for the purpose of maintaining the vessel.

C. Government Sector Impact:

The schooner Western Union is not currently open to the public and would require significant investment to be restored to the condition required for public tours or seafaring.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 15.0465 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Burgess

23-01102-26 20261656__

A bill to be entitled

An act relating to the designation of the official state flagship; amending s. 15.0465, F.S.; redesignating the official state flagship as the S.S. American Victory; providing an effective date.

WHEREAS, built in 1944, the S.S. American Victory is one of only four operational World War II merchant vessels left in the United States and served in World War II, the Korean War, and the Vietnam War, and

WHEREAS, the S.S. American Victory is an interactive maritime museum located in Tampa, and

WHEREAS, the United States' entry into World War II transformed American history and directly affected more than 250,000 Floridians who served on active duty, and

WHEREAS, of these brave Floridians, more than 3,500 gave their lives in defense of the United States during World War II, and

WHEREAS, Florida is the ideal location for the S.S. American Victory, as the tourism industry caters to nationwide visitors who can experience firsthand what it was like to serve on board the ship, and

WHEREAS, the S.S. American Victory is a 455-foot steamship that was launched on May 24, 1945, during the largest ship-building effort in United States history, and

WHEREAS, the S.S. American Victory set sail from the United States into the treacherous waters of the Pacific Ocean awaiting orders for the invasion of Japan, and

WHEREAS, the S.S. American Victory assisted the war effort

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

23-01102-26 20261656__

during the final days of World War II by transporting military equipment, troops, ammunition, and supplies for the Allied Forces, and

WHEREAS, the S.S. American Victory sailed around the world delivering provisions, industrial materials, machinery, and raw materials after the war under the auspices of the Marshall Plan to countries devastated by the destruction of World War II, and

WHEREAS, the S.S. American Victory transported cargo, fuel, and ammunition during the Korean War, and

WHEREAS, the S.S. American Victory repatriated 260 casualties, including three fallen Floridians, Army Private P.C. White, Marine Second Lieutenant Robert C. Craig, and Marine Private First Class Joseph T. Jacobs, to the United States during the Korean War, and

WHEREAS, the S.S. American Victory was reactivated to service in 1966 to support the Vietnam War and conducted 12 voyages supporting the war effort by transporting military equipment, troops, ammunition, and supplies, and

WHEREAS, the S.S. American Victory sailed from the James River Reserve Fleet on March 13, 1985, to participate in the United States' Victory Ship Validation Program, a program designed to gauge the time and expense necessary to reactivate victory-class ships, which enabled the S.S. American Victory to be brought back to full operational status and to perform sea trials after restoration, and

WHEREAS, the S.S. American Victory was then transferred by an act of Congress from the Maritime Administration to The Victory Ship, Inc., in her home port of Tampa, and

WHEREAS, the S.S. American Victory has been a landmark

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destination for the past 25 years within Tampa and was recognized as a National Historic Place in 2002, and

WHEREAS, the S.S. American Victory acts as a preeminent location for military retirement or promotion ceremonies, marriage ceremonies, and many other types of celebrations, and

WHEREAS, the S.S. American Victory actively supports military charities and foundations such as America's Gold Star Families, Warrior Ethos, Florida 4 Warriors, The Mission Continues, the Navy SEAL Foundation, and the Green Beret Foundation, and

WHEREAS, the S.S. American Victory continually supports community organizations and foundations such as Visit Tampa Bay, Leadership Florida, Leadership Tampa Bay, Leadership Tampa, the Maritime Alliance, Propeller Club – Port of Tampa, and Friends of the Tampa Riverwalk, and

WHEREAS, the S.S. American Victory has acted as a primary platform for thousands of training hours for a wide range of organizations over her 25 years in Tampa, and

WHEREAS, the S.S. American Victory has hosted all branches of the Department of Defense as well as Special Operations Command and Central Command; Department of Justice agencies such as the Federal Bureau of Investigations, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Administration; Department of Homeland Security agencies such as the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, and the United States Coast Guard; and city, county, and state law enforcement agencies, and

WHEREAS, the S.S. American Victory is visited by tens of

thousands of guests annually and acts as an educational platform for Tampa Bay's seven-county area as well as for educational programs throughout this state, including AMIkids, the Jefferson High School Maritime, Marine & Environmental Science Academy, the Howard W. Blake High School Maritime Program, the University of South Florida College of Arts and Sciences and Muma College of Business, and various other public schools and home education programs, and

WHEREAS, the S.S. American Victory serves as the homebase for the American Victory Division and other regional Sea Cadet, Boy and Girl Scout, and ROTC programs, and

WHEREAS, the S.S. American Victory also hosts international programs such as the training ship Gunilla, a Swedish vessel that circumnavigates the globe as an international educational platform, and

WHEREAS, the S.S. American Victory is a maritime museum and memorial that is open year-round for visitors of all ages, from across the United States and abroad, supporting Florida's vibrant tourism industry, and

WHEREAS, due to its service to the United States and past 25-year history of service to this state, the official state flagship is redesignated as the S.S. American Victory, NOW, THEREFORE,

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

Section 1. Section 15.0465, Florida Statutes, is amended to read:

15.0465 Official state flagship.—The *S.S. American Victory*,

a 455-foot historic steamship built in 1944 ~~schooner *Western Union*, a 130-foot historic sailing vessel of the tall ship class, built in Key West and first launched in 1939~~, is designated the official state flagship.

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

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

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 16, 2026

I respectfully request that **Senate Bill # 1656**, relating to Designation of the Official State Flagship, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Danny Burgess
Florida Senate, District 23

CC: Shasta Kruse, Staff Director
CC: Cynthia Futch, Committee Administrative Assistant

File signed original with committee office

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1694
INTRODUCER:	Education Postsecondary Committee and Senator Avila
SUBJECT:	Technology Education
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	**Fav/CS**
2.	Gray	Elwell	AHE	**Favorable**
3.	Jahnke	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1694 requires technology-integrated postsecondary general education core courses to provide instruction in digital literacy and competency, including the use of artificial intelligence (AI) tools and, as applicable, related subject areas such as software engineering, computer networks, database systems, and cybersecurity.

The bill also encourages high school computer science courses that include AI to provide instruction on how AI systems use data, the benefits and limitations of AI, and the responsible use of AI in academic and personal contexts.

This bill has an indeterminate fiscal impact on institutions that offer such courses. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

General Education Core Courses

General education core course options consist of a maximum of five courses within each of the following subject areas: communication, mathematics, social sciences, humanities, and natural sciences, unless an exception is approved by the State Board of Education and the Board of

Governors. Each general education core course option includes high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.

General education core courses may not distort significant historical events or include curriculum that teaches identity politics, violates the Florida Educational Equity Act, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

General education core courses must meet the following subject-specific standards:

- Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.
- Humanities courses must afford students the ability to think critically through the mastery of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western canon.
- Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and past and present social, political, and economic issues.
- Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.
- Mathematics courses must afford students a mastery of foundational mathematical and computational models and methods by applying such models and methods in problem solving.[1]

Computer Science and Technology Instruction

Computer science is the study of computers and algorithmic processes, including principles, hardware and software design, applications, and societal impacts, as well as computer coding and programming.[2]

Students in grades K-12 have opportunities to learn computer science, including computer coding and computer programming. Such opportunities may include instruction in computer coding in elementary and middle school, instruction to develop computer usage and digital literacy skills in middle school, and courses in computer science, computer coding, and computer programming in high school, including opportunities to earn industry certifications related to the courses.[3]

Computer science courses must be offered to students in high school and middle school.[4] High school students must have opportunities to take computer science courses and earn technology-related industry certifications to meet high school graduation requirements. Eligible computer

[1] Section 1007.25(3), F.S.
[2] Section 1007.2616(1), F.S.
[3] Section 1007.2616(2), F.S.
[4] *Id.*

science courses and technology-related industry certifications that satisfy mathematics or science graduation requirements must be included in the Course Code Directory.[5]

There is no similar state-level computer science requirement for Florida College System institutions or state universities.

III. Effect of Proposed Changes:

This bill amends s. 1007.25, F.S., by requiring technology-integrated postsecondary general education courses to provide students with opportunities to build digital literacy and competency, including instruction on the application of artificial intelligence (AI) tools to the course, and, as applicable, covering related areas such as software engineering, computer networks, database systems, and cybersecurity.

The bill amends s. 1007.2616, F.S., by encouraging high school computer science courses that include AI to provide students with a foundational understanding of AI to critically evaluate how AI systems use data to present information; recognize the benefits, limitations, and potential risks of AI; and apply ethical reasoning to the responsible use of AI in academic and personal contexts.

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.

[5] Section 1007.2616(6), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has an indeterminate fiscal impact on institutions by requiring the specified instruction on AI.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 1007.25 and 1007.2626 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 Postsecondary on February 4, 2026:
The committee substitute removes from the bill the addition of a sixth general education core course area in technology, and instead adds a requirement that any postsecondary general education core course that integrates technology include instruction that builds students' digital literacy and competency, provides exposure to artificial intelligence (AI) tools, and, as applicable, covers related areas such as software engineering, computer networks, database systems, and cybersecurity.

The committee substitute also encourages high school computer science courses that include AI to incorporate foundational AI literacy, including an understanding of how AI systems use data, their benefits and limitations, and responsible use in academic and personal contexts.

B. Amendments:

None.

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

By the Committee on Education Postsecondary; and Senator Avila

589-02490-26 20261694c1

A bill to be entitled

An act relating to technology education; amending s. 1007.25, F.S.; providing requirements for general education core courses with a technology component; amending s. 1007.2616, F.S.; requiring high school computer science courses to include instruction on artificial intelligence; providing an effective date.

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

Section 1. Present paragraphs (e) through (h) of subsection (3) of section 1007.25, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, and a new paragraph (e) is added to that subsection, to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(3) The chair of the State Board of Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to review and recommend to the Articulation Coordinating Committee for approval by the State Board of Education and the Board of Governors statewide general education core course options for inclusion in the statewide course numbering system established under s. 1007.24. Faculty committees shall, by July 1, 2024, and by July 1 every 4 years thereafter, review and submit recommendations to the Articulation Coordinating Committee and the commissioner for the removal, alignment, realignment, or addition of general education core courses that satisfy the requirements of this subsection.

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589-02490-26 20261694c1

(e) General education core courses that integrate the use of technology must provide students with opportunities to improve digital literacy and competency, instruction on the application of artificial intelligence tools to the course, and related instruction on software engineering, computer networks, database systems, and cybersecurity, as applicable to the course.

Section 2. Subsection (6) of section 1007.2616, Florida Statutes, is amended to read:

1007.2616 Computer science and technology instruction.—

(6) High school students must be provided opportunities to take computer science courses and earn technology-related industry certifications to satisfy high school graduation requirements as provided in s. 1003.4282(3). Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory. Computer science courses that include instruction in artificial intelligence should provide students with a foundational understanding of artificial intelligence to critically evaluate how artificial intelligence systems use data to present information; recognize the benefits, limitations, and potential risks of artificial intelligence; and apply ethical reasoning to the responsible use of artificial intelligence in academic and personal contexts.

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

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

SENATOR BRYAN AVILA
39th District

THE FLORIDA SENATE
Tallahassee, Florida 32399-1100

Avila.bryan.web@flsenate.gov

COMMITTEES:
COMMITTEES:
Finance and Tax, *Chair*
Transportation, Vice Chair
Appropriations Committee on Transportation, Tourism, and Economic Development
Environmental and Natural Resources
Ethics and Elections
Fiscal Policy
Rules

February 18, 2026

Honorable Senator Kathleen Passidomo
The Florida Senate
Committee on Rules
402 Senate Building
404 S. Monroe Street
Tallahassee, Florida 32399

Honorable Senator Passidomo,

I respectfully request CS/SB 1694 Technology Education be placed on the next committee agenda.

CS/SB 1694 Technology Education provides requirements for general education core courses with a technology component: requires high school computer science courses to include instruction on artificial intelligence, (AI) tools and, as applicable, related subject areas such as software engineering, computer networks, database systems, and cybersecurity.

Sincerely.

Senator, District 39

CC: Shasta W. Kruse, Staff Director
Cynthia Futch, Administrative Assistant

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1694
Bill Number or Topic

Amendment Barcode (if applicable)

Name Florida Parent Teacher Association
Karen Mazzola

Phone 407-855-7604

Address 1747 Orlando Central Pkwy
Street

Email vp.leadership@flpta.org

Orlando FL 32809
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1708
INTRODUCER:	Senator Gaetz
SUBJECT:	Veterinary Licensure
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Favorable**
2.	Davis	Betta	AEG	**Favorable**
3.	Baird	Kruse	RC	**Favorable**

I. Summary:

SB 1708 changes the licensure by endorsement process for applicants seeking to be licensed in Florida as a veterinarian by removing the requirement that the applicant has held a valid and active license to practice veterinary medicine in another jurisdiction for the three years immediately preceding the application for licensure.

The bill also clarifies that an applicant must be in good standing in their current jurisdiction to be granted a licensure by endorsement.

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:

Practice of Veterinary Medicine

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.[1]

[1] Section 474.201, F.S.

A "veterinarian" is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida[2] and they are subject to disciplinary action from the board for various violations of the practice act.[3]

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.[4]

Veterinary medicine includes, with respect to animals, all of the following:
- Surgery.
- Acupuncture.
- Obstetrics.
- Dentistry.
- Physical therapy.
- Radiology.
- Theriogenology (reproductive medicine).
- Other branches or specialties of veterinary medicine.[5]

Any permanent or mobile establishment where a licensed veterinarian practices must have a premises permit issued by the DBPR.[6] 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.[7]

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.
- 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.[8]

[2] Section 474.202(11), F.S.
[3] Sections 474.213 and 474.214, F.S.
[4] 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.
[5] Section 474.202(13), F.S. 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."
[6] Section 474.215(1), F.S.
[7] Section 474.216, F.S.
[8] Section 474.2185, F.S.

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.[9]

Exemptions

Ten categories of persons are exempt from complying with ch. 474, F.S.:

- Faculty veterinarians with assigned teaching duties at accredited[10] institutions.
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training.
- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors[11] (if the preceptorship is required for graduation from an accredited institution).
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged.
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.
- Certain entities or persons[12] that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.

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[9] 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 22, 2026).

[10] Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. *See* https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx (last visited January 22, 2026). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. *See* https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx (last visited January 22, 2026). In turn, the CHEA, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. *See* http://chea.org/about (last visited January 22, 2026).

[11] A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See* https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary (last visited January 22, 2026).

[12] *See* s. 474.203(6), F.S., which states that the exemption applies to "[s]tate agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof . . . ."

- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision of a licensed veterinarian.
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the board and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner.
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.[13]
- Paramedics or emergency medical technicians providing emergency medical care to a police canine[14] injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility.[15]

Licensure by Endorsement

Licensure by endorsement is the most common alternative to licensure by examination in Florida. Licensure by endorsement is an expedited licensure process which allows an applicant to become licensed in Florida based upon holding a substantially equivalent professional license from another state. Under current Florida law, the DBPR is required to issue a license by endorsement to applicants who meet specific requirements demonstrating their qualifications in other jurisdictions.[16] The board is responsible for determining if the applicant has demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida.[17]

The applicant must either:

- Hold, and has held for the *three years immediately preceding* the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board[18]; or
- Have graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign

[13] Section 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.
[14] Section 401.254, F.S., defines the term "police canine" as "any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders." A paramedic or an emergency medical technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.
[15] Section 474.203, F.S.
[16] Section 474.217(1), F.S.
[17] *Id*.
[18] Section 474.217(b)(1), F.S.

Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence; and

- Have successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the DBPR and passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.[19]

The DBPR is prohibited from issuing a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated.[20]

III. Effect of Proposed Changes:

The bill amends s. 474.217, F.S., to remove the requirement that an applicant for a veterinarian license by endorsement must hold an active veterinarian license in another jurisdiction for the three years immediately preceding the application for licensure.

The bill also adds to the requirements for licensure by endorsement that the applicant be in "good standing" with the jurisdiction where the applicant's current license is active. This would allow applicants who have been granted licensure in other jurisdictions and who have had their license for less than three years to apply for a license by endorsement.

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.

[19] Section 474.217(b)(2), F.S.
[20] Section 474.217(2), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may allow additional veterinarians to be eligible to practice in Florida, which may increase access to veterinary care for animal owners and patients.

C. Government Sector Impact:

The DBPR provided the requirements of the bill will have an estimated little to no impact on the department. Therefore, the bill will have no fiscal impact on state expenditures.[21]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.217 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

[21] Email from the DBPR (dated January 28, 2026), on file with the with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

By Senator Gaetz

1-00917-26 20261708__

A bill to be entitled

An act relating to veterinary licensure; amending s. 474.217, F.S.; deleting the requirement for an applicant for licensure by endorsement to have held a valid active license to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States for a specified amount of time; requiring applicants to hold a valid, active license in good standing to practice veterinary medicine in another state, the District of Columbia, or a territory of the United States; reenacting s. 474.2125(1), F.S., related to temporary license to provide veterinary services, to incorporate the amendment made to s. 474.217, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

(a) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. Holds~~, and has held for the 3 years immediately~~

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1-00917-26 20261708__

~~preceding the application for licensure,~~ a valid, active license in good standing to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.

Section 2. For the purpose of incorporating the amendment made by this act to section 474.217, Florida Statutes, in a reference thereto, subsection (1) of section 474.2125, Florida Statutes, is reenacted to read:

474.2125 Temporary license.—

(1) The board shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(4), for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(4). After the expiration of 30 days, a

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new license is required.

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

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The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Committee Agenda Request

Date: February 12, 2026

I respectfully request that **Senate Bill #1708**, relating to Veterinary Licensure, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Don Gaetz
Florida Senate, District 1

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

RULES
Committee

SB 1708
Bill Number or Topic

Amendment Barcode (if applicable)

Name JENNIFER HOBGOOD

Phone 850 445 5245

Address 3548 CANGROVE RD
Street

Email jen.hobgood@aspca.org

TALLAHASSEE FL 32303
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
ASPCA

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

1708
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Martinez

Phone (305) 240-2917

Address 107 E College Ave
Street

Email DMartinez@Afpha.org

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	SB 1718
INTRODUCER:	Senator Calatayud
SUBJECT:	Educator Preparation and Certification
DATE:	February 23, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	**Favorable**
2.	Gray	Elwell	AED	**Favorable**
3.	Jahnke	Kruse	RC	**Favorable**

I. Summary:

SB 1718 increases flexibility and efficiency in educator preparation, certification, and professional learning. The bill allows educator preparation institute participants to complete coursework while obtaining a statement of status of eligibility, expands access to temporary certification for certain educators with expired professional certificates, and streamlines the reinstatement process by removing duplicative subject area examination requirements while maintaining existing eligibility safeguards.

The bill also updates statutory references relating to the Florida Center for Teaching Excellence and expands the Center's responsibilities to provide no-cost professional learning and administrative support to educators seeking to renew or reinstate their certificates.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals. State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers, through which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional

preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.[1]

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:

- Initial Teacher Preparation programs in public and private colleges and universities that require candidates to demonstrate mastery of subject area knowledge[2] in one or more specific subject areas, mastery of general knowledge,[3] and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.
- Educator Preparation Institutes (EPIs) that offer alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, subject-area knowledge, and professional preparation and education competence.
- District professional learning certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts, through which instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.[4]

Educator Preparation Institute Participant Criteria

Each EPI participant must:

- Meet certification application requirements, including obtaining a statement of eligibility, established in law, and meet all basic eligibility requirements for an educator certificate before participating in field experiences. Generally, a student must receive a statement of eligibility for a certificate prior to enrollment in an EPI.
- Demonstrate competency and participate in field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade six.
- Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting.

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[1] Section 1004.04, F.S. *See* Florida Department of Education, *Educator Preparation*, http://www.fldoe.org/teaching/preparation (last visited Feb. 5, 2026). *See also* Rule 6A-5.066, F.A.C.
[2] Florida Department of Education, *Subject Area Knowledge*, https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml (last visited Feb. 5, 2026).
[3] Florida Department of Education, *General Knowledge*, https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml (last visited Jan. 21, 2026).
[4] Florida Department of Education, *Educator Preparation*, http://www.fldoe.org/teaching/preparation (last visited Feb. 5, 2026). *See also* Rule 6A-5.066, F.A.C.

- Achieve a passing score on the professional education competency examination,[5] the General Knowledge Test, and the subject area examination for the subject area certification, as required by the State Board of Education (SBE) rule.[6]

Educator Certification

To serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, a person must hold a certificate issued by the DOE.[7] 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."[8]

To be eligible for an educator certificate, a person must meet the following basic eligibility requirements:

- 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 non-accredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree and have attained at least a 2.5 overall grade point average in the applicant's major field of study;[9]
- 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; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.[10]

Temporary Educator Certificate

A temporary teaching certificate is valid for five school years and is nonrenewable.[11] the Department of Education (DOE) is required to issue a temporary certificate to a qualifying applicant within 14 calendar days after receipt of a request from an employer and is required to electronically notify the applicant's employer that the temporary certificate has been issued and provide the applicant with an official statement of status of eligibility at the time the certificate is issued.[12]

The DOE must issue a temporary certificate to any applicant who:

- Meets the basic eligibility requirements for certification:[13]

[5] Section 1012.56(7), F.S. An individual who completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.
[6] Section 1004.85(3)(b), F.S.
[7] Sections 1012.55(1) and 1002.33(12)(f), F.S.
[8] Section 1012.54, F.S. See Rule 6A-4.001(1), F.A.C
[9] Rule 6A-4.003(2), F.A.C.
[10] Section 1012.56(2), F.S.
[11] Section 1012.56(7), F.S.
[12] Section 1012.56(1), F.S.
[13] Section 1012.56(2)(a)-(f), F.S.

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the DOE at the level required for the subject area specialization in the SBE rule.[14]

Professional Educator Certificate

A professional certificate is valid for five school years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:

- General knowledge;
- Subject area knowledge; and
- Professional preparation and education competence.[15]

Reinstatement of Professional Educator Certificate

To reinstate an expired professional educator certificate, the certificate holder must submit an application; complete 6 college credits, 120 inservice points, or a combination thereof, in specified areas during the 5 years immediately preceding reinstatement; and pass a subject area exam for each subject to be shown on the reinstated certificate during those same prior 5 years.[16] The requirements for reinstatement may not be satisfied by subject area exams or college credits completed for issuance of the expired certificate.[17]

The Florida Center for Teaching Excellence

The Florida Center for Teaching Excellence (Center) is established at Miami Dade College to prepare high-quality teachers in Florida through rigorous, evidence-based programs grounded in cognitive science, high-impact teaching strategies, and the implementation of knowledge-rich curricula. The Center works in collaboration with the Center for Innovative Teaching and Learning at the University of South Florida. Among other functions, the center is authorized to submit a professional learning system for approval under the School Community Professional Learning Act. The Miami-Dade College Board of Trustees, in collaboration with the DOE, is responsible for establishing policies governing the supervision, administration, and governance of the Center.[18]

III. Effect of Proposed Changes:

The bill amends s. 1004.85, F.S., to authorize educator preparation institutes to enroll participants and allow them to complete coursework while the participants are working to obtain an "eligible" statement of status of eligibility in the certification subject area included in the participant's educational plan. Therefore, a student may begin coursework in an EPI prior to a determination of eligibility for a certificate.

[14] Section 1012.56(7)(b) and (d), F.S. As specified in law, alternative pathways for a temporary certificate are available for military service members and participants in the Teacher Apprenticeship Program.
[15] Section 1012.56(2), F.S.
[16] Section 1012.585(5)(b), F.S. *See also* Section 1012.585(3)(a) and (e), F.S.
[17] Section 1012.585, F.S.
[18] Section 1012.981, F.S.

The bill amends s. 1012.56, F.S., to require the Florida Department of Education (DOE) to issue a temporary certificate to an educator whose previously issued professional certificate has expired, provided the educator meets basic eligibility requirements for certification.[19] This allows the educator to begin teaching while completing required college coursework or inservice points without having to again demonstrate subject area mastery and may expedite the educator's return to the classroom.

The bill amends s. 1012.585, F.S., to require an applicant seeking reinstatement of a professional educator certificate to complete specified statutory certification eligibility requirements,[20] but removes the requirement that an educator retake subject area examinations for each subject included on the certificate when the educator has previously demonstrated mastery of subject area knowledge. Upon reinstatement, the professional certificate must include all subject area coverages and endorsements held at the time of expiration. The bill also specifies that inservice points that were earned in order to earn or renew a professional certificate that has since expired may not be used to satisfy reinstatement requirements.

The bill amends s. 1012.981, F.S., to update the name of the Center for Innovative Teaching and Learning at the University of South Florida with the David C. Anchin Center for the Advancement of Teaching as the required collaborating entity for the Florida Center for Teaching Excellence (Center).

The bill requires, rather than authorizes, the Center to submit to the DOE a professional learning system. The bill requires the Center to offer professional learning, at no cost, to certified educators seeking to renew or reinstate their certificate and to submit any inservice points earned to the DOE on the educator's behalf. The bill also requires the Center to provide such educators with information on school district professional learning systems that provide access to inservice training to individuals not employed by the school district.

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.

[19] Section 1012.56(2)(a)-(f), F.S.

[20] *See Id.* To seek certification, a person must be at least 18 years old; swear allegiance to constitutional principles; hold a bachelor's or higher degree; submit to background screening; be of good moral character; and be competent and capable of performing the duties, functions, and responsibilities of an educator.

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 provides a positive fiscal impact to the individuals that would otherwise have to pay to take a fee-based exam in order to reinstate certifications, such as the Florida subject area or standard examinations.

C. Government Sector Impact:

The bill has a negative fiscal impact to the Florida Center for Teaching Excellence as the bill requires the center to allow individuals to utilize their system at no cost and to submit their in-service hours to the Department.

The bill has an indeterminate fiscal impact on the DOE, as it is unclear whether streamlining the reinstatement of certifications may provide an increase in the number of certifications issued by the Department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.85, 1012.56, 1012.585, and 1012.981.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Calatayud

38-01409E-26 20261718__

A bill to be entitled

An act relating to educator preparation and certification; amending s. 1004.85, F.S.; authorizing an educator preparation institute to allow certain program participants to enroll in introductory coursework; amending s. 1012.56, F.S.; revising the criteria for the award of a temporary educator certification to include certain persons with expired professional certificates; amending s. 1012.585, F.S.; requiring that subject area coverages and endorsements for a certificateholder be reinstated with the certificateholder's professional certificate; revising requirements for reinstatement of a professional certificate; providing that certain requirements for reinstatement of a professional certificate may not be satisfied using specific inservice points; amending s. 1012.981, F.S.; requiring the Florida Center for Teaching Excellence to collaborate with the David C. Anchin Center for the Advancement of Teaching for specified purposes; requiring, rather than authorizing, the center to submit a specified professional learning system for approval by the department; requiring the center to allow certain certified educators to use such professional learning system for specified purposes at no cost to the educator; requiring the center to submit inservice points for such educators to the department; requiring the center to provide information on certain school district professional learning systems to certain

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38-01409E-26 20261718__

certified educators; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining an eligible ~~a~~ statement of status of eligibility in the certification subject area of the educational plan and meet the requirements of s. 1012.56(2)(a)-(f) before participating in field experiences. An educator preparation institute may allow a program participant to enroll in and complete coursework while the participant is working to obtain an eligible statement of status of eligibility in the certification subject area of the educational plan.

2. Demonstrate competency and participate in field

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experiences that are appropriate to his or her educational plan prepared under paragraph (a). Beginning with candidates entering an educator preparation institute in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(f) must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum through the candidate's field experience, in order to graduate from the program.

3. Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 2. Paragraph (b) of subsection (7) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(b) The department shall issue a temporary certificate to any applicant who:

1. Completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area

specialization in state board rule;

2. For a subject area specialization for which the state board otherwise requires a bachelor's degree, documents 48 months of active-duty military service with an honorable discharge or a medical separation; completes the requirements outlined in paragraphs (2)(a), (b), and (d)-(f); completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5); and documents completion of 60 college credits with a minimum cumulative grade point average of 2.5 on a 4.0 scale, as provided by one or more accredited institutions of higher learning or a nonaccredited institution of higher learning identified by the Department of Education as having a quality program resulting in a bachelor's degree or higher; ~~or~~

3. Is enrolled in a state-approved teacher preparation program under s. 1004.04; is actively completing the required program field experience or internship at a public school; completes the requirements outlined in paragraphs (2)(a), (b), and (d)-(f); completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5); and documents completion of 60 college credits with a minimum cumulative grade point average of 2.5 on a 4.0 scale, as provided by one or more accredited institutions of higher learning or a nonaccredited institution of higher learning identified by the Department of Education as having a quality program resulting in a bachelor's degree or higher; or

4. Completes the requirements in paragraphs (2)(a)-(f) and whose previously issued professional certificate has expired.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

Section 3. Subsection (5) of section 1012.585, Florida Statutes, is amended to read:

1012.585 Process for renewal or reinstatement of professional certificates.—

(5) The State Board of Education shall adopt rules to allow the reinstatement of expired professional certificates, including each subject area coverage and endorsement held by the certificateholder at the time of the certificate's expiration. The department may reinstate an expired professional certificate if the certificateholder:

(a) Submits an application for reinstatement of the expired certificate.

(b) Completes the requirements in s. 1012.56(2)(a)-(f).

(c) ~~(b)~~ Documents completion of 6 college credits during the 5 years immediately preceding reinstatement of the expired certificate, completion of 120 inservice points, or a combination thereof, in an area specified in paragraph (3)(a) to include the credit required under paragraph (3)(e).

~~(c) During the 5 years immediately preceding reinstatement of the certificate, achieves a passing score on the Florida-developed subject area examination or, if a Florida subject area examination has not been developed, a standardized examination specified in state board rule for each subject to be shown on the reinstated certificate.~~

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The requirements of this subsection may not be satisfied by ~~subject area examinations or~~ college credits or inservice points completed for issuance of the certificate that has expired.

Section 4. Subsections (2) and (3) of section 1012.981, Florida Statutes, are amended to read:

1012.981 The Florida Center for Teaching Excellence.—

(2) The center shall, in collaboration with the David C. Anchin Center for the Advancement of ~~Innovative~~ Teaching within ~~and Learning at~~ the University of South Florida, do all of the following:

(a) Develop and deliver evidence-based professional learning opportunities aligned to the Florida Educator Accomplished Practices.

(b) Develop and deliver educator training programs pursuant to s. 1012.98 that integrate high-quality instructional materials included on the state-adopted instructional materials list under s. 1006.28, materials evaluated and identified pursuant to s. 1001.215(4), and materials developed by or under the direction of the department as provided in s. 1006.39. These programs must focus on the effective use of knowledge-based curricula, highlighting when and how to incorporate intervention materials, and emphasize the importance of background knowledge in building advanced reading comprehension grounded in the science of reading and critical thinking skills.

(c) Develop and design models of high-quality clinical experiences for aspiring teachers. These model experiences shall serve as a standard that institutions approved pursuant to ss.

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1004.04 and 1004.85 can adopt or adapt, enabling participants to demonstrate mastery of instructional techniques, classroom management strategies, and the application of high-impact teaching strategies in authentic educational settings.

(d) Collaborate with school districts and other educational stakeholders to identify emerging needs in teacher preparation and align center programs accordingly, conducting gap analyses to provide comprehensive coverage of the science of learning, high-impact teaching strategies, and knowledge-rich curriculum implementation.

(e) Establish a statewide network of teachers and instructional leaders equipped with the knowledge and skills to mentor and support aspiring and current educators participating in the center's programs. This network shall model effective pedagogical practices and facilitate professional growth.

(f) Conduct research and disseminate findings on high-impact teaching practices and the implementation of knowledge-based curricula to inform policy, improve classroom instruction, and address the importance of background knowledge in student achievement.

(g) Report to the department the completion of professional learning by individuals who are not employed by entities with an approved professional learning system.

(3) The center:

(a) Must ~~may~~ submit a professional learning system for approval pursuant to s. 1012.98.

(b) Shall allow a certified educator seeking to renew or reinstate his or her certificate to use the system at no cost and submit any inservice points earned by the educator through

the system to the department on the educator's behalf.

(c) Shall provide a certified educator seeking to renew or reinstate a certificate with information on school district professional learning systems that provide access to inservice training to persons not employed by the school district.

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

The Florida Senate

Committee Agenda Request

To: Chair Kathleen Passidomo
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #1718**, relating to Educator Preparation and Certification, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

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

2/24/24
Meeting Date

Rules
Committee

SB 1718
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Prichard

Phone 8505089896

Address Tallahassee FL
Street

Email jprichard@strategosgroup.com
jfowler@strategosgroup.com

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: iteach

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26	SB 1718
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Stephanie Kunkel

Phone 850-320-4208

Address 213 S Adams Street
Street

Email Stephanie.Kunkel@floridaea.org

Tallahassee FL 32301
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Education Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2-24-26
Meeting Date

Rules
Committee

SB 1718
Bill Number or Topic

Amendment Barcode (if applicable)

Name Nathan Hoffman

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Address 215 South Monroe
Street

Email nathan@afloridapromise.org

Tallahassee FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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

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

S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 7036
INTRODUCER:	Rules Committee; Appropriations Committee on Pre-K - 12 Education; and Education Pre-K - 12 Committee
SUBJECT:	Education
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Brick	Bouck		**ED Submitted as Comm. Bill/Fav**
1.	Gray	Elwell	AED	**Fav/CS**
2.	Brick	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 7036 makes changes across K-12 and postsecondary education laws to update program requirements, expand instructional options, and clarify district responsibilities for student support and safety. The bill:

- Expands district and school operational authority to:
  - Expand the circumstances under which a district school board may declare an educational emergency by adding "persistently low-performing schools" as an additional trigger for existing personnel and compensation strategies.
  - Exempt district school boards from state agency rulemaking requirements when adopting rules with public input at a public meeting.
  - Clarify that a school district's existing authority to reserve or withhold a portion of Title I funds for allowable districtwide education services includes STEM curricula, instructional materials, and related learning technologies supporting academic achievement in Title I schools, subject to federal allocation requirements.
  - Revise charter school renewal and dismissal provisions by clarifying that "exemplary academic programming" for purposes of eligibility for a 15-year renewal may include performance measured by school improvement ratings and by prohibiting academic-performance-based dismissal while a charter school is implementing a required improvement plan or corrective action plan.
  - Require each charter school to receive and respond to DOE monitoring questions.

- Clarifies school safety implementation by providing that, notwithstanding local ordinances or development orders, a school district or charter school may implement any combination of authorized safe-school officer options to meet district and charter school needs.
- Expands private school facilities and land use flexibility for schools enrolling 150 or fewer students by preempting local zoning approvals and allowing use of specified existing occupancies if state fire-code educational occupancy standards are met.
- Revises collective bargaining limitations by providing that collective bargaining may not preclude a school board from providing salary supplements or implementing required teacher salary increases and the related salary distribution plan.
- Revises district finance tools by:
  - Expanding allowable 1-year obligations to include educational plants, ancillary plants, and auxiliary facilities.
  - Revising the 1.5 mill discretionary levy authority by authorizing proceeds for district schools to be used for operational or capital purposes and deleting the per-student additional spending authority and related FEFP reduction penalty.
- Updates student carry, self-administration, and school supply provisions for epinephrine to apply to U.S. Food and Drug Administration (FDA)-approved epinephrine delivery devices, rather than limiting the statutes to auto-injectors.
- Modifies early learning programs and modifies specified student and provider eligibility provisions to:
  - Revise VPK attendance policy for district-operated programs by removing monthly parent verification and form retention requirements.
  - Refine Gold Seal Quality Care eligibility and termination by limiting which class I violations are disqualifying or terminable to those for which the provider is the primary cause, removing a discretionary exception process, and retaining a two-year reinstatement standard.
  - Expand eligibility for supplemental instruction in the VPK summer bridge program by increasing the performance threshold from the 10th percentile to the 25th percentile.
  - Expands DOE curriculum approval options for probationary VPK providers by including proprietary curricula and creating a 60-day, outside-cycle approval path for multi-site operators.
- Expands instruction standards, courses, and programs from kindergarten through adult education by:
  - Expanding required elementary instruction in the principles of agriculture and directs the Department of Education (DOE), in collaboration with partner agencies and entities, to develop standards, curriculum supports, training, and related resources.
  - Establishing a statewide framework for applied, career-relevant mathematics by creating "applied algebra" courses aligned to career clusters and requiring the DOE workgroup to identify and report corresponding mathematics pathways on specified timelines.
  - Authorizing a dance techniques course with a significant health and lifelong fitness component to satisfy the 1.0 credit in physical education or performing arts for a standard high school diploma.
  - Authorizing two years of marching band to satisfy both the physical education and performing arts credits required for high school graduation.

  - Expanding flexibility in the Graduation Alternative to Traditional Education (GATE) program by authorizing certain online-provider agreements, adjusting age eligibility, and clarifying that adult secondary and career coursework need not be taken simultaneously.
  - Expanding eligibility for institutions to receive startup grants to implement the GATE Program.
- Provides educators with additional preparation and certificate options by:
  - Revising educator preparation institute participation requirements by allowing coursework completion while a participant seeks a statement of eligibility and clarifying what that statement must reflect.
  - Requiring the State Board of Education (SBE) to maintain specified computer science subject area coverages and to adopt competencies and examinations, with deadlines for the DOE recommendations and exam availability.
- Updates school improvement and intervention requirements to:
  - Require a school district, when screening indicates characteristics of dyslexia or dyscalculia, to provide evidence-based interventions with progress monitoring; treat the indication as reasonable suspicion for exceptional student education evaluation purposes and promptly seek parental consent; and conduct screening, intervention, and evaluation activities concurrently as required by SBE rule.
  - Require that parent resources included in an individualized progress monitoring plan for a student with a substantial reading deficiency include information about the student's eligibility for the New Worlds Reading Initiative.
  - Provides additional parent notice and access related to IEP services by requiring notice when a scheduled related service is missed, requiring discussion of make-up services, providing parent access to service provider logs or progress notes upon request, and requiring districts to inform parents of this right at each IEP meeting.
  - Prohibit requiring student learning growth as the sole determinant when recruiting instructional personnel.
  - Require SBE rule timelines for approval of specified improvement and turnaround plans and for release of Title I school improvement funds, with release within 20 calendar days after plan approval.

The bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

District School Board Operations

Present Situation

District School Board Policymaking

District school boards derive their primary policymaking authority from the Florida Constitution, which grants them the power to operate, control, and supervise all free public schools within the district and to determine the local school tax rate.[1] The Administrative Procedures Act (APA) applies to district school boards only when they act pursuant to statutory authority rather than their constitutional authority.[2] Policies adopted under constitutional authority are subject to judicial review, typically in the local circuit court.[3]

The Legislature also identifies the general powers of district school boards. These include, for example, the authority to:

- Determine policies and programs necessary for the efficient operation and general improvement of the district school system, provided they align with state law and rule.
- Adopt rules under the APA to implement their statutory duties and supplement those established by the SBE and commissioner.
- Establish standards and policies that ensure every student has access to a comprehensive education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as outlined by state academic standards.[4]

When promulgating rules under the APA, district school boards are required to notify the public:

- By publication in a newspaper in the affected area or on a publicly accessible website;
- By mail to all persons who have made requests for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and
- By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.[5]

Unlike state agencies, which must adhere to the APA, local government entities (including counties, municipalities, and special districts) are not subject to APA rulemaking procedures. Instead, they must comply with Florida's open government laws, including:

- Florida's Sunshine Law, which requires all meetings of local government boards to be open to the public, with reasonable notice provided.[6]
- Requirements for notices of public meetings to include information on how affected persons may appeal decisions made at the meeting.[7]

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[1] FLA. CONST. art. IX, s. 4(b).
[2] *See* s. 120.52(1)(a) and (6), F.S. *See also Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).
[3] *See Escambia Cnty. Sch. Bd. v. Warren*, 337 So. 3d 496, 500-502 (Fla. 1st DCA 2022) (Tanenbaum, J., concurring).
[4] Section 1001.41, F.S.
[5] Section 120.81(1), F.S.
[6] Section 286.011, F.S.
[7] Section 286.0105, F.S.

- Requirements for public participation, which guarantee the public a reasonable opportunity to be heard before local governing bodies make decisions.[8]

Charter schools are not required to follow rulemaking procedures prescribed by the APA.[9]

Educational Emergency

An educational emergency tool exists to free schools graded "D" or "F" from contract restrictions that limit a school's ability to implement programs and strategies needed to improve student performance. A district school board may adopt salary incentives or other strategies addressing the selection, placement, compensation, and expectations of instructional personnel, and provide principals with the autonomy described for participating principals in the Principal Autonomy Program Initiative. An educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F."

Under an educational emergency, a district school board is not subject to collective bargaining restrictions regarding:

- Salary incentives that may differentiate based on a teacher's certification, subject area taught, or grade level taught.
- Strategies adopted as a management right to assign high-quality teachers more equitably across schools in the district to low-performing schools.[10]

A principal of a school participating in the Principal Autonomy Program Initiative has additional authority and responsibilities. That authority includes the selection and placement of instructional personnel and deploying financial resources.[11]

Schools graded "D" or "F" may not be assigned a higher percentage than the district average of inexperienced teachers, teachers in need of improvement, or out-of-field teachers. District school boards may provide salary incentives to meet the assignment provisions applicable to schools graded "D" or "F," and a collective bargaining agreement may not preclude providing sufficient incentives to meet those provisions.[12]

Persistently Low-Performing Schools

A "persistently low-performing school" means a school:

- That has earned three grades lower than a "C" in at least 3 of the previous 5 years that the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years. That school closed within 2 years after submission of a notice of intent pursuant to the school improvement and SBE intervention statute.
- In the bottom 10 percent in at least 2 of the previous 3 years for student performance on the end-of-year administration of the coordinated screening and progress monitoring system for grade 3 English Language Arts or grade 4 mathematics.[13]

[8] Section 286.0114, F.S.
[9] Section 1002.33(16), F.S.
[10] Section 1001.42(21), F.S.
[11] Sections 1012.28(8) and 1011.6202, F.S.
[12] Section 1012.2315, F.S.
[13] Section 1002.333(1)(c), F.S.

Cost Accounting and Reporting for School Districts

School districts must account for all state, local, and federal funds on a school-by-school and district-aggregate basis using cost accounting and reporting guidelines specified in law. District reporting is required as prescribed in law or in a manual developed by the DOE.[14]

School districts are required to provide cost reporting on a district-aggregate basis, expenditures for inservice training, and categorical funds. School districts are required to report to the DOE on a school-by-school and district-aggregate basis expenditures for:

- Funds for the operation of schools under the Florida Education Finance Program (FEFP).
- Total operational costs for administrative expenditures.
- Expenditures for classroom instruction.[15]

The DOE must categorize all public schools into appropriate groups based primarily on average full-time equivalent (FTE) student enrollment as reported and to calculate for all schools, districts and the entire state the average percentage of classroom expenditures for various reporting categories of expenditures. The DOE is required to develop a web-based fiscal transparency tool that displays and identifies the financial efficiency of each public school and district. The Commissioner of Education is required to report to the Legislature prior to the open of the regular session each year a district-by-district report of expenditures.[16]

Each district must expend a specified percentage of funds on programs that generated the funds. For example, a district must expend 90 percent of funds for kindergarten through grade 3, while districts must expend 95 percent of funds on juvenile justice programs.[17]

Charter schools are public schools for funding and reporting purposes and must report their financial information to their sponsor in accordance with law and the sponsor's reporting requirements.[18] District school boards are responsible for including charter school revenues and expenditures in the district's financial reports submitted to the DOE, and charter school financial data are included in the DOE's school-level fiscal transparency reporting.[19]

Short-Term Loans for Education Capital Outlay

District school boards can create short-term obligations based on anticipated revenues without pledging district credit or requiring future tax levies. These obligations are limited to one year but may be extended annually with lender approval for up to a total of five years. These short-term obligations may be used only for only the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the SBE. District school boards may only borrow money through this process if:

- The proposed obligation does not exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expenses.

[14] Section 1010.20(1), F.S.
[15] Section 1010.20(2), F.S.
[16] Section 1010.20(2), F.S.
[17] Section 1010.20(3), F.S.
[18] Section 1002.33(9)(g), (h), F.S.
[19] Section 1010.20, F.S.

- The school board adopts and includes in its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year.
- The school board issues interest-bearing notes for the obligations that do not exceed the maximum rate for government bonds.[20]

School Board Discretionary Millage Levy

Each district school board is authorized to levy up to a 1.5 mill discretionary ad valorem tax against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities,[21] athletic facilities, or ancillary facilities.[22]
- Purchase, lease-purchase, and lease of school buses.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.[23]

Current law also authorizes districts, subject to a per-student cap, to use a portion of proceeds from this levy for certain additional expenses such as specified vehicles and property and casualty insurance for educational and ancillary plants. Expenditures from the discretionary 1.5 mill levy are limited to the detailed list of allowed uses in statute. Violations of these expenditure provisions result in an equal dollar reduction in the district's Florida Education Finance Program (FEFP) funds in the fiscal year following the audit citation.[24]

Effect of Proposed Changes

District School Board Policymaking

The bill amends s. 120.81, F.S., to remove district school boards from the APA rulemaking requirements, aligning their rulemaking procedures with those of other similarly situated local government entities. The bill clarifies that district school boards must adopt rules with public input at a public meeting, rather than through APA rulemaking procedures.

By removing APA rulemaking requirements, the bill creates consistency in how district school boards and other local governments adopt rules. Public notice and participation requirements will remain governed by Florida's Sunshine Law and related provisions, ensuring continued public access to school board policymaking processes. Legal challenges to school board rules would likely be brought in circuit court, similar to municipal or county rule challenges.

[20] Section 1011.14, F.S.
[21] "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations. Section 1013.01(1), F.S.
[22] "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program. Section 1013.01(2), F.S.
[23] Section 1011.71(2), F.S.
[24] Section 1011.71(6), F.S.

Educational Emergency

The bill amends s. 1001.42(21), F.S., to expand the circumstances under which a district school board may declare an "educational emergency" for purposes of implementing specified personnel-related strategies to improve student performance. Specifically, the bill expands the educational-emergency trigger to include schools that are "persistently low-performing schools" in addition to schools with a school grade of "D" or "F."

Cost Accounting and Reporting for School Districts

The bill modifies s. 1010.20, F.S., by requiring each charter school to receive and respond to monitoring questions from the DOE. The change removes the school district as an intermediary between the DOE and the individual charter school.

Short-Term Loans for Education Capital Outlay

The bill modifies s. 1011.14, F.S., to expand the scope of capital outlay that district school boards are permitted to fund through the issuance of short-term debt instruments.

This bill authorizes district school boards to incur obligations not only for the construction and renovation of educational facilities but also for the development and enhancement of support and supplemental structures associated with the educational process, which include the entire educational plant, ancillary plants, and auxiliary facilities.

By broadening the permissible use of anticipated revenue for these additional categories of capital projects, the bill allows for a more comprehensive development of the educational environment, acknowledging the role of various facilities in delivering a full spectrum of educational services. The district school boards would remain bound by the existing fiscal constraints—namely, the limitation of indebtedness to no more than one-fourth of the district ad valorem tax revenue for operations for the preceding year and the requirement for a detailed resolution outlining the nature and plan of repayment for the obligations.

School Board Discretionary Millage Levy

The bill amends s. 1011.71, F.S., by expanding the allowable uses of proceeds from the district discretionary 1.5 mill levy to include operating or capital purposes for both district schools and charter schools.

This may provide school districts with greater flexibility in using revenue from the discretionary 1.5 mill capital levy, allowing for more efficient student transportation options, investment in essential support facilities, and improved resource allocation to meet local needs.

Accordingly, the bill repeals the penalty provision in s. 1011.71(6), F.S., that requires an equal dollar reduction in a district's FEFP funds in the fiscal year following an audit citation for expenditures that do not comply with the detailed use provisions in statute, as these specified uses have been removed.

Private School Facilities

Present Situation

A private school is defined in Florda law, as "an individual, association, copartnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade" and is below the college level. Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the Department of Education (DOE). Private schools are required to complete an online annual survey to provide information for inclusion in a statewide directory. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.[25]

While private schools operate outside of the public education system, there remain some requirements in Florida law that are imposed on private schools as well as areas of authorization. Those laws address the following areas:

- Participation in the annual private school survey.
- Background screening for each private school owner.
- Retention of student records.
- Maintenance of records of attendance and reports.
- Required school-entry health examinations.
- Student immunization and attendance records.
- Student participation in high school athletic programs at public schools.
- Educational and instructional materials.
- Services for exceptional student education services.
- Professional learning systems.
- Bus driver training purchase of school buses.
- Emergency procedures and medications.
- Facilities and safe school officers.[26]

Specifically related to facilities, private schools are permitted to use property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, church facility, Florida College System institution or university or other similar public institutional facilities, or a facility recently used to house a school or childcare facility under the facilities preexisting zoning and land use designations. There are similar provisions regarding the purchase of the same types of facilities by private schools. The facilities used or purchased must meet state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.[27] Additionally, private schools in certain counties may construct new temporary or permanent facilities on property that was owned by a church, library, theater, or school, that was recently used for the zoned purpose. The same applies to land that was owned by a Florida college System institution or university or land that was recently used to house a school or childcare facility. The new facility constructed by the private school is required to meet all

[25] Section 1002.01(3), F.S.
[26] Section 1002.42, F.S.
[27] Section 1002.42(19), F.S.

applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.[28]

Fire Prevention and Control

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the Fire Prevention Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code. Each county, municipality, and special district with fire safety enforcement responsibilities must employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.[29]

Fire Protection Systems

A "fire protection system" is a system individually designed to protect the interior or exterior of a specific building or buildings, structure, or other special hazard from fire. A fire protection system includes, but is not limited to:[30]

- Water sprinkler systems;
- Water spray systems;
- Foam-water sprinkler systems;
- Foam-water spray systems;
- Carbon dioxide systems;
- Foam extinguishing systems;
- Dry chemical systems; and
- Halon and other chemical systems used for fire protection.

Fire protection systems also include any tanks and pumps connected to fire sprinkler systems, overhead and underground fire mains, fire hydrants and hydrant mains, standpipes and hoses connected to sprinkler systems, sprinkler tank heaters, air lines, and thermal systems used in connection with fire sprinkler systems.[31]

Fire protection systems must be installed in accordance with the Fire Prevention Code and the Building Code. Current law requires local governments to enforce the Fire Prevention Code and the Building Code including the permitting, inspecting, and approving the installation of a fire protection system.[32] Owners of fire protection systems must contract with a certified fire protection system contractor to regularly inspect such systems.[33]

Fire Prevention Code

The State Fire Marshal is required to adopt by rule the Fire Prevention Code and must adopt or incorporate by reference specified codes, such as the current edition of the National Fire

[28] Section 1002.42(c), F.S.
[29] Section 633.202, F.S.
[30] Section 633.102(11), F.S.
[31] *Id.*
[32] *See generally* chs. 553 and 633, F.S.; Florida Fire Prevention Code 8th Edition (NFPA Standard 1), available at florida-fire-prevention-code-8th-edition-nfpa-101-fl-sp.pdf (last visited Feb. 9, 2026).
[33] Section 633.312, F.S.

Protection Association's Standard 1, Fire Protection Code.[34] Local governments are given an opportunity to submit local fire code amendments within a certain time which the State Fire Marshal is required to review to make specified determinations.[35] The State Fire Marshall must adopt a new code every three years, and any local amendments are only effective until the new adoption of the code occurs.[36] After the State Fire Marshal approves a local amendment and it is published on the State Fire Marshal's website, the local authority having jurisdiction to enforce the Fire Prevention Code may enforce the local amendment.[37] The State Fire Marshal may approve local amendments that address specified topics.[38]

Included in the Fire Code is the National Fire Protection Association (NFPA) Life Safety Code (NFPA 101) and NFPA Guide to Alternative Approaches to Life Safety (NFPA 101A).[39] The NFPA 101A provides a methodology for comparing the level of safety provided by an arrangement of safeguards that differ from those specified in the NFPA 101 to the level of safety provided in a building that conforms exactly with the NFPA 101. For some existing facilities, compliance with these requirements may require significant and costly improvements to the physical plant of the facility. Therefore, the Fire Safety Evaluation System as described in NFPA-101A, Alternative Approaches to Life Safety, has been accepted by federal and state agencies as an acceptable and cost effective alternative method of establishing compliance through equivalency. The NFPA 101A is intended to be used alongside NFPA 101 to facilitate equivalency requests using numerically based fire safety evaluation systems.[40]

Effect of Proposed Changes

The bill amends s. 1002.42(19), F.S., to expand private school land use and facility flexibility, by:

- Treating a private school enrolling 150 or fewer students, or located in the unincorporated area of a specified county, as a permitted use in commercial or mixed-use zoning districts without rezoning, a special exception, or a land use change.
- Preempting local mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies for those schools, except that a county or municipality may require proportionate mitigation measures necessary to address vehicular traffic and pedestrian safety.
- Limiting allowable local mitigation measures to impacts reasonably and directly attributable to the private school's operation at the site, and prohibiting mitigation measures that exceed in cost or scope those required of other allowable uses within the same zoning district.
- Authorizing a private school subject to traffic and pedestrian safety mitigation measures to submit a traffic study as an alternative to compliance, if the study demonstrates the school will not have a disproportionate impact compared to other allowable uses within the same zoning district.

[34] Section 633.202(1) and (2), F.S.
[35] Section 633.202(3)(a), F.S.
[36] Section 633.202(3)(b), F.S.
[37] Section 633.202(5), F.S.
[38] *Id.*
[39] Rule 69A-3.012(1)(ggg) and (hhh), F.A.C.
[40] National Fire Protection Association, NFPA 101A, *Guide on Alternative Approaches to Life Safety* (2025), available at https://www.nfpa.org/product/nfpa-101a-guide/p0101acode (last visited Feb. 9, 2026).

- Authorizing an immediate circuit court action for injunctive relief if a local governing authority fails to comply with the permitted use requirements.

Such a school may operate in a facility that is subject to and complies with certain Florida Building Code occupancy classification, and is not subject to additional state or local health, safety, or welfare laws, codes, or rules beyond those applicable to the underlying class of facility.

For a small private school beginning operation in an existing facility, the local fire official shall use firesafety evaluation systems found in NFPA 101A: Guide on Alternative Approaches to Life Safety, as adopted by the Fire Code.

A private school enrolling 150 or fewer students opening inside, or moving operations to, an existing assembly, day care, mercantile, or business occupancy must meet standards for existing educational occupancy requirements for automatic sprinkler, detection, alarm, and communications systems and requirements for hazardous areas. Notwithstanding those requirements, automatic sprinkler systems must be provided for educational occupancies throughout all group E fire areas greater than 12,000 square feet and throughout every portion of educational buildings below the level of exit discharge, but is not required in any fire area or area below the level of exit discharge where every classroom throughout the building has at least one exterior exit door at ground level without intervening corridors, passageways, interior exit stairways or ramps, or exit passageways.

Charter Schools

Present Situation

Charter Contracts and Renewal Terms

A sponsor and a charter school governing board must set the terms and conditions for operating a charter school in a written contract (a charter). A sponsor and a charter school governing board must use the standard charter contract adopted by the State Board of Education (SBE) rule, with limited flexibility to vary terms. A charter must be executed following a public hearing intended to ensure community input.[41]

Long-term Renewal Options

A sponsor may renew a charter when a program review demonstrates that required performance criteria have been accomplished and that grounds for nonrenewal have not been found. A charter school that meets the renewal conditions and received a school grade lower than "B" in the most recently graded school year must be renewed for at least 5 years, subject to specified exceptions.[42]

A charter school operating for at least 3 years and demonstrating exemplary academic programming and fiscal management is eligible for a 15-year charter renewal, subject to annual review and possible termination during the term. A sponsor must grant a 15-year renewal to a charter school that received a school grade of "A" or "B" in the most recently graded school year

[41] Section 1002.33(7), F.S.
[42] Section 1002.33(7)(c), F.S.

and is not in a state of financial emergency or deficit position, as referenced in the charter school statute.[43]

School Grades and School Improvement Ratings

All public schools, including charter schools, receive a school grade under Florida's school grading system, using grades "A" through "F" as defined in SBE rule.[44] An alternative school may choose to receive either a school grade or a school improvement rating, and a charter school governing board makes that choice for a charter school that meets the definition of an alternative school under SBE rule.[45] An alternative school that receives a school improvement rating is rated using measures specified in statute and SBE rule, with outcomes categorized by rating level as defined in rule.[46]

Charter School Improvement Plan and Corrective Actions for Low Performance

A charter school that receives a school grade of "D" or "F" must appear before the sponsor to present information on its progress and must submit a charter school improvement plan to the sponsor. The Department of Education (DOE) must offer technical assistance to a charter school that earned a grade of "D" or "F." A charter school that earns three consecutive school grades below "C" must select and implement one or more specified corrective actions, subject to the sponsor's ability to waive the requirement upon certain showings.[47]

Enrollment Limitations and Dismissal Procedures

A charter school's admissions and dismissal procedures must not be based on a student's academic performance, except as authorized for certain enrollment-limitation circumstances.[48] A charter school may limit its enrollment process to specified student populations, including students who meet reasonable academic, artistic, or other eligibility standards included in the application and charter (or otherwise consistent with the school's mission for existing schools).[49]

A charter school using eligibility standards to limit enrollment must place a student on a progress monitoring plan for at least one semester before dismissing the student from the school.[50]

Corrective Action Plans Related to Financial Distress

A charter school meeting the statutory criteria for a financial emergency is subject to intervention requirements, which include development and implementation of a corrective action plan and related oversight steps.[51]

[43] *Id.*
[44] Section 1008.34(2), F.S.
[45] Section 1008.34(3), F.S.
[46] Section 1008.341(2), F.S.
[47] Section 1002.33(9)(n), F.S.
[48] Section 1002.33(7)(a)7., F.S.
[49] Section 1002.33(10)(e)5., F.S.
[50] Section 1002.33(10)(e)5., F.S.
[51] Section 1002.345(2), F.S.

Effect of Proposed Changes

The bill amends s. 1002.33, F.S., to modify charter renewal and student dismissal provisions in the charter school statute by:

- Expanding the description of what may constitute "exemplary academic programming" for purposes of eligibility for a 15-year charter renewal to include academic performance measured by school improvement ratings.
- Prohibiting a charter school from dismissing a student based on academic performance while the school is implementing:
  - A charter school improvement plan required for certain low-performing charter schools; or
  - A corrective action plan related to financial distress.

Mathematics Education

Present Situation

Student Engagement in Mathematics

Student engagement in mathematics is a persistent challenge, particularly when students struggle to connect classroom content to real-world applications. A 2025 report by RAND reviewed reasons why student performance has not recovered to the pre-2019 student performance levels and had three key findings:

- About one-half of middle and high school students reported losing interest during their math lessons about half or more of the time.
- The students who are the most likely to maintain interest in math are the same ones who comprehend math, feel supported in math, are confident in their ability to do well in math, enjoy math, believe in the need to learn math, and see themselves as a math person.
- The students who are the most prone to disengage in math lessons want fewer online activities and more real-world applications in their math classes.[52]

Specifically, 55 percent of the least engaged students want fewer online activities compared with 17 percent of the most engaged students. Regarding real-world math problems, 54 percent of the least engaged students want more real-world math problems compared with 37 percent of the most engaged students.[53] The findings on students who are disengaged from mathematics complements other research on career and technical education (CTE), which finds that occupationally focused courses with real-world applications help engage disadvantaged students because the material is directly relevant to their future.[54]

Over the course of 10 weeks in the fall of 2023, the University of Florida (UF) Lastinger Center Listening Tour team traveled from the Panhandle to the Florida Keys to listen to students, educators, leaders and policymakers and gather their perspectives on mathematics education in

[52] RAND, *Students Lose Interest in Math*, (2025), *available at* https://www.rand.org/content/dam/rand/pubs/research_reports/RRA3900/RRA3988-1/RAND_RRA3988-1.pdf, (last visited Feb. 5, 2026).
[53] *Id.* at 6
[54] *Id*. at 8

Florida. The Lastinger Center produced several briefs covering the following topics of mathematics education[55]

In the "Student Experience" brief, when students were asked what they would change about math class or what they wished for, students asked for opportunities to more actively engage with the mathematics content, collaborate with others, and for their mathematics experience to be fun.[56] Students also expressed a desire for less lecture and procedural practice, and more interaction with their peers to collaboratively solve problems.[57] Employers expressed a real need for students to enter the workforce with a core set of skills that can be tailored to a career of their choosing.[58]

The Southern Regional Education Board (SREB) researched the connection of incorporating mathematics instruction into CTE courses. In the study, SREB found that students in the classrooms of teachers who trained in the Math-in-CTE model performed significantly better on standardized math tests and community college math placement tests than students who received the regular CTE curriculum. Students also improved their math skills without losing the technical skills needed for college and career readiness.[59]

Student Performance in Mathematics

On Florida's Algebra I end-of-course (EOC) assessment, there is a significant difference in performance between students who take Algebra I prior to entering high school versus students who take Algebra I while in high school. On the Algebra I EOC administration in the Spring of 2025, approximately 81,000 grade 8 students participated in the Algebra I EOC assessment, with 83 percent of students passing. In the same administration, approximately 95,000 grade 9 students participated in the Algebra I EOC assessment, with 40 percent of students passing. The table below shows the passing rate by grade level on the Spring 2025 Algebra I EOC administration.[60]

[55] University of Florida Lastinger Center for Learning, *Lastinger Listening Tour Math Summit,* https://lastinger.ufl.edu/our-work/lastinger-listening-tours/2023-math-listening-tour/, (last visited Feb. 5, 2026).
[56] University of Florida Lastinger Center for Learning, *Student Experiences in the Mathematics Classroom,* at 3 (2024), *available at* https://lastinger.center.ufl.edu/wp-content/uploads/2024/12/Brief-1-Students-Experiences.pdf (last visited Feb. 5, 2026).
[57] University of Florida Lastinger Center for Learning, *Student Experiences in the Mathematics Classroom,* at 4 (2024), *available at* https://lastinger.center.ufl.edu/wp-content/uploads/2024/12/Brief-1-Students-Experiences.pdf (last visited Feb. 5, 2026).
[58] University of Florida Lastinger Center for Learning, *Importance of School Mathematics Beyond High School,* at 3 (2024), *available at* https://lastinger.center.ufl.edu/wp-content/uploads/2024/12/Brief-2-Beyond-High-School.pdf (last visited Feb. 5, 2026).
[59] Southern Regional Education Board, *Math-in-CTE Resources, available at* https://www.sreb.org/nrccte-math-cte-resources, (last visited Feb. 5, 2026)
[60] Florida Department of Education, *2025 Florida Assessment of Student Thinking and B.E.S.T. Assessments , available at* https://www.fldoe.org/core/fileparse.php/5668/urlt/33Spring25Alg1SS.xls, (last visited Feb. 5, 2026).

Grade	Number of Students	Percentage in Level 3 or Above
All Grades	231,744	60
03	1	*
04	1	*
05	6	*
06	190	100
07	24,772	95
08	81,379	83
09	95,760	40
10	26,764	28
11	2,035	27
12	732	27
AD	104	10

High School Graduation Requirements

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:

- Four credits in English Language Arts (ELA), and students must pass the grade 10 ELA assessment.
- Four credits in mathematics, and students must pass the Algebra I end-of-course assessment.
- Three credits in science.
- Three credits in social studies.
- One credit in fine or performing arts, speech and debate, or CTE.
- One credit in physical education, which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.[61]

Students who earn an industry certification for which there is a statewide college credit articulation agreement approved by the SBE may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.

Mathematics Pathways

In 2023, the Legislature required the Department of Education (DOE) to convene a workgroup, no later than December 1, 2024, to:

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The workgroup

[61] Section 1003.4282(3), F.S.

must collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education, and careers.[62]

The DOE gathered a workgroup to discuss and determine three mathematics pathways for students enrolled in grades K-12 by aligning mathematics courses to Career and Technical Education (CTE) programs, postsecondary education and careers. The workgroup consisted of teacher-experts across the state selected through an application process and approved by the DOE. The workgroup met regularly to gather information and provide data for each of the mathematics pathways. Based on workgroup collaboration, the Bureau of Standards and Instructional Support within the DOE recommends the three pathways, that are tentatively scheduled to be adopted by rule in the Fall of 2026:

- Algebraic Thinking - Students will engage in mathematics courses that provide a strong foundation for success within various fields including engineering, health sciences, information technology and energy.
- Statistical Thinking - Students will engage in mathematics courses that provide a strong foundation for success within various fields including finance, marketing, business administration and education.
- Quantitative Thinking - Students will engage in mathematics courses that provide a strong foundation for success within various fields including human services, education, communication, public safety and manufacturing.[63]

Artificial Intelligence in Education

Artificial intelligence (AI) provides opportunities to customize and accelerate learning for students and reduce teacher workload.[64] However, school districts in Florida implement AI differently and are using different AI tools for educators and students. For example, in Hillsborough County School District, educators and students are using Amira Learning as their main AI tool for instruction, whereas the Pinellas County School District not only uses Amira Learning but several other AI tools. The top general AI tools being used by school districts are Microsoft Copilot, Canva, and Magicschool.ai and the top AI tools being used by students are Gemini for students, Khanmigo, Canva and Microsoft Copilot.[65]

In 2024, the Legislature passed HB 1361, which created the Florida Tutoring Advantage, administered by the UF Lastinger Center for Learning to support school districts with tutoring programs that include virtual tutoring and automated tutoring software for students in kindergarten through grade 5.[66] A school district may receive grant funds for subscription fees and professional learning to support and accelerate learning for students in grades 6 through 12 during the school day. Grant recipients must select an AI platform that:

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[62] Chapter 2023-87, s.22 Laws of Fla. *see also* s. 1003.4282(10), F.S.
[63] Email, Florida Department of Education, Governmental Relations (Jan. 13, 2026) (on file with the Senate Committee on Education Pre-K-12).
[64] Section 1002.321(3), F.S.
[65] Dr. Maya Israel, University of Florida, *Overview of AI in Florida Schools,* Presentation to the Student Academic Success Subcommittee, The Florida House of Representatives (Dec. 10, 2025), *available at* https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?MeetingId=14953&PublicationType=Committees&DocumentType=Meeting%20Packets (last visited Feb. 5, 2026).
[66] Chapter 2024-162, s. 9, Laws of Fla.

- Uses large language models based on GPT-4, its equivalent, or a successor, and is on a closed system.
- Provides professional learning to teachers.
- Provides one-on-one tutoring aligned to the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for reading and mathematics.
- Provides standards-aligned lesson plans and provides insights on student progress. Provides district- and school-level reporting and parental access to artificial intelligence interactions.[67]

Effect of Proposed Changes

CTE Credit

The bill amends s. 1003.4282(10), F.S., to revise the DOE's workgroup requirement for career and mathematics pathways by removing an obsolete convening deadline and specifying additional workgroup duties and deliverables related to applied algebra-based mathematics pathways. Specifically, the bill:

- Removes the requirement that the DOE convene the workgroup "no later than December 1, 2024."
- Requires the workgroup, in establishing three mathematics pathways for students in secondary grades, to:
  - Incorporate the applied algebra courses established under s. 1003.4936, F.S., which align the Florida Standards for Algebra I with CTE standards and benchmarks for each designated career cluster;
  - Include in each mathematics pathway at least one course sequence beginning with an applied algebra course aligned to a specific career cluster, and identify additional mathematics courses that build on the algebraic reasoning, modeling, and quantitative skills introduced through industry-relevant applications, including, as needed, plans to create new mathematics courses to complete a pathway;
  - Offer flexibility and the ability for students to move between pathways, as necessary; and
  - Create clear links between precollege and college-level mathematics pathways and support progression into postsecondary academic programs, state college CTE programs, career center programs, industry certification programs, and high-skill, high-wage occupations.
- Establishes deadlines for identifying the mathematics pathways that incorporate applied algebra courses created in the bill by September 1, 2027, and September 1, 2028, as applicable. The bill requires the workgroup to submit the identified pathways to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Applied Algebra for CTE

The bill creates s. 1003.4936, F.S., to require the DOE to develop "applied algebra" courses aligned to CTE career clusters and to authorize districts to use those courses in lieu of Algebra I for specified purposes. Specifically, the bill:

- Establishes legislative findings regarding the importance of algebra, the purpose of applied algebra courses, and the intended outcomes, including improved relevance and engagement,

[67] Section 1002.321(3), F.S.

alignment to workforce needs, and preparation for the Algebra I end-of-course (EOC) assessment.

- Requires the DOE to develop an applied algebra course for each established CTE career cluster.
- Requires each applied algebra course to:
  - Integrate relevant CTE program standards and benchmarks with the Florida Standards for Algebra I;
  - Provide rigorous, career-relevant applications in authentic industry problems, processes, or settings;
  - Prepare students to take the statewide, standardized Algebra I EOC assessment; and
  - Qualify as a mathematics credit that satisfies the Algebra I requirement for high school graduation and for middle grades promotion.
- Requires the DOE to develop courses on specified timelines:
  - The DOE must develop and make available for district adoption in the 2027-2028 school year the following career clusters:
    - Agriculture, Food, and Natural Resources.
    - Architecture and Construction.
    - Business Management and Administration.
    - Energy.
    - Engineering and Technology Education.
    - Finance.
    - Health Science.
    - Information Technology.
    - Manufacturing.
    - Transportation, Distribution, and Logistics.
  - The DOE must develop and make available for district adoption in the 2028-2029 school year the following career clusters:
    - Arts, Audio-Visual Technology, and Communications.
    - Education and Training.
    - Government and Public Administration.
    - Hospitality and Tourism.
    - Human Services.
    - Law, Public Safety, and Security.
    - Marketing, Sales, and Service.
- Authorizes school districts, in grades 6 through 12, to offer one or more applied algebra courses in lieu of Algebra I, and provides that successful completion satisfies the Algebra I credit requirement for high school graduation or middle grades promotion.
- Requires the DOE to collaborate with the Board of Governors of the State University System to ensure each applied algebra course is accepted as a mathematics credit for state university admissions.
- Requires the DOE to provide professional development, instructional resources, and technical assistance to support district implementation.

Artificial Intelligence Tool to Support Mathematics Instruction

The bill requires the DOE to collaborate with the UF Lastinger Center for Learning to recommend to the Legislature an individualized, adaptive artificial intelligence tool to support mathematics instruction in kindergarten through grade 12. The DOE must submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2026. The recommendations must:

- Ensure that recommended tools align to the Florida academic standards and prepare students for state assessments.
- Consider alternate mathematics sequencing and grade-level progression, and alternate funding models to support individualized progression through content.
- Evaluate the extent to which tools provide real-time diagnostic assessments, individualized learning pathways, adaptive sequencing of content, and immediate, personalized feedback to students.
- Evaluate the applicability of the tool to progress monitoring tools, district learning management systems, suggested interventions, small-group instructional supports, and professional development that enables teachers to integrate the tools into classroom instruction.
- Provide for student data privacy and transparency in data collection and retention.
- Consider statewide and district-level costs.

Statewide Coordinated Screening and Progress Monitoring System

Present Situation

A statewide coordinated screening and progress monitoring (CSPM) system is required for use in non-public and public school Voluntary Prekindergarten Education Program (VPK) and public schools. The system must:

- Measure student progress in early literacy skills, early mathematics skills, and the English Language Arts (ELA) and mathematics standards to inform instruction.
- Provide screening and diagnostic capabilities.
- Identify students with substantial deficiencies in reading or mathematics.
- Identify students with characteristics of dyslexia or dyscalculia.[68]

Results must be provided to teachers within one week after completion of the assessment period and to parents within two weeks after administration of the progress monitoring assessment.[69] A student identified by the CSPM system as having characteristics of dyslexia or dyscalculia must undergo further screening.[70]

The statewide CSPM program is implemented as the Florida Assessment of Student Thinking (FAST), administered in three progress monitoring windows each school year, using

[68] Section 1008.25(9)(a), F.S.
[69] Section 1008.25(9)(b)-(c), F.S.
[70] Section 1008.25(9)(a), F.S.

Renaissance Star assessments in VPK through grade 2 and Cambium testing and reporting systems for grades 3 through 10 ELA Reading and grades 3 through 8 Mathematics.[71]

Student Progression and Monitoring Plans

Each district school board adopts and implements a comprehensive program for student progression that addresses promotion, retention, remediation, and the use of assessment results to identify and assist students who are not meeting performance expectations.[72]

A student who is not meeting district or state requirements for satisfactory performance in ELA or mathematics must be covered by at least one of the following:

- A federally required student plan (for example, an individual education plan (IEP)).
- A schoolwide system of progress monitoring for all students, subject to specified exemptions.
- An individualized progress monitoring plan.[73]

A student with a substantial deficiency in reading or a substantial deficiency in mathematics must be covered by a federally required student plan, an individualized progress monitoring plan, or both, as necessary. An individualized progress monitoring plan must be developed within 45 days after the CSPM results become available.

At a minimum, an individualized progress monitoring plan must include:

- The student's identified reading or mathematics skill deficiency.
- Goals and benchmarks for growth in reading or mathematics.
- The measures used to evaluate and monitor progress.
- For a substantial reading deficiency, the evidence-based literacy instruction grounded in the science of reading that will be provided.
- Strategies, resources, and materials to be provided to the parent to support the student's progress.
- Any additional services that the teacher deems available and appropriate to accelerate the student's skill development.[74]

Reading and Mathematics Deficiencies

Reading and mathematics deficiencies, and characteristics of dyslexia or dyscalculia, may be identified using screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations. Once a student is identified as having a substantial

[71] Florida Department of Education, *Florida Assessment of Student Thinking (FAST), 2025–26 Statewide Assessment Administration Schedule (Progress Monitoring)*, *available at* https://www.fldoe.org/file/5663/2526StatewideAssessmentSched.pdf (last visited Feb. 6, 2026); Florida Department of Education, *Florida Assessment of Student Thinking (FAST), 2025–26 Grades K–2 Fact Sheet*, *available at* https://www.fldoe.org/file/20102/2526FASTK2FS.pdf (last visited Feb. 6, 2026); and Florida Department of Education, *Coordinated Screening & Progress Monitoring System Overview (Mar. 21, 2022)*, at 6, 9, 19, *available at* https://www.fldoe.org/file/7506/FOILStatewideAssessment.pdf (last visited Feb. 6, 2026).
[72] Section 1008.25(2), F.S.
[73] Section 1008.25(4)(b), F.S.
[74] Section 1008.25(4)(c), F.S.

deficiency in early literacy skills, reading, or mathematics, the applicable interventions must begin immediately.[75]

For a student who exhibits characteristics of dyslexia, as defined in SBE rule, dyslexia-specific interventions must be provided.[76] Appropriate, evidence-based interventions must be initiated upon receipt of documentation from a licensed psychologist demonstrating that the student has been diagnosed with dyslexia or dyscalculia, and initiation may not wait for completion of an exceptional student education eligibility evaluation.[77]

Written parent notification is required when a student has been identified as having a substantial deficiency in reading or mathematics and must include specified information about the deficiency, current services, proposed interventions, and home-based supports and resources as applicable. After the initial notification, written progress updates must be provided at least monthly and must include an explanation of any additional interventions implemented when progress is insufficient, with additional meetings and supports provided upon request.[78]

The reading intervention and parent notification requirements apply to students in public school VPK through grade 3.[79] The mathematics intervention and parent notification requirements apply to students in public school VPK through grade 4.[80]

Evaluation and IEP Timelines

Each district school board must provide exceptional student education and include professional services for diagnosis and evaluation.[81] The initial evaluation process is triggered when the school district has reasonable suspicion that a student may have a disability and need special education and related services.[82] Response-to-intervention strategies may not be used to delay or deny an evaluation for a child suspected of having a disability.[83]

A full and individual initial evaluation must be conducted before the initial provision of exceptional student education, and either a parent or the school district may initiate a request for an initial evaluation.

When a parent requests, or when the school district suspects that a student may have a disability, parental consent for an evaluation must be requested within 30 days, unless the parent and school agree otherwise in writing, or the district rejects the parent's request.[84]

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[75] Section 1008.25(5)(a) and (6)(a), F.S.
[76] Section 1008.25(5)(a), F.S.; Rule 6A-6.053(7), F.A.C.
[77] Section 1008.25(5)(a) and (6)(a), F.S.
[78] Section 1008.25(5)(d) and (6)(c), F.S.
[79] Section 1008.25(5)(a), F.S.; Rule 6A-6.053(5), F.A.C.
[80] Section 1008.25(6)(a), F.S.; Rule 6A-6.0533(7), F.A.C.
[81] Section 1003.57(1)(a)-(b), F.S.
[82] 34 C.F.R. s. 300.111(c)(1); *Leigh Ann H. v. Riesel Indep. Sch. Dist.*, 18 F.4th 788, 796 n.6 (5th Cir. 2021) (citing *Krawietz ex rel. Parker v. Galveston Indep. Sch. Dist.*, 900 F.3d 673, 676 (5th Cir. 2018)).
[83] Office of Special Education Programs, U.S. Department of Education, *OSEP Memorandum 11-07, "A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)"* (Jan. 21, 2011).
[84] Rule 6A-6.0331(3), F.A.C.

Before a school district requests an initial evaluation for a K-12 student suspected of having a disability, school personnel must document one of the following determinations in the student's educational record:

- General education intervention procedures have been implemented and the data indicate that the student may be a student with a disability who needs special education and related services.
- The evaluation was initiated at parent request and the general education intervention activities will be completed concurrently with the evaluation, but before the determination of the student's eligibility for special education and related services.
- The nature or severity of the student's areas of concern makes the general education intervention procedures inappropriate in addressing the student's immediate needs.[85]

Initial evaluations must be completed within 60 calendar days after receipt of parental consent, excluding specified school holidays and breaks and summer vacation, and subject to specified exceptions and extensions.[86] An IEP must be developed within 30 days after a determination that the child needs special education and related services, and services must be made available as soon as possible following IEP development.[87]

New Worlds Reading Initiative

A student in prekindergarten through grade 5 who meets specified reading-related criteria must be provided books through the New Worlds Reading Initiative. A school district must notify the parent of an eligible student that the student is eligible to receive books at no cost through the initiative and must provide an application form. A student's eligibility continues until promotion to grade 6 or until the parent opts out.[88]

Effect of Proposed Changes

Student Progression and Monitoring Plans

The bill modifies s. 1008.25, F.S., to require a school district to take specified actions when the statewide coordinated screening and progress monitoring system, or a district-approved screening instrument, indicates that a student exhibits characteristics of dyslexia or dyscalculia.

When a student exhibits characteristics of dyslexia or dyscalculia, the district must ensure the student is covered by the progress monitoring plan already required for students who need intervention supports. The plan must include evidence-based interventions specific to the identified characteristics of dyslexia or dyscalculia. The interventions must be aligned, as appropriate, with the required reading intervention framework and the required mathematics intervention framework for students with the specific learning disabilities.

The bill also requires the district to treat the screening indication as reasonable suspicion that the student may be a student with a disability for purposes of the initial evaluation process for

[85] Rule 6A-6.0331(3)(d), F.A.C.
[86] Rule 6A-6.0331(3)(g), F.A.C.
[87] 34 C.F.R. s. 300.323(c).
[88] Section 1003.485(6), F.S.

exceptional student education, and to promptly seek parental consent to conduct an initial evaluation consistent with SBE rule and applicable federal law.

In addition, the bill requires screening activities and required intervention procedures to occur concurrently with the evaluation process and prohibits using those activities or procedures to delay or deny an appropriate evaluation to determine eligibility for exceptional student education and related services.

The bill retains the requirement for further screening when the statewide coordinated screening and progress monitoring (CSPM) system indicates that a student exhibits characteristics of dyslexia or dyscalculia. The bill adds a further screening requirement when the system is not capable of identifying characteristics of dyslexia or dyscalculia and a student meets performance thresholds established by SBE rule.

The bill specifies that further screening is used to refine instructional planning and parent communication and is not a prerequisite to the intervention and evaluation obligations in the bill. The bill requires further screening activities to occur concurrently with required interventions and the evaluation process and prohibits using screening activities to delay or deny an appropriate evaluation.

The bill requires the SBE to adopt rules establishing timelines, performance thresholds, and parental notification requirements for further screening required under the CSPM system provisions governing identification of characteristics of dyslexia or dyscalculia.

The bill amends s. 1003.5716, F.S., to increase parent notice and access when a related service in a student's individualized education program (IEP) is not provided as scheduled, by:

- Requiring a school district to notify the parent or guardian in writing or by electronic means within 10 school days after a related service identified in the student's IEP is not provided as scheduled.
- Requiring the notice to explain the reason the related service was not provided and discuss a plan for make-up services.
- Authorizing a parent or guardian, upon request, to access all service provider logs or progress notes within 15 school days after the related service is provided.
- Requiring the school district to inform parents of the right to access service provider logs or progress notes at each IEP meeting.

<u>New Worlds Reading Initiative</u>

The bill revises the minimum content of an individualized progress monitoring plan by requiring that the parent resources included in the plan contain information about the student's eligibility for the New Worlds Reading Initiative.

School Improvement

Present Situation

Equity in School-Level Funding

Title I of the Elementary and Secondary Education Act of 1965 (ESEA),[89] as amended by the Every Student Succeeds Act of 2015,[90] is a federal funding program to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.[91] For the 2024-2025 fiscal year, Florida received approximately $1.09 billion for Elementary and Secondary Education Act Title I programs.[92]

Part A of Title I focuses on improving basic programs operated by local educational agencies, including district school boards and eligible charter schools within the school district.[93]

District school boards must allocate Title I-A funds first to serve schools in areas with poverty rates of at least 75 percent, or 50 percent for high schools.[94] If funds remain, the school board may serve schools in rank order according to the percentage of children from low-income families in the area, but a school board may serve schools in areas with a poverty rate of less than 35 percent only if the per student allocation of state and local funds is 125 percent greater than the per student amount received under Title I-A.[95]

Prior to the allocation of Title I funds to eligible schools, Florida law authorizes a district school board to withhold funds only as follows:

- One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;
- A necessary and reasonable amount for administration which includes the district's indirect cost rate, not to exceed a total of ten percent;
- A reasonable and necessary amount to provide:
  - Homeless programs;
  - Delinquent and neglected programs;
  - Prekindergarten programs and activities;
  - Private school equitable services; and
  - Transportation for foster care children to their school of origin or choice programs; and
- A necessary and reasonable amount, not to exceed one percent, for eligible schools to provide educational services in accordance with the approved Title I plan.[96]

[89] Pub. L. No. 89-10, 79 Stat. 27 (Apr. 11, 1965).
[90] Pub. L. 114-95, 129 Stat 1802 (Dec. 10, 2015).
[91] 20 U.S.C. s. 6301.
[92] Florida Department of Education, *Finance Data Base: Fiscal Year 2024-2025*, at 8 *available at* https://www.fldoe.org/core/fileparse.php/7507/urlt/StateTotalBUD2425.pdf, (last visited Feb. 6, 2025).
[93] 20 U.S.C. s. 6311, et seq. Local educational agencies are public boards of education and include district school boards. 34 C.F.R. s. 303.23. *See also* s. 1011.69(2), F.S., specifying that an eligible school includes a charter school that is eligible to receive Title I funds.
[94] 20 U.S.C. s. 6313(a)(3).
[95] 34 C.F.R. s. 200.78(b).
[96] Section 1011.69(4), F.S.

In accordance with federal law and the district's approved Title I plan, districts may use Title I funds to provide a wide range of supplemental academic services and supports in eligible schools, including evidence-based interventions and enrichment in core subjects such as reading, mathematics, and science, as well as science, technology, engineering, and mathematics (STEM) activities that are designed to improve student achievement.[97]

School Improvement and Turnaround

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.[98] Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."[99] Upon receipt of its first grade of "D," a school is considered a Tier I SI school in need of support and intervention from the school district and the DOE.[100] Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."[101]

The DOE requires that a school that has been identified as an SI school must meet the following educator staff requirements:

- Provide a literacy coach who has a record of effectiveness as an English Language Arts teacher or coach with a value-added model (VAM) rating of Highly Effective or Effective.
- Provide a mathematics coach who has a record of effectiveness as a mathematics teacher or coach with a VAM rating of Highly Effective or Effective.
- Staff the SI school so that the percentage of instructional personnel with a VAM rating that is below effective is less than the district average if the district has more than five total schools and less than the state average, if the district has five or fewer schools.[102]

Through section 1003 of Title I, the United States Department of Education administers three grants specifically targeted to improving student performance at schools in need of improvement:

- Unified School Improvement Grant (UniSIG) grant – In the 2023-24 school year, Florida's state allocation was $72,623,399. The UniSIG grant is allocated to school districts to serve traditional and charter Title I public schools implementing comprehensive support and improvement activities to support the schools SI plan and provide resources to raise student achievement in the lowest-performing schools.
- UniSIG Supplemental Teacher and Administrator Allocation (STAA) - In the 2023-24 school year, Florida's state allocation was $30,000,000. The UniSIG STAA grant allocates funding for districts to recruit teachers, to schools in need of improvement, who have a rating of highly effective or effective according to VAM. Educators who teach grades K-3,

[97] *See*, *e.g.*, 20 U.S.C. ss. 6314(b), 6315(b).
[98] Section 1008.33 , F.S.; *see* rule 6A-1.099811, F.A.C. School Improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).
[99] Section 1008.33(3), F.S.
[100] Rule 6A-1.099811(3)(a), F.A.C.
[101] Section 1008.33(4), F.S.
[102] Rule 6A-1.099811, F.A.C. VAM is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.

exceptional student education (ESE) and English for Speakers of Other Languages (ESOL) certified teachers, and science teachers are often not eligible for the STAA award because they do not earn a VAM score.

- UniSIG Closing Achievement Gaps Between Subgroups and All Students (CAGSS) In the 2023-24 school year, Florida's allocation was $98,193,480. The UniSIG CAGSS support Local Educational Agencies that are serving low-performing subgroups of students in schools implementing targeted and comprehensive support and improvement activities.[103]

Effect of Proposed Changes

Equity in School-Level Funding

The bill modifies s. 1011.69, F.S., to specify that the education services for which a school district may withhold a portion of Title I funds prior to allocation include the provision of science, technology, engineering, and mathematics (STEM) curricula, instructional materials, and related learning technologies that support academic achievement in Title I schools. Such technologies may include drones, coding, animation, artificial intelligence, cybersecurity, data science, the engineering design process, mobile development, and robotics. Such withholding must comply with allocation levels required in federal law.

School Improvement and Turnaround

The bill modifies s. 1008.33, F.S., to require the DOE to adopt, in rule, a timeline for approving a district's turnaround plan and a timeline for the release of the UniSIG funding, which should not exceed 20 calendar days after the school improvement plan has been approved by the DOE. The bill also prohibits the use of VAM[104] as the sole determinant in recruiting instructional personnel to provide school districts with greater flexibility in staffing schools identified as in need of improvement.

Epinephrine Use and Supply in Schools

Present Situation

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, when parental and physician authorization has been provided to the school.

Public and private schools may obtain a supply of epinephrine auto-injectors through purchase from a wholesale distributor or through an arrangement with a wholesale distributor or manufacturer, and the supply must be maintained in a secure location on the school's premises.[105]

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[103] Email, Florida Department of Education, Division of Public Schools, (Sept. 19, 2023) (on file with Senate Committee on Education Pre-K-12).
[104] VAM is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth, only educators teaching ELA and Math in Grades 4-10, Algebra 1 and Geometry receive a VAM score.
[105] Sections 1002.20(3)(i) and 1002.42(17)(a), F.S.

A school district, county health department, and public-private partner, and their employees and volunteers, are indemnified by the parent of an authorized student for liability relating to the student's use of an epinephrine auto-injector.[106]

A physician-developed protocol governs administration by school personnel trained to recognize an anaphylactic reaction and administer an epinephrine auto-injection. The school supply may be provided to and used by a student authorized to self-administer epinephrine by auto-injector or by trained school personnel.[107]

Liability protections apply to the school district or private school and its employees and agents and the physician who provides the standing protocol for school epinephrine auto-injectors. Those protections apply to injuries arising from use of an epinephrine auto-injector administered by trained school personnel who:

- Follow the adopted protocol; and
- Have a professional opinion that the student is having an anaphylactic reaction.[108]

A written authorization from a physician and the student's parent or guardian is required for a student to carry an epinephrine auto-injector and self-administer epinephrine by auto-injector. An individualized health plan is developed for a student with life-threatening allergies and includes an emergency action plan, with annual development coordinated by the school nurse in collaboration with:

- The student;
- The parent or guardian;
- the health care provider; and
- School personnel.[109]

For schools serving students in kindergarten through grade 8, training is provided to an adequate number of school personnel and contracted personnel on prevention and response to allergic reactions, including anaphylaxis. Training content includes:

- Recognition of anaphylaxis signs and symptoms; and
- Administration of a United States Food and Drug Administration-approved epinephrine delivery device with appropriate weight-based dosing.[110]

Effect of Proposed Changes

Epinephrine Use and Supply

The bill amends ss. 1002.20(3)(i) and 1002.42(17), F.S., to update terminology and broaden statutory references for student carry, self-administration, and school supply of epinephrine to encompass U.S. Food and Drug Administration (FDA)-approved epinephrine delivery devices in public and private schools, rather than limiting those provisions to epinephrine auto-injectors.

[106] Section 1002.20(3)(i), F.S.
[107] Sections 1002.20(3)(i). and 1002.42(17)(a), F.S.
[108] Sections 1002.20(3)(i) and 1002.42(17)(b), F.S.
[109] Rule 6A-6.0251(2), F.A.C.
[110] Rule 6A-6.0251(4), F.A.C.

Voluntary Prekindergarten Program

Present Situation

Accountability Timeline and Student Supports

Since the inception of the Voluntary Prekindergarten (VPK) program, public schools have been instrumental in delivering the program. Public schools deliver both the 540 hour school year VPK program[111] and the 300 hour summer VPK program.[112] Historically, public schools comprise just over 20 percent of the overall VPK programs during the entire program year.[113]

Public schools are required to contract through the early learning coalitions (ELCs) and are subject to the same requirements as non-public programs in terms of implementing instructional standards, personnel requirements, and program accountability. While both public schools and private providers offer the school year prekindergarten program, public school districts are required to offer the summer VPK program, consisting of 300 hours of instruction, to any parent who enrolls his or her child in the program. School districts may meet this requirement by contracting with private prekindergarten providers.[114]

Beginning with the 2022-2023 program year, each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program must participate in the statewide coordinated screening and progress monitoring program. The coordinated screening and progress monitoring results are used by the DOE to identify student learning gains, index development learning outcomes upon program completion relative to specified performance standards and representative norms, and inform a private prekindergarten provider's and public school's performance metric.[115]

For the 2020-2021 program year, the DOE calculated a kindergarten readiness rate for each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program based upon learning gains and the percentage of students assessed as ready for kindergarten. For the 2021-2022 school year, each school district administered the statewide kindergarten screening then in use to each kindergarten student within the first 30 school days, and private schools were authorized to administer the statewide kindergarten screening to each kindergarten student in a private school who was enrolled in the Voluntary Prekindergarten Education Program. Learning gains for the 2020-2021 program year were determined using a value-added measure based on growth demonstrated by specified preassessment and postassessment results. A provider could not be newly placed on probationary status, and a provider that was currently on probationary status could only be removed from such status if the provider earned the minimum rate determined by the DOE. The methodology for calculating a provider's readiness rate could not include students who were not administered the statewide kindergarten screening.[116]

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[111] Section 1002.63(1), F.S.
[112] Section 1002.61(1), F.S.
[113] Florida Department of Education, *Division of Early Learning Annual Report 2023-2024, available at*: https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf (last visited Dec. 3, 2025).
[114] Section 1002.53(6), F.S.
[115] Section 1002.68(1)(a), F.S.
[116] Section 1002.68(3)(a), F.S.

For the 2021-2022 program year, kindergarten screening results were prohibited from use in the calculation of readiness rates, and a private prekindergarten provider or public school that fails to meet the minimum kindergarten readiness rate for that program year is subject to probation requirements.[117]

Supports for students in the VPK program are provided through a summer bridge program to address early literacy deficiencies demonstrated on the final administration of the coordinated screening and progress monitoring system. Students who score below the 10th percentile are required to be referred to the local school district and may be eligible to receive early literacy skill instructional support through the summer bridge program that consists of four hours of daily instruction for a total of at least one hundred hours of instruction.[118]

A private prekindergarten provider and a public school participating in the VPK program may select or design the curriculum used to implement the program.[119] A provider or public school that fails to meet the minimum change in ability is subject to additional curriculum limitations.[120]

A private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:[121]

- Prepare a student for early literacy and provide instruction in early math skills.
- Develop students' background knowledge through a content-rich and sequential knowledge-building early literacy curriculum.
- Enhance age-appropriate progress in attaining the performance standards adopted by the DOE.
- Support student learning gains through differentiated instruction measured by the coordinated screening and progress monitoring program.

The DOE must adopt procedures for the review and approval of curricula used by private prekindergarten providers and public schools that fail to meet the minimum change-in-ability scores.[122] DOE must administer the review and approval process and maintain a list of the curricula approved through that process. Each approved curriculum must meet the developmentally appropriate curriculum requirements described above.[123]

Gold Seal Quality Care Program

The Gold Seal Quality Care (Gold Seal) program was established in 1996 to acknowledge child care facilities and family day care homes that have gone above the required minimum licensing standards to become accredited by recognized agencies whose standards reflect quality in the level of care and supervision provided to children. The designation offered certain tax

[117] Section 1002.68(3)(b), F.S.
[118] Section 1008.25(5)(b), F.S.
[119] Section 1002.67(2)(a), F.S.
[120] Section 1002.67(2)(a), F.S.
[121] Section 1002.67(2), F.S.
[122] Section 1002.67(2)(c), F.S.
[123] Section 1002.67(2)(c), F.S.

exemptions, higher reimbursement rates for School Readiness providers, and eligibility to participate in the state VPK program.[124]

A child care facility, large family child care home, or family day care home must meet additional criteria to obtain and maintain designation as a Gold Seal Quality Care provider.

A child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, within the 2 years preceding its application for Gold Seal designation. A class I violation is grounds for termination of the Gold Seal designation until the provider has no class I violations for a period of 2 years.

Notwithstanding the class I violation lookback and termination standard for Gold Seal designation, the DOE may recommend to the SBE that a provider maintain its Gold Seal Quality Care status if, through a formal process, the DOE determines the provider has been in business for at least 5 years and has no other class I violations recorded. The SBE's determination regarding the provider's status is final.[125]

Effect of Proposed Changes

Voluntary Prekindergarten Education Program Accountability and Student Supports

The bill removes the requirement in s. 1002.71, F.S., that each district school board's attendance policy must require parents to sign monthly attendance forms and retain those forms for two years. The school district will be required to certify attendance on the single point of entry system that is used for payment of VPK program attendance. The revision offers flexibility to school districts to utilize existing attendance tracking methods without duplication due to required forms.

The bill amends s. 1002.68, F.S., to revise VPK provider eligibility consequences and early literacy supports tied to coordinated screening and progress monitoring.
Specifically, the bill:

- Limits the VPK participation prohibition for a public school or private prekindergarten provider that fails to meet the minimum program assessment composite score for contracting to the consecutive program year, rather than applying until the provider later meets the minimum score.
- Deletes expired provisions relating to the 2020-2021 and 2021-2022 program years that addressed the calculation and use of kindergarten readiness rates and screening results.

The bill amends s. 1008.25, F.S., to expand eligibility for early literacy instructional support through the VPK summer bridge program by increasing the final screening percentile threshold from below the 10th percentile to below the 25th percentile.

The bill amends s. 1002.67, F.S., to revise VPK curriculum selection and approval requirements, by:

[124] Florida Department of Education, *Gold Seal Quality Care Program*, https://www.fldoe.org/schools/early-learning/providers/gold-seal.stml (last visited Feb. 6, 2026).
[125] Section 1002.945(4), F.S.

- Requiring the curriculum selection limitation and DOE curriculum review and approval procedures to apply when a private prekindergarten provider or public school fails to meet the minimum performance metric score or designation rather than the minimum change-in-ability standard.
- Revising DOE's curriculum review and approval process by:
  - Requiring DOE to maintain a list of approved curricula available for purchase.
  - Requiring the review and approval process to include both curricula available for purchase and proprietary curricula not available for purchase.
- Authorizing DOE to review and approve, outside the regular review and approval process, a proprietary or commercially available curriculum used by a private provider or a public school district operating VPK in more than five distinct locations, and requiring DOE to:
  - Approve or deny the submitted curriculum and associated materials within 60 days after receipt of the request.
  - Decline a request submitted within 120 days before the opening of the regular review process.
  - Include on the approved list any curriculum approved under the outside-process pathway that is available for purchase.

Gold Seal Quality Care Eligibility and Termination Criteria

The bill amends s. 1002.945(4), F.S., to narrow which class I violations affect a provider's Gold Seal Quality Care designation and to delete an existing discretionary exception process. Specifically, the bill:

- For applications to be designated Gold Seal status limits the two-year lookback disqualification so that a child care provider is ineligible for a Gold Seal designation only if it has had a class I violation for which the Department of Children and Families determines the provider is the primary cause of the violation within the 2 years preceding the application.
- Limits termination authority so that commission of a class I violation is grounds for termination of the Gold Seal designation only when the Department of Children and Families determines the provider is the primary cause of the violation.
- Removes the authority of the DOE to recommend that the SBE allow a provider to maintain Gold Seal status if the DOE determines through a formal process that the provider has been in business for at least 5 years and has no other class I violations recorded.
- Retains the current reinstatement standard by providing that a terminated provider may regain eligibility after having no such disqualifying class I violations for a period of 2 years.

Agricultural Education

Present Situation

Required Instruction

The mission of Florida's Early Learning-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities.[126] Each district school board must provide appropriate instruction to ensure that students meet SBE adopted standards in the following

[126] Section 1000.03(4), F.S.

subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.[127]

Instructional staff of public schools, subject to the rules of the SBE and the district school board, must provide instruction in:

- The history and content of the Declaration of Independence.
- The history, meaning, significance, and effect of the provisions of the Constitution of the United States.
- The arguments in support of adopting our republican form of government.
- Flag education, including proper flag display and flag salute.
- The elements of civil government.
- The history of the United States.
- The history of the Holocaust.
- The history of African Americans.
- The elementary principles of agriculture.
- The effects of alcoholic and intoxicating liquors and beverages and narcotics.
- Kindness to animals.
- The history of the state.
- The conservation of natural resources.
- Comprehensive age-appropriate and developmentally appropriate K-12 instruction on health education and life skills.
- The study of Hispanic contributions to the United States.
- The study of women's contributions to the United States.
- The nature and importance of free enterprise to the United States economy.
- Civic and character education.
- The sacrifices that veterans and Medal of Honor recipients have made serving the country.[128]

Agricultural Education in Florida

To help support students interested in the agricultural industry in Florida, the DOE created nine middle school courses focused on careers in the agricultural field, ranging from the "Exploration of Agriscience" to the "Introduction to Agriculture, Food and Natural Resources." At the secondary level, the DOE created 18 courses and programs ranging from "Agricultural Biotechnology" to "Food Science Applications."[129] In 2022-2023 school year, there were 640 Secondary CTE Programs in Agriculture, Food and Natural Resources. Florida standards and benchmarks related to agriculture are limited to ancient and modern society, and do not address agriculture in Florida. The following are current benchmarks related to the impact agriculture has had on society:

[127] Section 1003.42(1), F.S.
[128] Section 1003.42(2), F.S.
[129] Florida Department of Education, *2025-26 CTE Curriculum Frameworks: Agriculture Food & Natural Resources,* https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2025-26-frameworks/, (last visited Feb. 6, 2026).

- Compare the lifestyles of hunter-gatherers with those of settlers of early agricultural communities.[130]
- Explain how the physical landscape has affected the development of agriculture and industry in the ancient world.[131]
- Describe how the developments of agriculture and metallurgy related to settlement, population growth, and the emergence of civilization.[132]
- Describe the agricultural and technological innovations that led to industrialization in Great Britain and its subsequent spread to continental Europe, the United States and Japan.[133]

Effects of Proposed Changes

Required instruction: Elementary Principles of Agriculture

The bill amends s. 1003.42(2)(j), F.S., to expand and specify the required instruction in the elementary principles of agriculture and to direct the DOE to develop supporting standards and curriculum resources. Specifically, the bill:

- Requires that the agriculture component include, at a minimum:
  - The history of agriculture nationally and in Florida;
  - The economic and societal impact of agriculture; and
  - The various agricultural industry sectors.
- Requires the DOE, in collaboration with the Department of Agriculture and Consumer Services and the UF's Institute of Food and Agricultural Sciences (UF/IFAS), to prepare and offer standards and a curriculum for the agriculture instruction required by the bill.
- Authorizes the DOE to seek input from state or nationally recognized agricultural educational organizations in developing the standards and curriculum.
- Authorizes the DOE to contract with state or nationally recognized agricultural educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

[130] Florida Department of Education, *Florida's State Academic Standards Social Studies 2024* (2024) at 56, *available at* https://cpalmsmediaprod.blob.core.windows.net/uploads/docs/standards/best/ss/ss_standardsbook_bc_240417_finalada.pdf, (last visited Feb. 6, 2026). This standard is included in Grade 6 World History.
[131] Florida Department of Education, *Florida's State Academic Standards Social Studies 2024* (2024) at 64, *available at* https://cpalmsmediaprod.blob.core.windows.net/uploads/docs/standards/best/ss/ss_standardsbook_bc_240417_finalada.pdf, (last visited Feb. 6, 2026). This standard is included in Grade 6 Geography.
[132] Florida Department of Education, *Florida's State Academic Standards Social Studies 2024* (2024) at 56, *available at* https://cpalmsmediaprod.blob.core.windows.net/uploads/docs/standards/best/ss/ss_standardsbook_bc_240417_finalada.pdf, (last visited Feb. 6, 2026). This standard is included in Grade 6 World History.
[133] Florida Department of Education, *Florida's State Academic Standards Social Studies 2024* (2024) at 132, *available at* https://cpalmsmediaprod.blob.core.windows.net/uploads/docs/standards/best/ss/ss_standardsbook_bc_240417_finalada.pdf, (last visited Feb. 6, 2026). This standard is included in Grades 9-12 World History.

Florida Graduation Requirements

Present Situation

Florida's graduation requirements for receiving a standard high school diploma are outlined in statute.[134] Florida students entering grade nine may choose from one of five options to earn a standard diploma. The five options are:[135]

- 24-credit program.
- 18-credit program, Academically Challenging Curriculum to Enhance Learning or ACCEL.
- A Career and Technical Education (CTE) Pathway.
- 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 nineth grade in 2023-2024 or later must earn the following credits:[136]

- 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.[137]
- 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.[138] 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.[139]

[134] Sections 1003.4282, and 1002.3105, F.S.
[135] Florida Department of Education, Student Support Services, *Graduation Requirements*, https://www.fldoe.org/schools/k-12-public-schools/sss/graduation-requirements/ (last visited Jan. 10, 2026).
[136] Section 1003.4282(3), F.S.
[137] Section 1003.4282(3)(f), F.S.
[138] *Id.*
[139] *Id.*

Effect of Proposed Changes

The bill amends s. 1003.4282, F.S., to allow 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 allows completion of 1.0 credit with a grade of "C" or better in a dance techniques course, a significant component of which is activities designed to maintain or improve health-related fitness and lifelong fitness, to satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts.

Graduation Alternative to Traditional Education Program

Present Situation

Created within the DOE, the Graduation Alternative to Traditional Education (GATE) Program offers a unique opportunity for students who have left high school to get back on track. Designed for students aged 16 to 21, GATE provides a pathway to earn valuable career education credentials while also completing a standard high school diploma or its equivalent.

Through the GATE program, students can enroll in a CTE program and an Adult Secondary Education (ASE) program simultaneously. Eligible ASE programs include Adult High School or GED® Preparation. Participants will work towards earning both a high school diploma and a credential from a Career Education Program on the Master Credential list in their chosen career field. Students have up to three years to complete the GATE Program.[140]

To be eligible for participation in the GATE Program, a student must:

- Not have earned a standard high school diploma or a high school equivalency diploma before enrolling in the GATE Program.
- Have been withdrawn from high school.
- Be a resident of the state for tuition purposes.
- Be 16 to 21 years of age at the time of initial enrollment, and if 16 or 17 years of age, have withdrawn from school enrollment pursuant to certain requirements and safeguards.[141]
- Select the adult secondary education program and career education program of his or her choice at the time of admission to the GATE Program, provided that the career education program is included on the Master Credentials List. The student must remain in their chosen pathway after enrollment, except that, if necessary, the student may enroll in an adult basic education program prior to enrolling in the adult secondary education program.
- Maintain a 2.0 grade point average (GPA) for CTE coursework.
- Complete the adult secondary education program and the career education program within three years unless the institution determines that an extension is warranted due to extenuating circumstances.[142]

[140] Section 1004.933, F.S. and Florida Department of Education, Adult Education, *Graduation Alternative to Traditional Education (GATE) Program*, https://www.fldoe.org/academics/career-adult-edu/adult-edu/gate.stml (last visited Feb. 6, 2026).
[141] Section 1003.21(1), F.S.
[142] Section 1004.933(4), F.S.

GATE Startup Grant Program

DOE administers the GATE Startup Grant Program and determines eligibility and distributes grant awards, subject to legislative appropriation. The grant program is intended to support startup and implementation of the GATE Program.

An eligible institution for the GATE Startup Grant Program includes a school district career center, a charter technical career center, or a Florida College System institution that offers the GATE Program. DOE may solicit proposals only from institutions that do not offer programs meeting the requirements of the GATE Program.[143]

An institution solicited under the grant program must be located in or serve a rural area of opportunity designated by the Governor.[144] The Governor may designate a rural community, or a region composed of rural communities, as a rural area of opportunity under the statutory definition in Section 288.0656(2)(d), Florida Statutes.[145]

DOE must prioritize grant proposals that co-locate adult basic education, adult secondary education, and career education programs, or that allow program completion through distance learning. An applicant may not receive more than 10 percent of the total amount appropriated for the grant program.

DOE must make the grant application available to potential applicants no later than August 15, 2024. A grant proposal must include specified program, enrollment, credential, cost, outreach, and implementation information. A credential associated with the proposed career education program must be included on the Master Credentials List.[146]

Grant funds may be used for planning activities and other expenses associated with creation of the GATE Program, including certain instructional, personnel, and student services costs. Grant funds may not be used for indirect costs.[147]

Effects of Proposed Changes

Graduation Alternative to Traditional Education (GATE) Program

The bill amends s. 1004.933, F.S., to expand program delivery options for participating institutions and to revise eligibility and program participation requirements for students in the GATE Program. Specifically, the bill:

- Authorizes an eligible institution to enter into an agreement with an online provider for the adult education or career instruction portion of the program if the provider's content and services align with the state career and adult education curriculum frameworks.
- Revises the age eligibility requirement by providing that a student must be at least 16 years of age at the time of initial enrollment, rather than limiting eligibility to students ages 16 through 21, while retaining the requirement that a 16- or 17-year-old must have withdrawn from school enrollment pursuant to specified withdrawal safeguards.

[143] Section 1011.804, F.S.
[144] Section 1011.804(3), F.S.
[145] Section 288.0656(2)(d), F.S.
[146] Sections 445.004(4) and 1011.804(5)(d), F.S.
[147] Section 1011.804(6), F.S.

- Clarifies program participation by providing that a student is not required to enroll in adult secondary education and career education program coursework simultaneously.

GATE Startup Grant Program

The bill amends s. 1011.804, F.S., to revise eligibility, application administration, and allowable costs under the GATE Startup Grant Program by:

- Replacing the existing rural eligibility reference with a cross-reference to the statutory definition of "rural area of opportunity" in s. 288.0656(2)(d), F.S.
- Clarifying that an institution "serves" a rural area of opportunity when its service area includes one or more counties or municipalities included within a rural area of opportunity, and specifying that an institution's principal place of business, main campus, or administrative offices need not be located in a rural area of opportunity to satisfy the service requirement.
- Authorizing DOE to award grants to:
  - An institution that does not offer programs meeting the requirements of the GATE Program to support startup and implementation activities.
  - An institution that offers programs meeting the requirements of the GATE Program, limited to costs authorized for the program and excluding new construction, structural expansion, and major renovation.
- Revising the application availability deadline from a single date to an annual requirement applicable to each year in which funds are appropriated for the program.
- Requiring a grant proposal to include documentation identifying the counties or municipalities in the institution's service area that fall within a rural area of opportunity.
- Expanding allowable direct costs by authorizing grant funds for GATE Program implementation expenses and specified startup-related costs, including minor facility modifications necessary to install or operate instructional equipment and marketing and outreach activities to recruit and enroll eligible students.

Eligibility for Educator Certification

Present Situation

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals. State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers, through which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.[148]

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:

[148] Section 1004.04, F.S. *See* Florida Department of Education, *Educator Preparation*, http://www.fldoe.org/teaching/preparation (last visited Feb. 6, 2026). *See also* Rule 6A-5.066, F.A.C.

- Initial Teacher Preparation programs in public and private colleges and universities that require candidates to demonstrate mastery of subject area knowledge[149] in one or more specific subject areas, mastery of general knowledge,[150] and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.
- Educator Preparation Institutes (EPIs) that offer alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, subject-area knowledge, and professional preparation and education competence.
- District professional learning certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts, through which instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.[151]

Educator Preparation Institute Participant Criteria

Each EPI participant must:

- Meet certification application requirements, including obtaining a statement of eligibility, established in law, and meet all basic eligibility requirements for an educator certificate before participating in field experiences. Generally, a student must receive a statement of eligibility for a certificate prior to enrollment in an EPI.
- Demonstrate competency and participate in field experiences that are appropriate to the participant's educational plan, including completion of all competencies for a reading endorsement when seeking certification in a certificate area that includes reading instruction or interventions in kindergarten through grade six.
- Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting.
- Achieve a passing score on the professional education competency examination,[152] the General Knowledge Test, and the subject area examination for the subject area certification, as required by the SBE rule.[153]

[149] Florida Department of Education, *Subject Area Knowledge*, https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.stml (last visited Feb. 6, 2026).
[150] Florida Department of Education, *General Knowledge*, https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml (last visited Feb. 6, 2026).
[151] Florida Department of Education, *Educator Preparation*, http://www.fldoe.org/teaching/preparation (last visited Feb. 6, 2026). *See also* Rule 6A-5.066, F.A.C.
[152] Section 1012.56(7)(a)3., F.S. An individual who completes an educator preparation institute and is rated highly effective by his or her performance evaluation is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.
[153] Section 1004.85(3)(b), F.S.

Educator Certification

To serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, a person must hold a certificate issued by the DOE.[154] 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."[155]

To be eligible for an educator certificate, a person must meet the following basic eligibility requirements:

- 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 non-accredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree and have attained at least a 2.5 overall grade point average in the applicant's major field of study;[156]
- 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; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.[157]

Effect of proposed Changes

Postsecondary Educator Preparation Institutes: Eligibility

The bill amends s. 1004.85(3)(b), F.S., to revise the requirements for participants in competency-based certification programs offered by educator preparation institutes by clarifying what a statement of status of eligibility must reflect and by allowing earlier enrollment and coursework completion while a participant seeks that statement. Specifically, the bill:

- Revises the requirement related to obtaining a statement of status of eligibility by specifying that the statement must determine that the participant is eligible for a certificate in the certification subject area of the participant's educational plan.
- Authorizes an educator preparation institute to allow a program participant to enroll in and complete coursework while the participant is working to obtain the required statement of status of eligibility indicating eligibility for a certificate in the certification subject area of the educational plan.

Instructional Personnel

Present Situation

Salary Schedules and Collective Bargaining

District school boards are required to designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and

[154] Sections 1012.55(1) and 1002.33(12), F.S.
[155] Section 1012.54, F.S. See Rule 6A-4.001(1), F.A.C
[156] Rule 6A-4.003(2), F.A.C.
[157] Section 1012.56(2), F.S.

dismissal of employees. Additionally, school districts are required to develop a compensation and salary schedule that includes:

- A grandfathered salary schedule for employees hired before July 1, 2014, which must base a portion of compensation on performance under the district's evaluation system and provide differentiated pay for instructional personnel and school administrators based on district-determined factors such as additional responsibilities, school demographics, high-need areas, and job difficulty.
- A performance salary schedule for employees hired on or after July 1, 2014, or employees who opt out of the grandfathered schedule, which must provide annual salary adjustments for instructional personnel and school administrators based on their performance evaluations.[158]

In addition to establishing grandfathered and performance salary schedules, district school boards must provide salary adjustments and supplements consistent with law. A salary adjustment is an increase to an employee's base salary that becomes part of permanent compensation, while a supplement is an annual addition to base salary that does not become part of the continuing base salary but is treated as compensation for retirement purposes.[159]

School districts are prohibited from using advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.[160]

School districts engage in collective bargaining with employee unions, but certain responsibilities cannot be negotiated away. Collective bargaining agreements cannot prevent a school district from exercising its authority regarding:

- Providing incentives to effective and highly effective teachers.
- Implementing intervention and support strategies to address low student performance and improve academic outcomes and attendance.
- Implementing student discipline policies, including reviewing a student's abilities, past performance, behavior, and needs.
- Implementing school safety plans and requirements.
- Implementing staff and student recognition programs.
- Distributing correspondence to parents, teachers, and the community related to daily school and district operations.
- Providing any required notices or copies of information related to district school board or district operations, which is readily available on the school district's website.
- The school district's calendar.[161]

Classroom Teacher and Other Instructional Personnel Salary Increase Allocation

The Legislature annually provides an FEFP allocation to support school district and charter school compliance with the minimum base salary requirement for full-time classroom teachers

[158] Section 1012.22(1), F.S.
[159] Section 1012.22(1)(c)1.a. and g., F.S.
[160] Section 1012.22(1)(c), F.S.
[161] Section 1012.22(3), F.S.

and certified prekindergarten teachers funded through the FEFP, or to provide salary increases to instructional personnel.[162] The allocation does not apply to substitute teachers. The amount of the allocation and the distribution methodology are specified in the General Appropriations Act. School districts and charter schools implementing the allocation must:[163]

- Use the lowest annual base salary on the full-time classroom teacher salary schedule as the minimum base salary.
- Pay a full-time classroom teacher no less than the minimum base salary, as adjusted by the allocation.
- Maintain the minimum base salary achieved in the prior fiscal year.
- Not reduce the salary increases in any subsequent fiscal year.
- Develop a salary distribution plan before distributing any additional funds received over the prior fiscal year.
- Submit the proposed plan to the district school board or charter school governing body for approval.
- Submit the approved district plan and each approved charter school plan in the district to the Department of Education (DOE) by October 1 of each fiscal year.
- Report to DOE beginning August 1, 2024, and annually thereafter, the district's prior-year expenditures under the allocation in a DOE-specified format, including the minimum base salary increase and specified salary schedule information.
- Provide charter school information to the district school board for inclusion in the district report.
- Use the allocation solely to comply with the subsection requirements, notwithstanding wage bargaining.
- Provide written notice to DOE or the district school board, as applicable, if a collective bargaining impasse prevents timely reporting, including reasons and a proposed resolution timeline.

Teacher Apprenticeship Program

In 2023, the legislature created the Teacher Apprenticeship Program (TAP).[164] The TAP was created as an alternative pathway for an individual to enter the teaching profession. The DOE is required to administer the program in accordance with legislative intent regarding apprenticeship training[165] provided for in law.

To meet the minimum eligibility requirements to participate in the TAP, a candidate must have:

- Earned an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average (GPA) of 2.5 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate.[166]

[162] Section 1011.64(14), F.S.
[163] Section 1011.62(14), F.S.
[164] Ch. 2023-38, s. 6, Laws of Fla.
[165] Section 446.011, F.S. provides that it is the intent of the State of Florida to provide educational opportunities for its residents so that they can be trained for trades, occupations, and professions suited to their abilities; to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills.
[166] Section 1012.555(2), F.S.

As a condition of participating in the TAP, an apprentice teacher must be appointed by the district school board as an education paraprofessional and must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law[167] and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.[168]

Effect of Proposed Changes

Salary Schedules and Collective Bargaining

The bill modifies s. 1012.22, F.S., to specify that collective bargaining may not preclude a district from:

- Providing salary supplements to address identified high demand teacher needs.
- Implementing the salary increase and salary distribution plan under the allocation for the salary increase for classroom teachers and other instructional personnel.

Teacher Apprenticeship Program

The bill modifies s. 1012.555, F.S., to expand eligibility for the TAP by authorizing individuals who are working in the district as a paraprofessional but not necessarily employed through the district, to enroll in the TAP. This would allow paraprofessionals who are contracted by the district through a staffing agency to qualify as a teacher candidate.

Computer Science Educator Certification

Present Situation

Computer Science Instruction and Access

Public schools provide opportunities for computer science instruction in grades K-12, including identified courses in middle and high school. The DOE identifies computer science courses in the Course Code Directory and publishes the list for districts. Florida Virtual School offers the identified courses, and districts that do not offer a listed course provide student access through an authorized mechanism.[169]

Course Code Directory and Staffing

The Course Code Directory and Instructional Personnel Assignments lists each course and the certificates or endorsements that may staff that course. The SBE adopts the directory by rule each year, and districts use the listed assignments to confirm that instructional personnel hold an appropriate coverage for scheduled courses.[170]

[167] "Team teaching" or "co-teaching" means two or more teachers are assigned to a group of students and each teacher is responsible for all the students during the entire class period. Section 1003.03(5) (c), F.S.
[168] Section 1012.555(2), F.S.
[169] Section 1007.2616, F.S.
[170] Rule 6A-1.09441, F.A.C.

Educator Certification Framework and Examinations

Educator certification includes demonstration of subject area knowledge aligned to state academic standards, with competencies and passing scores adopted by rule.[171] The Florida Teacher Certification Examinations (FTCE) are set in rule, including incorporation of competencies, scoring, and passing standards.[172]

Assessment Characteristics and Outcomes for Computer Science K–12

The FTCE for Computer Science K–12 subject area certification is approximately 80 multiple-choice questions, and the applicant has up to 2 hours and 30 minutes of testing time.[173] The applicant must answer 71 percent correct to achieve a passing score.[174] Statewide 2024 pass rates for the FTCE Computer Science K–12 were 39 percent on first attempts, 38 percent on retake attempts, and 39 percent across all attempts.[175]

Elementary Course Emphasis and Exam Domains

Elementary computer science course descriptions emphasize early computational thinking and age-appropriate skills, while several domains assessed on the FTCE reflect secondary-level content:

- K–5 course descriptions focus on digital citizenship, algorithmic problem solving, data recognition, and introductory or block-based programming integrated with core subjects.[176]
- FTCE competency materials include domains such as digital communications features, HTML and web concepts, privacy and security threats, computing history, and pedagogy.[177]
- Elementary course descriptions do not include HTML authoring or detailed networking and security content as K–5 outcomes, indicating limited overlap with those assessed domains at the elementary grade band.

Effects of Proposed Changes

Computer Science and Technology Instruction

The bill amends s. 1007.2616, F.S., to add requirements for computer science subject area coverages, competencies, and examinations, and to establish timelines for development and implementation. Specifically, the bill:

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[171] Section 1012.56(4)–(5), F.S.
[172] Section 1012.56(10); Rule 6A-4.0021, F.A.C.
[173] Florida Teacher Certification Examinations, *Computer Science K–12 (005) Test Information Guide*, https://www.fl.nesinc.com/FL_prepBlueprints.asp (select "Computer Science K–12 (005)" or use the worksheet selector a (last visited Feb 6, 2026).
[174] Florida Department of Education, *FTCE/FELE Maximum Percentages of Correct Answers Needed to Achieve a Minimum Passing Score,* updated October 1, 2025, effective January 1, 2026, *available at* https://www.fldoe.org/file/7664/FTCEFELEMaxPercentTable.pdf (last visited Feb. 6, 2026).
[175] Florida Department of Education, *FTCE/FELE 2024 Annual Administration and Technical Report*, Appendix B, *available at* https://www.fldoe.org/file/5164/AnnualTechReport.pdf (last visited Feb. 6, 2026).
[176] Florida Department of Education, *Computer Science Course Information 2025–2026, available at* https://www.fldoe.org/file/7746/2526CompSci.pdf (last visited Feb. 6, 2026).
[177] Florida Teacher Certification Examinations, *Competencies and Skills for Computer Science K–12 (005),* https://www.fl.nesinc.com/FL_prepBlueprints.asp (select "Computer Science K–12 (005)" or use the worksheet selector at https://www.fl.nesinc.com/FL_prepWorksheet.asp (last visited Feb. 6, 2026).

- Requires the SBE, by rule, to establish or maintain the following computer science subject area coverages:
  - Computer science (grades K–5);
  - Computer science (grades 6–12); and
  - Computer science (grades K–12).
- Requires the SBE, by rule, to adopt competencies and skills and designate corresponding examinations for each of the specified coverages.
- Requires the comprehensive computer science (grades K–12) coverage and its examination to remain available unless amended by rule of the SBE.
- Requires the DOE to present recommended competencies and skills for the grades K–5 and grades 6–12 coverages to the SBE for approval by September 1, 2026.
- Requires the DOE, after SBE approval, to coordinate development, piloting, and standard-setting for the grades K–5 and grades 6–12 examinations, and requires that both examinations be available for administration by January 1, 2028.

Safe School Officers

Present Situation

Each district school board and superintendent must ensure that one or more safe-school officers are assigned to every public school facility in the district, including charter schools, and may use any combination of the statutory options to meet this requirement.[178] Safe-school officer options include:

- *School resource officer (SRO).* A district may establish an SRO program by agreement with a law enforcement agency; SROs must be certified law enforcement officers, undergo criminal background checks, drug testing, and a psychological evaluation, abide by district policies, and coordinate with the principal while remaining employees of the law enforcement agency.[179]
- *School safety officer*. A district may commission one or more school safety officers who are certified law enforcement officers employed by a law enforcement agency or by the district; safety officers have arrest authority on school property and authority to carry weapons while on duty.[180]
- *School guardian*. A district or charter governing board may participate in the state guardian program; eligible employees who complete the statutory requirements and are certified by the sheriff may serve as school guardians.[181]
- *School security guard*. A district or charter governing board may contract with a licensed security agency to provide a school security guard who holds Class "D" and Class "G" licenses and meets statutory training, screening, approval, and ongoing qualification requirements.[182]

[178] Section 1006.12, F.S.
[179] Section 1006.12(1)(a)–(b), F.S.
[180] Section 1006.12(2), F.S.
[181] Section 1006.12(3), F.S.; s. 30.15(1)(k), F.S.
[182] Section 1006.12(4)(a)–(c), F.S.; Chapter 493, F.S.

Effect of Proposed Changes

The bill amends s. 1006.12, F.S., to clarify that the authority of a school district or charter school to implement any one of the four safe school officer options overrides any local ordinance or development order.

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 the Department of Education (DOE), which may include:

- Contracting with state or nationally recognized agricultural education organizations to develop training and grade-appropriate classroom resources for required instruction in the elementary principles of agriculture, to the extent DOE contracts for those services.

- Coordinating development, piloting, and standard-setting for computer science subject area examinations for grade-band coverages, with exams available for administration by January 1, 2028.

The bill requires the Department of Education (DOE) to develop algebra courses. In order to implement the bill, the DOE estimated it would need $698,693, which includes salary and benefits for five new positions and funding to support workgroup operations such as travel, lodging, meeting space and related operating expenses.

The bill also requires the DOE to collaborate with the Lastinger Center for Learning to recommend to the Legislature an individualized, adaptive artificial intelligence tool to support mathematics instruction in kindergarten through grade 12. The costs for developing such recommendations can be absorbed within existing resources.

The bill authorizes school districts to choose to offer one or more applied algebra courses in lieu of Algebra I. If any school district chooses to offer one of the courses developed by the DOE, then the DOE is required to provide professional development, instructional resources, and technical assistance to support district implementation.[183]

If every eligible child participated, the bill may increase Voluntary Prekindergarten Education Program (VPK)-related expenditures by an estimated $2.2 million due to expanding the summer bridge eligibility by changing the final coordinated screening and progress monitoring threshold from below the 10th percentile to below the 25th percentile.

Institutions participating in the Graduation Alternative to Traditional Education (GATE) Program may incur costs if they choose to enter agreements with online providers for the adult education or career instruction portion of the program. Removing the upper age limit for initial eligibility may increase participation, with an indeterminate fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.81, 1001.42, 1002.20, 1002.33, 1002.42, 1002.67, 1002.68, 1002.71, 1002.945, 1003.42, 1003.4282, 1003.5716, 1004.85, 1004.933, 1006.12, 1007.2616, 1008.25, 1008.2125, 1008.33, 1010.20, 1011.14, 1011.69, 1011.71, 1011.73, 1011.804, 1012.22, 1012.555, F.S.

[183] Department of Education, *Senate Bill 920 Fiscal Analysis* (Dec. 19, 2025) (on file with the Senate Appropriations Committee on Pre-K-12 Education).

This bill creates section 1003.4936 of the Florida Statutes.

This bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Rules on February 24, 2026:

The committee substitute:

- Exempts district school boards from ch. 120 rulemaking requirements when adopting rules with public input at a public meeting.
- Revises VPK attendance policy for district-operated programs.
  - Removes monthly parent verification and related form collection and retention requirements for districts and public schools.
  - Emphasizes automated, electronic submission of attendance information.
  - Authorizes use of a district automated daily attendance system to maintain and transmit attendance records to the early learning coalition in a mutually agreed format.
  - Requires the district to certify accuracy of attendance data submitted to the statewide single point of entry.
- Authorizes a dance techniques course with a significant health and lifelong fitness component to satisfy the 1.0 credit in physical education or performing arts for a standard high school diploma.
- Authorizes two years of marching band to satisfy both the physical education and performing arts credits required for high school graduation.
- Clarifies that, notwithstanding local ordinances or development orders, a school district or charter school may implement any combination of authorized safe-school officer options to meet district and charter school needs.
- Updates school improvement requirements.
  - Prohibits requiring student learning growth as the sole determinant when recruiting instructional personnel.
  - Requires SBE rule timelines for approval of specified improvement and turnaround plans and for release of Title I school improvement funds.
  - Requires release of Title I school improvement funds within 20 calendar days after plan approval.
- Requires each charter school to receive and respond to DOE monitoring questions.
- Expands allowable 1-year obligations to include educational plants, ancillary plants, and auxiliary facilities.
- Revises the 1.5 mill discretionary levy authority.
  - Authorizes proceeds for district schools to be used for operational or capital purposes.
  - Deletes the per-student additional spending authority and deletes the related FEFP reduction penalty.

- Adds to the list of items collective bargaining may not preclude a school board from carrying out by including providing salary supplements and implementing required teacher salary increases and the related salary distribution plan.
- Revises Teacher Apprenticeship Program eligibility so the paraprofessional condition may be satisfied by appointment or by working in the district as an education paraprofessional.
- Provides additional parental notice and access related to IEP services.
  - Requires the district to notify the parent or guardian within 10 school days if a related service in a student's IEP is not provided as scheduled.
  - Requires the notice to explain why the service was not provided and address a make-up services plan.
  - Authorizes the parent or guardian, upon request, to access service provider logs or progress notes within 15 school days after the service is provided.
  - Requires the district to inform parents of this right at each IEP meeting.
- Expands where private schools may locate or expand by allowing use and, in limited cases, new construction on certain properties under existing zoning and land use designations, subject to applicable health and safety requirements.
- Treats small private schools as a permitted use in commercial or mixed-use zoning without rezoning or special approvals, and limits local conditions to proportionate traffic and pedestrian safety mitigation, with a traffic study option.
- Allows small private schools to use certain existing building occupancies if they meet state fire-code educational occupancy standards, provides an express injunctive relief remedy for local noncompliance, and authorizes State Fire Marshal rulemaking.
- Limits provider and public school curriculum discretion if the provider or school fails to meet the minimum performance metric score or designation. For a provider that fails to meet the minimum performance standard, the amendment:
  - Requires the DOE review and approval process to include both commercially available curricula and proprietary curricula not available for purchase
  - Authorizes DOE to review and approve, outside the regular process, a proprietary or commercially available curriculum used by a provider or district operating VPK in more than 5 distinct locations
  - Requires DOE to approve or deny a request within 60 days after receipt
  - Prohibits submitting an outside-process request within 120 days before the opening of the regular review process
  - Requires a curriculum approved outside the regular process that is available for purchase to be added to the DOE approved list.

CS by Appropriations Committee on Pre-K – 12 Education:
The committee substitute removes from the bill provisions that would:

- Remove school district authority to use of temporary door-locking devices on certain school doors.
- Authorize school districts to purchase certain instructional materials developed by or under the direction of the Department of Education.

The committee substitute adds to the bill a section revising the GATE Startup Grant Program to:

- Redesignate “rural area of opportunity” by cross-reference to the statutory definition in s. 288.0656(2)(d), F.S.
- Clarify that institutions that serve areas designated as a rural area of opportunity are eligible for the GATE Startup Grant Program.
- Authorize grant awards to eligible institutions that are establishing a new GATE Program or implementing an existing GATE Program.
- Authorize the Department of Education to accept grant applications annually for each year in which funds are appropriated.
- Expand allowable direct costs to include implementation costs and specified startup-related expenses, including:
  - Minor facility modifications and classroom supplies for program delivery.
  - Marketing and outreach related to participant recruitment and engagement.

The committee substitute includes a technical clarification that students with only a substantial deficiency in math are not subject to the provision of the bill requiring parents to be notified about eligibility for the New Worlds Reading Initiative.

B. Amendments:

None.

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

515704

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(a) District school boards are not subject to the requirements for rules in this chapter when making and adopting rules with public input at a public meeting. Notwithstanding s.

515704

120.536(1) and the flush left provisions of s. 120.52(8), district school boards may adopt rules to implement their general powers under s. 1001.41.

Section 2. Subsection (21) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(21) EDUCATIONAL EMERGENCY.—To free schools that have ~~with~~ a school grade of "D" or "F" or are persistently low-performing schools as described in s. 1002.333 from contract restrictions that limit the school district's ~~school's~~ ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with the autonomy described in s. 1012.28(8). For purposes of this subsection, an educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F~~.~~" or are persistently low-performing schools as described in s. 1002.333. Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

(a) Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.

(b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more

equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.

Section 3. Paragraph (i) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(i) *Epinephrine use and supply.*—

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry a United States Food and Drug Administration (FDA)-approved ~~an~~ epinephrine delivery device ~~auto-injector~~ and self-administer epinephrine by such FDA-approved delivery device ~~auto-injector~~ while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of FDA-approved epinephrine delivery devices which must ~~auto-injectors~~ ~~that shall~~ include provisions to protect the safety of all students from the misuse or abuse of such delivery devices ~~auto-injectors~~. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an

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FDA-approved epinephrine delivery device ~~auto-injector~~ for any and all liability with respect to the student's use of an FDA-approved epinephrine delivery device ~~auto-injector~~ pursuant to this paragraph.

2. A public school may purchase a supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the public school's premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer ~~an~~ epinephrine by an FDA-approved delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by FDA-approved delivery device ~~auto-injector~~ under subparagraph 1. or trained school personnel.

3. The school district and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of such ~~an~~ epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an

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anaphylactic reaction:

a. Unless the trained school personnel's action is willful and wanton;

b. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and

c. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

Section 4. Paragraph (c) of subsection (7) and paragraph (e) of subsection (10) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract or proposed virtual charter contract that differs from the standard charter or virtual charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that

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violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) have been expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a "B" pursuant to s. 1008.34 in the most recently graded school year must be renewed for no less than a 5-year term except as provided in paragraph (9)(n). In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming, which may include academic performance measured by school improvement ratings, and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. must be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in the most recently graded school year and that is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

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(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a progress monitoring plan for at least one semester before dismissing such student from the school. A student may not be dismissed based on academic performance while a school is implementing a school improvement plan pursuant to paragraph (9)(n) or corrective action plan

pursuant to s. 1002.345.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

8. Students whose parent or legal guardian is employed within a reasonable distance of the charter school, as described in paragraph (20)(c). The students who are eligible for enrollment are subject to a random lottery.

Section 5. Subsection (17) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(17) EPINEPHRINE SUPPLY.—

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(a) A private school may purchase a supply of United States Food and Drug Administration (FDA)-approved epinephrine delivery devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the private school's premises. The participating private school shall adopt a protocol developed by a licensed physician for the administration by private school personnel who are trained to recognize an anaphylactic reaction and to administer epinephrine by an FDA-approved epinephrine delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by an FDA-approved delivery device ~~auto-injector~~ under s. 1002.20(3)(i) or trained school personnel.

(b) The private school and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of an FDA-approved epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. Unless the trained school personnel's action is willful and wanton;

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2. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and

3. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

Section 6. Subsection (3), paragraph (e) of subsection (4), paragraph (a) of subsection (5), and paragraph (e) of subsection (6) of section 1002.68, Florida Statutes, are amended to read:

1002.68 Voluntary Prekindergarten Education Program accountability.—

~~(3)(a) For the 2020-2021 program year, the department shall calculate a kindergarten readiness rate for each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program based upon learning gains and the percentage of students assessed as ready for kindergarten. The department shall require that each school district administer the statewide kindergarten screening in use before the 2021-2022 school year to each kindergarten student in the school district within the first 30 school days of the 2021-2022 school year. Private schools may administer the statewide kindergarten screening to each kindergarten student in a private school who was enrolled in the Voluntary Prekindergarten Education Program. Learning gains shall be determined using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment in use before the 2021-2022 program year. However, a provider may not be newly placed~~

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~~on probationary status under this paragraph. A provider currently on probationary status may only be removed from such status if the provider earns the minimum rate, determined pursuant to subsection (5). The methodology for calculating a provider's readiness rate may not include students who are not administered the statewide kindergarten screening.~~

~~(b) For the 2021-2022 program year, kindergarten screening results may not be used in the calculation of readiness rates. Any private prekindergarten provider or public school participating in the Voluntary Prekindergarten Education Program which fails to meet the minimum kindergarten readiness rate for the 2021-2022 program year is subject to the probation requirements of subsection (5).~~

(3) ~~(4)~~

(e) Subject to an appropriation, the department shall provide for a differential payment to a private prekindergarten provider and public school based on the provider's designation. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent student under s. 1002.71 attending in the consecutive program year for that program. A private prekindergarten provider or public school may not receive a differential payment if it receives a designation of "proficient" or lower. ~~Before the adoption of the methodology, the department shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval from the State Board of Education for the final recommendations on the designation system and differential payments.~~

(4)(a) ~~(5)(a)~~ If a public school's or private

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prekindergarten provider's program assessment composite score for its prekindergarten classrooms fails to meet the minimum program assessment composite score for contracting adopted in rule by the department, the private prekindergarten provider or public school may not participate in the Voluntary Prekindergarten Education Program beginning in the consecutive program year and thereafter until the public school or private prekindergarten provider meets the minimum composite score for contracting. A public school or private prekindergarten provider may request one program assessment per program year in order to requalify for participation in the Voluntary Prekindergarten Education Program, provided that the public school or private prekindergarten provider is not excluded from participation under ss. 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), or paragraph (b) ~~(5)(b) of this section~~. If a public school or private prekindergarten provider would like an additional program assessment completed within the same program year, the public school or private prekindergarten provider shall be responsible for the cost of the program assessment.

(5)~~(6)~~

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under paragraph (4)(b) ~~(5)(b)~~ until the provider or school meets the minimum performance metric.

Section 7. Paragraph (b) of subsection (6) and subsection (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(6)

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(b)1. Each private prekindergarten provider's ~~and district school board's~~ attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the private prekindergarten provider ~~or public school~~ on forms prescribed by the department. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the private prekindergarten provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child, ...(Name of Student)..., attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose ...(Name of Provider or School)... to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

...(Signature of Parent)...
...(Date)...

3. The private prekindergarten provider ~~or public school~~ must keep each original signed form for at least 2 years. Each

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private prekindergarten provider must permit the early learning coalition~~, and each public school must permit the school district,~~ to inspect the original signed forms during normal business hours. The department shall adopt procedures for early learning coalitions ~~and school districts~~ to review the original signed forms against the certified student attendance. The review procedures must ~~shall~~ provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each early learning coalition ~~and the school districts~~ must comply with the review procedures.

(7) The department shall require that administrative expenditures be kept to the minimum necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures must ~~shall be revised~~, to the maximum extent practicable, be revised to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of maintaining and transmitting attendance records to the early learning coalition in a mutually agreed-upon format. Each school district shall certify the correctness of attendance data submitted to the single point of entry system described in paragraph (5)(a) as required by the department. In addition, actions must ~~shall~~ be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Each early learning coalition may retain and expend no more than 5.0 percent of the funds paid by the coalition to

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private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 8. Paragraphs (a) and (d) of subsection (4) of section 1002.945, Florida Statutes, are amended to read:

1002.945 Gold Seal Quality Care Program.—

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, for which the Department of Children and Families determines that the child care provider is the primary cause of the violation within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation for which the Department of Children and Families determines that the child care provider is the primary cause of the violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

~~(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such~~

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~~provider's status is final.~~

Section 9. Paragraph (j) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(j) The elementary principles of agriculture. This component must include, but need not be limited to, the history of agriculture both nationally and specifically to this state, the economic and societal impact of agriculture, and the various agricultural industry sectors. The department, in collaboration with the Department of Agriculture and Consumer Services and the University of Florida's Institute of Food and Agricultural Sciences, shall prepare and offer standards and a curriculum for the instruction required by this paragraph and may seek input from state or nationally recognized agricultural educational organizations. The department may contract with state or nationally recognized agricultural educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection.

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Instructional programming that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraph (u).

Section 10. Paragraph (f) of subsection (3) and subsection (10) 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 requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of 1.0 credit with a grade of "C" or better in a dance techniques course, a significant component of which is activities designed to maintain or improve health-related fitness and lifelong fitness, shall satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or

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the requirement for adaptive physical education under an 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.

(10) CAREER AND TECHNICAL EDUCATION CREDIT.—The Department of Education shall convene a workgroup~~, no later than December 1, 2024,~~ to:

(a) Identify best practices in career and technical education pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.

(b) Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The workgroup shall collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the

corresponding academic programs, postsecondary education, and careers.

1. The mathematics pathways must incorporate the applied algebra courses established under s. 1003.4936 which align the Florida Standards for Algebra I with the career and technical education standards and benchmarks for each designated career cluster.

2. Each mathematics pathway must include at least one course sequence beginning with an applied algebra course aligned to a specific career cluster. The workgroup shall identify additional mathematics courses that follow each applied algebra course and build on the algebraic reasoning, modeling, and quantitative skills introduced through industry-relevant applications. The mathematics pathways may include a plan to create new mathematics courses to complete a pathway.

3. Each mathematics pathway must offer flexibility and the ability to move between pathways if necessary.

4. Mathematics pathways must create clear links between precollege mathematics and college-level mathematics pathways, and support student progression into postsecondary academic programs, state college career and technical education programs, career center programs, industry certification programs, and high-skill, high-wage occupations.

5. The mathematics pathways that incorporate applied algebra courses created under s. 1003.4936(3)(a)1. must be identified no later than September 1, 2027. The mathematics pathways that incorporate applied algebra courses created under s. 1003.4936(3)(a)2. must be identified no later than September 1, 2028. The workgroup shall submit the identified mathematics

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pathways to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 11. Section 1003.4936, Florida Statutes, is created to read:

1003.4936 Applied algebra for career and technical education.—

(1) The Legislature finds that algebra is an important step in a student's mathematics pathway. Algebra is a prerequisite for higher level mathematics courses, and success in algebra is strongly connected with later mathematics success. Establishing an applied algebra course that integrates career and technical education standards equips students with mathematical skills directly connected to real industry practices and increases the relevance of algebra instruction. By contextualizing algebraic concepts within authentic occupational problems, such applied algebra courses improve student engagement, strengthen understanding of core math standards, and better prepare students for high-skill, high-wage careers. Such a course will enable students to pass the Algebra I end-of-course assessment and develop practical skills that support success in Florida's workforce and postsecondary pathways.

(2) The Department of Education shall develop an applied algebra course for each of the established career and technical education career clusters. Each applied algebra course must:

(a) Integrate the career and technical education program standards and benchmarks for the relevant career cluster with the Florida Standards for Algebra I.

(b) Provide students with rigorous, career-relevant mathematical applications that demonstrate the use of algebraic

concepts in authentic industry problems, processes, or settings.

(c) Prepare students to take the statewide, standardized Algebra I end-of-course assessment required under s. 1008.22.

(d) Meet all requirements for a mathematics credit required for high school graduation under s. 1003.4282(3)(b) or for middle grades promotion pursuant to s. 1003.4156(1)(b).

(3)(a) The department shall develop the courses on the following timelines:

1. Applied algebra courses in the following career clusters must be developed and available for school district adoption in the 2027-2028 school year:

a. Agriculture, food, and natural resources.

b. Architecture and construction.

c. Business management and administration.

d. Energy.

e. Engineering and technology education.

f. Finance.

g. Health science.

h. Information technology.

i. Manufacturing.

j. Transportation and distribution logistics.

2. Applied algebra courses in the following career clusters must be developed and available for district adoption in the 2028-2029 school year:

a. Arts, audio-visual technology, and communications.

b. Education and training.

c. Government and public administration.

d. Hospitality and tourism.

e. Human services.

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f. Law, public safety, and security.

g. Marketing, sales, and service.

(b) In grades 6 through 12, school districts may offer one or more applied algebra courses in lieu of Algebra I, and successful completion of the course will satisfy the Algebra I credit requirement for high school graduation or middle grades promotion.

(c) The department shall collaborate with the Board of Governors of the State University System to ensure that each applied algebra course is accepted as a mathematics credit for state university admissions.

(d) The department shall provide professional development, instructional resources, and technical assistance to support school district implementation.

Section 12. Subsection (5) is added to section 1003.5716, Florida Statutes, to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term "IEP" means individual education plan.

(5)

(a) If a related service identified in a student's IEP is not provided as scheduled, the school district must notify the parent or guardian in writing or by electronic means within 10 school days, explain the reason the service was not provided, and discuss a plan for make-up services.

(b) A parent or guardian has the right to access, upon request, all service provider logs or progress notes within 15

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school days after such service is provided. The school district must inform parents of this right at each IEP meeting.

Section 13. Paragraph (b) of subsection (3) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation institutes.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility determining the participant is eligible for a certificate in the certification subject area of the educational plan. An educator preparation institute may allow a program participant to enroll in and complete coursework while the participant is working to obtain the statement of status of eligibility indicating eligibility for a certificate in the certification subject area of the educational plan.

2. ~~and~~ Meet the requirements of s. 1012.56(2)(a)-(f) before participating in field experiences.

3.~~2.~~ Demonstrate competency and participate in field

experiences that are appropriate to his or her educational plan prepared under paragraph (a). Beginning with candidates entering an educator preparation institute in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(f) must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum through the candidate's field experience, in order to graduate from the program.

4.~~3.~~ Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area examination for the subject area certification which is required by state board rule.

Section 14. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 1004.933, Florida Statutes, are amended to read:

1004.933 Graduation Alternative to Traditional Education (GATE) Program.—

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

(b) "Institution" means any ~~a~~ school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21. Any such institution may enter into an agreement with an online provider for the adult education or career instruction portion of the program if such

provider offers instructional content and services that align with the state career and adult education curriculum frameworks.

(4) PAYMENT WAIVER; ELIGIBILITY.—

(b) To be eligible for participation in the GATE Program, a student must:

1. Not have earned a standard high school diploma pursuant to s. 1003.4282 or a high school equivalency diploma pursuant to s. 1003.435 before enrolling in the GATE Program;

2. Have been withdrawn from high school;

3. Be a resident of this state as defined in s. 1009.21(1);

4. Be at least 16 ~~to 21~~ years of age at the time of initial enrollment, provided that a student who is 16 or 17 years of age has withdrawn from school enrollment pursuant to the requirements and safeguards in s. 1003.21(1)(c);

5. Select the adult secondary education program and career education program of his or her choice at the time of admission to the GATE Program, provided that the career education program is included on the Master Credentials List under s. 445.004(4). The student is not required to enroll in adult secondary and career education program coursework simultaneously. The student may not change the requested pathway after enrollment, except that, if necessary for the student, the student may enroll in an adult basic education program prior to enrolling in the adult secondary education program;

6. Maintain a 2.0 GPA for career and technical education coursework; and

7. Notwithstanding s. 1003.435(4), complete the programs under subparagraph 5. within 3 years after his or her initial enrollment unless the institution determines that an extension

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is warranted due to extenuating circumstances.

Section 15. Section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. Notwithstanding any local ordinance or development order, the school district or charter school may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(1) SCHOOL RESOURCE OFFICER.—A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

(a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the

law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. The agreements shall identify the entity responsible for maintaining records relating to training. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2) SCHOOL SAFETY OFFICER.—A school district may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property or on property owned or leased by a charter school under a charter contract, as applicable, and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official

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duties.

(c) School safety officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(d) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(3) SCHOOL GUARDIAN.—

(a) At the school district's or the charter school governing board's discretion, as applicable, pursuant to s. 30.15, a school district or charter school governing board may participate in the Chris Hixon, Coach Aaron Feis, and Coach Scott Beigel Guardian Program to meet the requirement of establishing a safe-school officer. The following individuals may serve as a school guardian, in support of school-sanctioned activities for purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

1. A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a school guardian in addition to his or her official job duties; or

2. An employee of a school district or a charter school who

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is hired for the specific purpose of serving as a school guardian.

(b) Before appointing an individual as a school guardian, the school district or charter school shall contact the Department of Law Enforcement and review all information maintained under s. 30.15(1)(k)3.c. related to the individual.

(c) The department shall provide to the Department of Law Enforcement any information relating to a school guardian received pursuant to subsection (5).

(4) SCHOOL SECURITY GUARD.—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(18) to employ as a school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training conducted by a sheriff pursuant to s. 30.15(1)(k)2.

2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office and school district, charter school governing board, or employing security agency, as applicable. The Department of Law Enforcement is authorized to provide the sheriff's office, school district, charter school governing board, or employing security agency with mental health and substance abuse data for compliance with this paragraph.

3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office, school district, charter school governing board, or employing security agency, as applicable.

4. Be approved to work as a school security guard by the sheriff of each county in which the school security guard will be assigned to a school before commencing work at any school in that county. The sheriff's approval authorizes the security agency to assign the school security guard to any school in the county, and the sheriff's approval is not limited to any particular school.

5. Successfully complete ongoing training, weapon inspection, and firearm qualification conducted by a sheriff pursuant to s. 30.15(1)(k)2.e. on at least an annual basis and provide documentation to the sheriff's office, school district, charter school governing board, or employing security agency, as applicable.

(b) The contract between a security agency and a school district or a charter school governing board regarding requirements applicable to school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the entity or entities responsible for maintaining records relating to training, inspection, and firearm qualification.

(c) School security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant

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incidents on school premises.

(d) The Office of Safe Schools shall provide the Department of Law Enforcement any information related to a school security guard that the office receives pursuant to subsection (5).

(5) NOTIFICATION.—The district school superintendent or charter school administrator, or a respective designee shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) CRISIS INTERVENTION TRAINING.—Each safe-school officer who is also a sworn law enforcement officer shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(7) LIMITATIONS.—An individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any training required by s. 30.15(1)(k), which may be conducted only by a sheriff.

(8) EXEMPTION.—Any information that would identify whether a particular individual has been appointed as a safe-school

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officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a school resource officer or school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the school resource officer or school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(12) and shall be retained by the school district.

Section 16. Present subsection (8) of section 1007.2616, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

1007.2616 Computer science and technology instruction.—

(8)(a) To align educator credentials with instructional practice across grade levels, the State Board of Education shall establish by rule or maintain the following computer science subject area coverages:

1. Computer science (grades K-5);

2. Computer science (grades 6-12); and

3. Computer science (K-12).

(b) For the coverages in paragraph (a), the State Board of Education shall adopt competencies and skills and designate corresponding examinations by rule. The comprehensive computer science (K-12) coverage and its examination shall remain available unless amended by rule of the state board.

(c)1. The Department of Education shall present recommended competencies and skills for the grades K-5 and grades 6-12 coverages to the State Board of Education for approval by September 1, 2026.

2. Following approval under subparagraph 1., the department shall coordinate development, piloting, and standard-setting for the examinations. The examinations for both grade-band coverages must be available for administration no later than January 1, 2028.

Section 17. Paragraph (c) of subsection (4), paragraphs (b) and (d) of subsection (5), and paragraph (a) of subsection (9) of section 1008.25, Florida Statutes, are amended, and paragraph (d) is added to subsection (4) of that section, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5)(a) or a substantial mathematics deficiency as determined in paragraph (6)(a) must be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan, or both, as necessary. The individualized progress monitoring plan must be developed within 45 days after the results of the coordinated screening and progress monitoring system become available. The plan must, at a minimum, include:

1. The student’s specific, identified reading or mathematics skill deficiency.

2. Goals and benchmarks for student growth in reading or

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mathematics.

3. A description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress.

4. For a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive.

5. Strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress. For a student with a substantial reading deficiency, resources must include information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485.

6. Any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

(d) If the coordinated screening and progress monitoring system under subsection (9), or any district-approved screening instrument, identifies a student as exhibiting characteristics of dyslexia or dyscalculia, the school district shall:

1. Ensure that the student is covered by a plan under paragraph (b) which includes evidence-based interventions that are specific to the identified characteristics of dyslexia or dyscalculia and that are aligned, as appropriate, with the interventions required under subsections (5) and (6).

2. Treat the screening result as reasonable suspicion that the student may be a student with a disability for purposes of s. 1003.57 and promptly seek parental consent to conduct an initial evaluation consistent with State Board of Education rule

and applicable federal law.

3. Ensure that screening activities and intervention procedures, including interventions required under this subsection and subsections (5) and (6), occur concurrently with the evaluation process and are not used to delay or deny an appropriate evaluation.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the midyear or final coordinated screening and progress monitoring under subsection (9) shall be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A Voluntary Prekindergarten Education Program student who scores below the 25th ~~10th~~ percentile on the final administration of the coordinated screening and progress monitoring under subsection (9) shall be referred to the local school district and is eligible to receive early literacy skill instructional support through a summer bridge program the summer before participating in kindergarten. The summer bridge program must meet requirements adopted by the department and shall consist of 4 hours of instruction per day for a minimum of 100 total hours. A student with an individual education plan who has been retained pursuant to paragraph (2)(g) and has demonstrated a substantial deficiency in early literacy skills must receive instruction in early literacy skills.

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be

immediately notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. The student progression requirements under paragraph (2)(h) and that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies and programming, through a read-at-home plan the parent can use in helping his or her child succeed in reading. The read-at-home plan must provide access to the resources identified in paragraph (e).

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (7)(b)4. and the evidence

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required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 and the New Worlds Scholarship Accounts under s. 1002.411 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports and the student's eligibility for the New Worlds Reading Initiative under s. 1003.485. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial

notification.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(a) The Department of Education, in collaboration with the Office of Early Learning, shall procure and require the use of a statewide, standardized coordinated screening and progress monitoring system for the Voluntary Prekindergarten Education Program and public schools. The system must:

1. Measure student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts and mathematics standards as required by ss. 1002.67(1)(a) and 1003.41 and identify the educational strengths and needs of students.

2. For students in the Voluntary Prekindergarten Education Program through grade 3, measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level, and, at a minimum, provide interval level and norm-referenced data that measures equivalent levels of growth.

3. Be a valid, reliable, and developmentally appropriate computer-based direct instrument that provides screening and diagnostic capabilities for monitoring student progress; identifies students who have a substantial deficiency in reading or mathematics, including identifying students with characteristics of dyslexia, dyscalculia, and other learning disorders; and informs instruction. Any student identified by the system as having characteristics of dyslexia or dyscalculia shall undergo further screening. Any student whose performance in the system meets thresholds established by State Board of

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Education rule in circumstances in which the system is not capable of identifying characteristics of dyslexia or dyscalculia must undergo further screening. The further screening required under this subparagraph is used to refine instructional planning and parental communication and is not a prerequisite for the interventions or evaluation obligations described in subsection (4). The State Board of Education shall adopt rules establishing timelines, performance thresholds, and parental notification requirements for further screening under this subparagraph. Screening activities under this subsection shall occur concurrently with the interventions and evaluation obligations described in subsection (4) and may not be used to delay or deny an appropriate evaluation. Beginning with the 2023-2024 school year, the coordinated screening and progress monitoring system must be computer-adaptive.

4. Provide data for Voluntary Prekindergarten Education Program accountability as required under s. 1002.68.

5. Provide Voluntary Prekindergarten Education Program providers, school districts, schools, teachers, and parents with data and resources that enhance differentiated instruction and parent communication.

6. Provide baseline data to the department of each student's readiness for kindergarten. The determination of kindergarten readiness must be based on the results of each student's initial progress monitoring assessment in kindergarten. The methodology for determining a student's readiness for kindergarten must be developed by the department and aligned to the methodology adopted pursuant to s. 1002.68(3) ~~s. 1002.68(4)~~.

7. Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels and provide information to the department to aid in the development of educational programs, policies, and supports for providers, districts, and schools.

Section 18. Paragraph (a) of subsection (1) of section 1008.2125, Florida Statutes, is amended to read:

1008.2125 The Council for Early Grade Success.—

(1) The Council for Early Grade Success, a council as defined in s. 20.03(7), is created within the Department of Education to oversee the coordinated screening and progress monitoring program under s. 1008.25(9) for students in the Voluntary Prekindergarten Education Program through grade 3 and, except as otherwise provided in this section, shall operate consistent with s. 20.052.

(a) The council shall be responsible for reviewing the implementation of, training for, and outcomes from the coordinated screening and progress monitoring program to provide recommendations to the department that support grade 3 students reading at or above grade level. The council, at a minimum, shall:

1. Provide recommendations on the implementation of the coordinated screening and progress monitoring program, including reviewing any procurement solicitation documents and criteria before being published.

2. Develop training plans and timelines for such training.

3. Identify appropriate personnel, processes, and procedures required for the administration of the coordinated screening and progress monitoring program.

4. Provide input on the methodology for calculating a provider's or school's performance metric and designations under s. 1002.68(3) ~~s. 1002.68(4)~~.

5. Work with the department to review the methodology for determining a child's kindergarten readiness.

6. Review data on age-appropriate learning gains by grade level that a student would need to attain in order to demonstrate proficiency in reading by grade 3.

7. Continually review anonymized data from the results of the coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 to help inform recommendations to the department that support practices that will enable grade 3 students to read at or above grade level.

Section 19. Paragraph (c) of subsection (3) and subsection (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional learning; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes. In addition, the

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state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department. A school may not be required to use the measure of student learning growth in s. 1012.34(7) as the sole determinant to recruit instructional personnel. The rule must create a timeline for a school district's school improvement plan or district-managed turnaround plan to be approved and for the school improvement funds under Title I to be released to the school district. The timeline established by rule for the release of school improvement funding under Title I may not exceed 20 calendar days after the approval of the school improvement plan or district-managed turnaround plan.

(5) The state board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules shall include timelines for submission of implementation plans, approval criteria for implementation plans, timelines for releasing Title I funding, timelines for implementing intervention and support strategies, a standard charter school turnaround contract, a standard facility lease, and a mutual management agreement. The state board shall consult with education stakeholders in developing the rules.

Section 20. Paragraph (e) is added to subsection (2) of section 1010.20, Florida Statutes, to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(e) Each charter school shall receive and respond to

monitoring questions from the department.

Section 21. Subsection (1) of section 1011.14, Florida Statutes, is amended to read:

1011.14 Obligations for a period of 1 year.—District school boards are authorized only under the following conditions to create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes for certain purposes for a period of 1 year; however, such obligations may be extended from year to year with the consent of the lender for a period not to exceed 4 years, or for a total of 5 years including the initial year of the loan:

(1) PURPOSES.—The purposes for which such obligations may be incurred within the intent of this section shall include only the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational plants, ancillary plants, and auxiliary facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the State Board of Education.

Section 22. Paragraph (a) of subsection (4) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(4) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as permitted by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible

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school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration which includes the district's indirect cost rate, not to exceed a total of 10 percent;

3. A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and

4. A necessary and reasonable amount, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan. Such educational services may include the provision of STEM curricula, instructional materials, and related learning technologies that support academic achievement in science, technology, engineering, and mathematics in Title I schools, including, but not limited to, technologies related to drones, coding,

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animation, artificial intelligence, cybersecurity, data science, the engineering design process, mobile development, and robotics. Funds may be reserved under this subparagraph only to the extent that all required reservations under federal law have been met and that such reservation does not reduce school-level allocations below the levels required under federal law.

Section 23. Subsections (2) through (6) of section 1011.71, Florida Statutes, are amended to read:

1011.71 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 1.5 mills against the taxable value for school purposes for charter schools pursuant to s. 1013.62(1) and (3) and for district schools for operational or capital purposes ~~to fund:~~

~~(a) New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.~~

~~(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 1013.15(2).~~

~~(c) The purchase, lease-purchase, or lease of school buses.~~

~~(d) The purchase, lease-purchase, or lease of new and replacement equipment; computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support~~

~~districtwide administration or state-mandated reporting requirements. Enterprise resource software may be acquired by annual license fees, maintenance fees, or lease agreements.~~

~~(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a district school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not exceeding, in the aggregate, an amount equal to three-fourths of the proceeds from the millage levied by a district school board pursuant to this subsection. The three-fourths limit is waived for lease-purchase agreements entered into before June 30, 2009, by a district school board pursuant to this paragraph. If payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied pursuant to this subsection, the district school board may not withhold the administrative fees authorized by s. 1002.33(20) from any charter school operating in the school district.~~

~~(f) Payment of loans approved pursuant to ss. 1011.14 and 1011.15.~~

~~(g) Payment of costs directly related to complying with state and federal environmental statutes, rules, and regulations governing school facilities.~~

~~(h) Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites pursuant to s. 1013.15(2), or of renting or leasing buildings or space within existing buildings pursuant to s. 1013.15(4).~~

~~(i) Payment of the cost of school buses when a school~~

~~district contracts with a private entity to provide student transportation services if the district meets the requirements of this paragraph.~~

~~1. The district's contract must require that the private entity purchase, lease-purchase, or lease, and operate and maintain, one or more school buses of a specific type and size that meet the requirements of s. 1006.25.~~

~~2. Each such school bus must be used for the daily transportation of public school students in the manner required by the school district.~~

~~3. Annual payment for each such school bus may not exceed 10 percent of the purchase price of the state pool bid.~~

~~4. The proposed expenditure of the funds for this purpose must have been included in the district school board's notice of proposed tax for school capital outlay as provided in s. 200.065(10).~~

~~(j) Payment of the cost of the opening day collection for the library media center of a new school.~~

~~(k) Payment of salaries and benefits for employees whose job duties support activities funded by this subsection~~.

(3) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board ~~pursuant to paragraph (2)(c)~~, or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. Millage levied pursuant to this

subsection is subject to the provisions of s. 200.065 and, combined with the 1.5 mills authorized in subsection (2), may not exceed 1.75 mills. If the district chooses to use up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

(4) If the revenue from the millage authorized in subsection (2) is insufficient to make payments due under a lease-purchase agreement entered into prior to June 30, 2008, by a district school board ~~pursuant to paragraph (2)(c)~~, an amount up to 0.5 mills of the taxable value for school purposes within the school district shall be legally available for such payments, notwithstanding other restrictions on the use of such revenues imposed by law.

~~(5) A school district may expend, subject to s. 200.065, up to $200 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:~~

~~(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.~~

~~(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s.~~

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~~624.605(1)(b), (d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.~~

~~(6) Violations of the expenditure provisions in subsection (2) or subsection (5) shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.~~

Section 24. Subsection (2) of section 1011.73, Florida Statutes, is amended to read:

1011.73 District millage elections.—

(2) MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(7) ~~s. 1011.71(9)~~. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

Section 25. Section 1011.804, Florida Statutes, is amended to read:

1011.804 GATE Startup Grant Program.—

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(1) The GATE Startup Grant Program is established within the Department of Education to fund and support the startup and implementation of the GATE Program, subject to legislative appropriation. The purpose of the grant program is to increase access to programs that support adult learners earning a high school credential, either a high school diploma or its equivalent, and a workforce credential aligned to statewide or regional demand. The department shall administer the grants, determine eligibility, and distribute grant awards.

(2) As used in this section, the term "institution" means a school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21 which offers the GATE Program pursuant to s. 1004.933.

(3) The department may solicit proposals from institutions ~~without programs that meet the requirements of s. 1004.933~~. Such institutions must be located in or serve a rural area of opportunity , as defined in s. 288.0656(2)(d) ~~as designated by the Governor~~. For purposes of this subsection, an institution serves a rural area of opportunity if the institution's service area includes one or more counties or municipalities included within a rural area of opportunity as defined in s. 288.0656(2)(d). An institution's principal place of business, main campus, or administrative offices are not required to be located within a rural area of opportunity in order to satisfy the service requirement.

(a) The department may award a grant to an institution that, at the time of application, does not offer programs that meet the requirements of s. 1004.933 to support startup and

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implementation activities.

(b) The department may award a grant to an institution that, at the time of application, offers programs that meet the requirements of s. 1004.933 only for costs authorized in subsection (6), excluding new construction, structural expansion, and major renovation.

(4) The department shall prioritize grant proposals that combine adult basic education, adult secondary education, and career education programs at one location or allow students to complete programs through distance learning. An applicant may not receive more than 10 percent of the total amount appropriated for the program.

(5) The department shall make the grant application available to potential applicants no later than August 15 of each year in which funds are appropriated for the program~~, 2024~~. A grant proposal must include:

(a) The institution or institutions that will provide the adult basic education, adult secondary education, and career education programs;

(b) The proposed adult basic education and adult secondary education program or programs the institution or institutions will provide, and the projected enrollment for such program or programs;

(c) The proposed career education program or programs the institution or institutions will provide and the projected enrollment for such program or programs;

(d) The credential or credentials associated with the career education program or programs. Such credential or credentials must be included on the Master Credentials List

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under s. 445.004(4);

(e) The cost of instruction for all programs contemplated in the proposal, including costs for tuition, fees, registration, and laboratory, examination, and instructional materials costs;

(f) Outreach strategies, including collaboration with local workforce development boards; ~~and~~

(g) A plan or timeline for implementing s. 1004.933 and enrolling students; and

(h) Documentation identifying the counties or municipalities within the institution's service area which are included in a rural area of opportunity as defined in s. 288.0656(2)(d).

(6) Grant funds may be used for planning activities and other expenses associated with the creation and implementation of the GATE Program, such as expenses related to program instruction, instructional equipment, supplies, instructional personnel, and student services, minor facility modifications necessary to install or operate instructional equipment used for the GATE Program, and marketing and outreach activities to recruit and enroll eligible students. Marketing and outreach activities and minor facility modifications authorized under this subsection are allowable direct costs of program implementation. Grant funds may not be used for indirect costs. Grant recipients must submit an annual report in a format prescribed by the department. The department shall consolidate such annual reports and include the reports in the report required by s. 1004.933(6).

(7) The State Board of Education may adopt rules to

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administer this section.

Section 26. Paragraph (a) of subsection (3) of section 1012.22, Florida Statutes, is amended to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(3)(a) *Collective bargaining.*—Notwithstanding provisions of chapter 447 related to district school board collective bargaining, collective bargaining may not preclude a district school board from carrying out its constitutional and statutory duties related to the following:

1. Providing incentives to effective and highly effective teachers.

2. Implementing intervention and support strategies under s. 1008.33 to address the causes of low student performance and improve student academic performance and attendance.

3. Implementing student discipline provisions required by law, including a review of a student's abilities, past performance, behavior, and needs.

4. Implementing school safety plans and requirements.

5. Implementing staff and student recognition programs.

6. Distributing correspondence to parents, teachers, and community members related to the daily operation of schools and the district.

7. Providing any required notice or copies of information related to the district school board or district operations which is readily available on the school district's website.

8. The school district's calendar.

9. Providing salary supplements pursuant to sub-subparagraph (1)(c)5.c.(III).

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10. Implementing the salary increases and salary distribution plan required under s. 1011.62(14).

Section 27. Paragraph (d) of subsection (2) of section 1012.555, Florida Statutes, is amended to read:

1012.555 Teacher Apprenticeship Program.—

(2)

(d) An apprentice teacher must be appointed by the district school board or work in the district as an education paraprofessional and must be paid in accordance with s. 446.032 and rules adopted by the State Board of Education.

Section 28. (1) The Department of Education shall collaborate with the Lastinger Center for Learning at the University of Florida to recommend to the Legislature individualized, adaptive artificial intelligence tools to support mathematics instruction in kindergarten through grade 12. The recommendations must:

(a) Ensure that recommended tools align to the Florida academic standards and prepare students for state assessments.

(b) Consider alternate mathematics sequencing and grade-level progression, and alternate funding models to support individualized progression through content.

(c) Evaluate the extent to which the tools provide real-time diagnostic assessments, individualized learning pathways, adaptive sequencing of content, and immediate, personalized feedback to students.

(d) Evaluate the applicability of the tools to progress monitoring tools, district learning management systems, suggested interventions, small-group instructional supports, and professional development that enables teachers to integrate the

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tools into classroom instruction.

(e) Provide for student data privacy and transparency in data collection and retention.

(f) Consider statewide and district-level costs.

(2) The department shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2026.

Section 29. 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 education; amending s. 120.81, F.S.; providing that district school boards are not subject to the requirements for rules in chapter 120 when making and adopting rules with public input at a public meeting; amending s. 1001.42, F.S.; removing certain schools from specified contract restrictions; revising the conditions considered an educational emergency; amending s. 1002.20, F.S.; authorizing a student to carry a United States Food and Drug Administration (FDA)-approved epinephrine delivery device, rather than an epinephrine auto-injector; requiring the State Board of Education to adopt rules for the use of an FDA-approved epinephrine delivery device, rather than an epinephrine auto-injector; making conforming changes; amending s. 1002.33, F.S.;

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providing additional criteria for award of a 15-year charter; providing that students may not be dismissed from certain charter schools based on academic performance; amending s. 1002.42, F.S.; authorizing a private school to purchase a supply of FDA-approved epinephrine delivery devices, rather than epinephrine auto-injectors; making conforming changes; amending s. 1002.68, F.S.; deleting provisions relating to the calculation of a kindergarten readiness rate; revising the period of time for which a public or private prekindergarten provider is prohibited from participating in the Voluntary Prekindergarten Education Program for a failing program assessment composite score; amending s. 1002.71, F.S.; revising requirements for attendance reporting by private prekindergarten providers; requiring that administrative policies and procedures be revised into certain forms; requiring school districts to certify attendance data in a specified manner; amending s. 1002.945, F.S.; requiring the Department of Children and Families to make a specified determination for child care providers; deleting an exception; amending s. 1003.42, F.S.; revising required instruction on the principles of agriculture; requiring the Department of Education to collaborate with specified entities to develop associated standards and a curriculum; authorizing the department to contract with certain agricultural education organizations for specified purposes; amending s. 1003.4282, F.S.; providing that

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completion of 2 years of marching band shall satisfy two specified credit requirements; authorizing completion of a specified dance techniques class to satisfy specified high school diploma credit requirements; providing requirements for mathematics pathways established by a certain workgroup; requiring that certain courses for the mathematics pathways be identified by specified dates; requiring the workgroup to submit identified mathematics pathways to the Governor and the Legislature; creating s. 1003.4936, F.S.; providing legislative findings; requiring the Department of Education to develop applied algebra courses; providing requirements for the applied algebra courses; requiring the department to develop the courses on specified timelines; authorizing school districts to satisfy certain graduation requirements with an applied algebra course; requiring the department to collaborate with the Board of Governors of the State University System to ensure the courses are accepted as mathematics credits for state university admissions; requiring the department to provide certain implementation support; amending s. 1003.5716, F.S.; requiring a school district to take specified actions if a related service identified in a student’s individual education plan (IEP) is not provided; providing that a parent or guardian has the right to request provider logs or notes within a specified timeframe; requiring the school district to inform parents of such right; amending s. 1004.85,

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F.S.; authorizing an educator preparation institute to allow certain program participants to enroll in introductory coursework; amending s. 1004.933, F.S.; revising the definition of the term "institution"; deleting the age limit for enrollment in the Graduation Alternative to Traditional Education Program; clarifying that students are not required to enroll in adult secondary and career education program coursework simultaneously; amending s. 1006.12, F.S.; revising requirements relating to safe-school officers at public schools, including charter schools; amending s. 1007.2616, F.S.; requiring the State Board of Education to establish by rule or maintain specified computer science subject area coverages; requiring the state board to adopt competencies and skills and designate corresponding examinations; requiring the Department of Education to submit recommended competencies and skills for certain coverages to the state board for approval by a specified date; requiring the department to coordinate development and availability of certain examinations by a specified date; amending s. 1008.25, F.S.; requiring specified resources for certain students to include information about the student's eligibility for the New Worlds Reading Initiative; requiring school districts to take specified actions when screening identifies a student as exhibiting characteristics of dyslexia or dyscalculia; revising the score threshold for Voluntary Prekindergarten Education Program

eligibility for specified instructional support; requiring monthly written communications to include specified eligibility information; providing circumstances under which a student must undergo further screening for dyslexia or dyscalculia; providing that such screening has a specified purpose; requiring the State Board of Education to adopt rules; conforming cross-references; amending s. 1008.2125, F.S.; conforming a cross-reference; amending s. 1008.33, F.S.; revising requirements relating to district and school improvement; amending s. 1010.20, F.S.; requiring charter schools to respond to monitoring questions from the Department of Education; amending s. 1011.14, F.S.; revising authorized purposes for school district short-term obligations; amending s. 1011.69, F.S.; revising a category of funding which a school district is authorized to withhold; amending s. 1011.71, F.S.; authorizing specified discretionary millage proceeds to be used for operational or capital purposes; deleting specified purposes that certain proceeds and revenue may be used for; amending s. 1011.73, F.S.; conforming a cross-reference; amending s. 1011.804, F.S.; revising the GATE Startup Grant Program; specifying what constitutes service to a rural area of opportunity for purposes of specified provisions; revising eligibility and award authority for grants; revising application availability and application requirements; revising allowable uses of grant funds

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to include specified implementation-related costs; amending s. 1012.22, F.S.; providing that collective bargaining may not preclude specified salary supplements and implementation of the salary increase and salary distribution plan; amending s. 1012.555, F.S.; revising eligibility requirements for participation in the Teacher Apprenticeship Program; requiring the department to collaborate with the Lastinger Center for Learning to make specified recommendations relating to artificial intelligence in learning to the Governor and the Legislature by a specified date; providing requirements for the recommendations; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2026	.	
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The Committee on Rules (Simon) recommended the following:

Senate Amendment to Amendment (515704) (with title amendment)

Delete lines 211 - 251
and insert:
Section 5. Subsections (17) and (19) of section 1002.42, Florida Statutes, are amended to read:
1002.42 Private schools.—
(17) EPINEPHRINE SUPPLY.—
(a) A private school may purchase a supply of United States Food and Drug Administration (FDA)-approved epinephrine delivery

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devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the private school's premises. The participating private school shall adopt a protocol developed by a licensed physician for the administration by private school personnel who are trained to recognize an anaphylactic reaction and to administer epinephrine by an FDA-approved epinephrine delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by an FDA-approved delivery device ~~auto-injector~~ under s. 1002.20(3)(i) or trained school personnel.

(b) The private school and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of an FDA-approved epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. Unless the trained school personnel's action is willful and wanton;

2. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been

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provided notice or have not signed a statement acknowledging that the school district is not liable; and

3. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

(19) FACILITIES AND LAND USE.—

(a) A private school may use facilities on property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church facility under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school to use the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(b) A private school may use facilities on property purchased from a library, community service organization, museum, performing arts venue, theater, cinema, or church facility under s. 170.201, which is actively or was actively used as such within 5 years of any executed agreement with a

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private school to purchase the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(c) A private school located in a county with four incorporated municipalities may construct new facilities, which may be temporary or permanent, on property purchased from or owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school; any land owned by a Florida College System institution or state university; and any land recently used to house a school or child care facility licensed under s. 402.305, under its preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. Any new facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

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(d) A private school enrolling 150 or fewer students is considered a permitted use in a commercial or mixed-use zoning district within a county or municipality without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies.

(e) Notwithstanding any other provision of law, a private school enrolling 150 or fewer students may operate in a facility that is an existing assembly, day care, mercantile, or business occupancy, as defined in the Florida Fire Prevention Code. A private school operating in such a facility must meet the standards for existing educational occupancy requirements under the Florida Fire Prevention Code, adopted by the State Fire Marshal. Completion of the fire safety evaluation system for educational occupancies in NFPA 101A: Guide on Alternative Approaches to Life Safety, adopted by the State Fire Marshal, by a registered design professional licensed under chapter 471 or chapter 481, with a determination of achieving at a minimum an "at least equivalent" conclusion, shall be considered evidence of compliance with the Florida Fire Prevention Code. The State Fire Marshal may adopt rules to implement this paragraph.

Section 6. Subsection (2) of section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and curricula.—

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education (VPK) Program, except as otherwise required for a provider or school that fails to meet the minimum performance metric score

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or designation ~~change-in-ability~~ established pursuant to s. 1002.68.

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;

2. Develop students' background knowledge through a content-rich and sequential knowledge building early literacy curriculum;

3. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

4. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.25(9).

(c) The department shall adopt procedures for the review and approval of curricula for use by private prekindergarten providers and public schools that fail to meet the minimum performance metric score or designation ~~change-in-ability scores~~ established pursuant to s. 1002.68. The department shall administer the review and approval process and maintain a list of the curricula approved under this paragraph and available for purchase. Each approved curriculum must meet the requirements of paragraph (b). The review and approval process must include curricula that are available for purchase and proprietary curricula that are not available for purchase.

(d) The department shall review and may approve a curriculum that is proprietary or available for purchase outside

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of the established review and approval process in paragraph (c). The curriculum must be used by a private provider or public school district that operates a VPK program in more than five distinct locations. Any curriculum approved under this paragraph must meet the requirements of paragraph (b). Any curriculum approved under this paragraph which is available for purchase must be included on the list under paragraph (c). Within 60 days after receipt of the request, the department shall review and either approve or deny the submitted curricula and all associated materials. A request may not be submitted under this paragraph within 120 days before the opening of the regular review process described in paragraph (c).

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

And the title is amended as follows:

Delete line 1584

and insert:

auto-injectors; making conforming changes; providing that certain private schools are considered a permitted use in certain zoning districts; authorizing certain private schools to operate in facilities that meet specified requirements; requiring certain private schools operating in such facilities to meet specified Florida Fire Prevention Code standards; providing that completion of a specified evaluation system with certain ratings by specified persons constitutes evidence of compliance with the Florida Fire Prevention Code for such private schools; authorizing the State Fire Marshal to adopt rules; amending s.

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1002.67, F.S.; revising limitations on curriculum selection for Voluntary Prekindergarten Education Program providers and public schools that fail to meet minimum performance metrics or designations; revising Department of Education requirements for review and approval of certain curricula; requiring that the review and approval process include curricula available for purchase and proprietary curricula not available for purchase; authorizing the department to approve certain curricula outside of the established review and approval process for specified multi-site providers or school districts; providing requirements for approved curricula; requiring the department to approve or deny a request within a specified timeframe; providing a submission limitation; amending s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Jones) recommended the following:

Senate Amendment to Amendment (515704) (with title amendment)

Delete lines 211 - 251
and insert:
Section 5. Subsections (17) and (19) of section 1002.42, Florida Statutes, are amended to read:
1002.42 Private schools.—
(17) EPINEPHRINE SUPPLY.—
(a) A private school may purchase a supply of United States Food and Drug Administration (FDA)-approved epinephrine delivery

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devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the private school's premises. The participating private school shall adopt a protocol developed by a licensed physician for the administration by private school personnel who are trained to recognize an anaphylactic reaction and to administer epinephrine by an FDA-approved epinephrine delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by an FDA-approved delivery device ~~auto-injector~~ under s. 1002.20(3)(i) or trained school personnel.

(b) The private school and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of an FDA-approved epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. Unless the trained school personnel's action is willful and wanton;

2. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been

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provided notice or have not signed a statement acknowledging that the school district is not liable; and

3. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

(19) FACILITIES AND LAND USE.—

(a) A private school may use facilities on property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church facility under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school to use the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(b) A private school may use facilities on property purchased from a library, community service organization, museum, performing arts venue, theater, cinema, or church facility under s. 170.201, which is actively or was actively used as such within 5 years of any executed agreement with a

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private school to purchase the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(c) A private school located in a county with four incorporated municipalities may construct new facilities, which may be temporary or permanent, on property purchased from or owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, or church under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school; any land owned by a Florida College System institution or state university; and any land recently used to house a school or child care facility licensed under s. 402.305, under its preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. Any new facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

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(d) A private school enrolling 150 or fewer students, or located within the unincorporated area of a county as defined in s. 125.011, shall be considered a permitted use and occupancy in a commercial or mixed-use zoning district within a county or municipality without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements, conditions, performance standards, ordinances, rules, codes, or policies, except that a county or municipality may require proportionate mitigation measures necessary to mitigate vehicular traffic and pedestrian safety.

1. The vehicular traffic and pedestrian safety mitigation measures required by a county or municipality pursuant to this sub-section shall be limited to those impacts reasonably and directly attributable to the operation of the private school at the site and shall be no greater in cost or scope than what is required of all other uses, education or otherwise, within the same zoning district.

2. The private school subject to vehicular traffic and pedestrian safety mitigation measures may, in lieu of complying with such mitigation measures, provide a traffic study that demonstrates the school will not have disproportionate impact on vehicular traffic or pedestrian safety compared to other allowable uses within the same zoning district.

3. If a local governing authority fails to comply with this subsection, the aggrieved school or entity has an immediate right to bring an action in circuit court for injunctive relief.

(e) Notwithstanding any other provision of law, a private school enrolling 150 or fewer students may operate in a facility that is an existing assembly, day care, mercantile, or business

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occupancy, as defined in the Florida Fire Prevention Code. A private school operating in such a facility must meet the standards for existing educational occupancy requirements under the Florida Fire Prevention Code, adopted by the State Fire Marshal. Completion of the fire safety evaluation system for educational occupancies in NFPA 101A: Guide on Alternative Approaches to Life Safety, adopted by the State Fire Marshal, by a registered design professional licensed under chapter 471 or chapter 481, with a determination of achieving at a minimum an "at least equivalent" conclusion, shall be considered evidence of compliance with the Florida Fire Prevention Code. The State Fire Marshal may adopt rules to implement this paragraph.

Section 6. Subsection (2) of section 1002.67, Florida Statutes, is amended to read:

1002.67 Performance standards and curricula.—

(2)(a) Each private prekindergarten provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education (VPK) Program, except as otherwise required for a provider or school that fails to meet the minimum performance metric score or designation ~~change-in-ability~~ established pursuant to s. 1002.68.

(b) Each private prekindergarten provider's and public school's curriculum must be developmentally appropriate and must:

1. Be designed to prepare a student for early literacy and provide for instruction in early math skills;

2. Develop students' background knowledge through a content-rich and sequential knowledge building early literacy

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curriculum;

3. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

4. Support student learning gains through differentiated instruction that shall be measured by the coordinated screening and progress monitoring program under s. 1008.25(9).

(c) The department shall adopt procedures for the review and approval of curricula for use by private prekindergarten providers and public schools that fail to meet the minimum performance metric score or designation ~~change-in-ability scores~~ established pursuant to s. 1002.68. The department shall administer the review and approval process and maintain a list of the curricula approved under this paragraph and available for purchase. Each approved curriculum must meet the requirements of paragraph (b). The review and approval process must include curricula that are available for purchase and proprietary curricula that are not available for purchase.

(d) The department shall review and may approve a curriculum that is proprietary or available for purchase outside of the established review and approval process in paragraph (c). The curriculum must be used by a private provider or public school district that operates a VPK program in more than five distinct locations. Any curriculum approved under this paragraph must meet the requirements of paragraph (b). Any curriculum approved under this paragraph which is available for purchase must be included on the list under paragraph (c). Within 60 days after receipt of the request, the department shall review and either approve or deny the submitted curricula and all

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associated materials. A request may not be submitted under this paragraph within 120 days before the opening of the regular review process described in paragraph (c).

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

And the title is amended as follows:

Delete line 1584

and insert:

auto-injectors; making conforming changes; providing that certain private schools are considered a permitted use in certain zoning districts; authorizing certain private schools to operate in facilities that meet specified requirements; providing exceptions; requiring certain private schools operating in such facilities to meet specified Florida Fire Prevention Code standards; providing that completion of a specified evaluation system with certain ratings by specified persons constitutes evidence of compliance with the Florida Fire Prevention Code for such private schools; authorizing the State Fire Marshal to adopt rules; amending s. 1002.67, F.S.; revising limitations on curriculum selection for Voluntary Prekindergarten Education Program providers and public schools that fail to meet minimum performance metrics or designations; revising Department of Education requirements for review and approval of certain curricula; requiring that the review and approval process include curricula available for purchase and proprietary curricula not available for purchase;

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authorizing the department to approve certain curricula outside of the established review and approval process for specified multi-site providers or school districts; providing requirements for approved curricula; requiring the department to approve or deny a request within a specified timeframe; providing a submission limitation; amending s.

By the Appropriations Committee on Pre-K - 12 Education; and the Committee on Education Pre-K - 12

602-02836-26 20267036c1

A bill to be entitled

An act relating to education; amending s. 1001.42, F.S.; removing certain schools from specified contract restrictions; revising the conditions considered an educational emergency; amending s. 1002.20, F.S.; authorizing a student to carry a United States Food and Drug Administration (FDA)-approved epinephrine delivery device, rather than an epinephrine auto-injector; requiring the State Board of Education to adopt rules for the use of an FDA-approved epinephrine delivery device, rather than an epinephrine auto-injector; making conforming changes; amending s. 1002.33, F.S.; providing additional criteria for award of a 15-year charter; providing that students may not be dismissed from certain charter schools based on academic performance; amending s. 1002.42, F.S.; authorizing a private school to purchase a supply of FDA-approved epinephrine delivery devices, rather than epinephrine auto-injectors; making conforming changes; amending s. 1002.68, F.S.; deleting provisions relating to the calculation of a kindergarten readiness rate; revising the period of time for which a public or private prekindergarten provider is prohibited from participating in the Voluntary Prekindergarten Education Program for a failing program assessment composite score; amending s. 1002.945, F.S.; requiring the Department of Children and Families to make a specified determination for child care providers; deleting an exception; amending

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s. 1003.42, F.S.; revising required instruction on the principles of agriculture; requiring the Department of Education to collaborate with specified entities to develop associated standards and a curriculum; authorizing the department to contract with certain agricultural education organizations for specified purposes; amending s. 1003.4282, F.S.; providing requirements for mathematics pathways established by a certain workgroup; requiring that certain courses for the mathematics pathways be identified by specified dates; requiring the workgroup to submit identified mathematics pathways to the Governor and the Legislature; creating s. 1003.4936, F.S.; providing legislative findings; requiring the Department of Education to develop applied algebra courses; providing requirements for the applied algebra courses; requiring the department to develop the courses on specified timelines; authorizing school districts to satisfy certain graduation requirements with an applied algebra course; requiring the department to collaborate with the Board of Governors of the State University System to ensure the courses are accepted as mathematics credits for state university admissions; requiring the department to provide certain implementation support; amending s. 1004.85, F.S.; authorizing an educator preparation institute to allow certain program participants to enroll in introductory coursework; amending s. 1004.933, F.S.; revising the definition of the term

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"institution"; deleting the age limit for enrollment in the Graduation Alternative to Traditional Education Program; clarifying that students are not required to enroll in adult secondary and career education program coursework simultaneously; amending s. 1007.2616, F.S.; requiring the State Board of Education to establish by rule or maintain specified computer science subject area coverages; requiring the state board to adopt competencies and skills and designate corresponding examinations; requiring the Department of Education to submit recommended competencies and skills for certain coverages to the state board for approval by a specified date; requiring the department to coordinate development and availability of certain examinations by a specified date; amending s. 1008.25, F.S.; requiring specified resources for certain students to include information about the student's eligibility for the New Worlds Reading Initiative; requiring school districts to take specified actions when screening identifies a student as exhibiting characteristics of dyslexia or dyscalculia; revising the score threshold for Voluntary Prekindergarten Education Program eligibility for specified instructional support; requiring monthly written communications to include specified eligibility information; providing circumstances under which a student must undergo further screening for dyslexia or dyscalculia; providing that such screening has a specified purpose; requiring the State Board of

Education to adopt rules; conforming cross-references; amending s. 1008.2125, F.S.; conforming a cross-reference; amending s. 1011.69, F.S.; revising a category of funding which a school district is authorized to withhold; amending s. 1011.804, F.S.; revising the GATE Startup Grant Program; specifying what constitutes service to a rural area of opportunity for purposes of specified provisions; revising eligibility and award authority for grants; revising application availability and application requirements; revising allowable uses of grant funds to include specified implementation-related costs; requiring the department to collaborate with the Lastinger Center for Learning to make specified recommendations relating to artificial intelligence in learning to the Governor and the Legislature by a specified date; providing requirements for the recommendations; providing an effective date.

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

Section 1. Subsection (21) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(21) EDUCATIONAL EMERGENCY.— To free schools that have ~~with~~ a school grade of "D" or "F" or are persistently low-performing schools as described in s. 1002.333 from contract restrictions

that limit the school district's ~~school's~~ ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with the autonomy described in s. 1012.28(8). For purposes of this subsection, an educational emergency exists in a school district if one or more schools in the district have a school grade of "D" or "F" or are persistently low-performing schools as described in s. 1002.333. ~~"F."~~ Notwithstanding chapter 447, relating to collective bargaining, a district school board may:

(a) Provide salary incentives that differentiate based on a teacher's certification, subject area taught, or grade level taught. Such incentives are not subject to collective bargaining requirements.

(b) Notwithstanding s. 1012.2315, relating to assignment of teachers, adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right. Such strategies are not subject to collective bargaining requirements.

Section 2. Paragraph (i) of subsection (3) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(i) *Epinephrine use and supply.*—

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry a United States Food and Drug Administration (FDA)-approved ~~an~~ epinephrine delivery device ~~auto-injector~~ and self-administer epinephrine by FDA-approved delivery device ~~auto-injector~~ while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of FDA-approved epinephrine delivery devices which must ~~auto-injectors~~ ~~that shall~~ include provisions to protect the safety of all students from the misuse or abuse of such delivery devices ~~auto-injectors~~. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an FDA-approved epinephrine delivery device ~~auto-injector~~ for any and all liability with respect to the student's use of an FDA-approved epinephrine delivery device ~~auto-injector~~ pursuant to this paragraph.

2. A public school may purchase a supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The

FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the public school's premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer ~~an~~ epinephrine by an FDA-approved delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by FDA-approved delivery device ~~auto-injector~~ under subparagraph 1. or trained school personnel.

3. The school district and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of such ~~an~~ epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

a. Unless the trained school personnel's action is willful and wanton;

b. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and

c. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

Section 3. Paragraph (c) of subsection (7) and paragraph (e) of subsection (10) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school or virtual charter school shall use the standard charter contract or standard virtual charter contract, respectively, pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract or proposed virtual charter contract that differs from the standard charter or virtual charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) have been expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a "B" pursuant to s. 1008.34 in the most recently graded school year

must be renewed for no less than a 5-year term except as provided in paragraph (9)(n). In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming, which may include academic performance measured by school improvement ratings, and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. must be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in the most recently graded school year and that is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students

shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a progress monitoring plan for at least one semester before dismissing such student from the school. A student may not be dismissed based on academic performance while a school is implementing a school improvement plan pursuant to paragraph (9)(n) or corrective action plan pursuant to s. 1002.345.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an

amount equal to or having a total appraised value of at least $5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

8. Students whose parent or legal guardian is employed within a reasonable distance of the charter school, as described in paragraph (20)(c). The students who are eligible for enrollment are subject to a random lottery.

Section 4. Subsection (17) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(17) EPINEPHRINE SUPPLY.—

(a) A private school may purchase a supply of United States Food and Drug Administration (FDA)-approved epinephrine delivery devices ~~auto-injectors~~ from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the FDA-approved epinephrine delivery devices ~~auto-injectors~~ at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The FDA-approved epinephrine delivery devices ~~auto-injectors~~ must be maintained in a secure location on the private school's premises. The participating private school shall adopt a protocol developed by

a licensed physician for the administration by private school personnel who are trained to recognize an anaphylactic reaction and to administer epinephrine by an FDA-approved epinephrine delivery device ~~auto-injection~~. The supply of FDA-approved epinephrine delivery devices ~~auto-injectors~~ may be provided to and used by a student authorized to self-administer epinephrine by an FDA-approved delivery device ~~auto-injector~~ under s. 1002.20(3)(i) or trained school personnel.

(b) The private school and its employees, agents, and the physician who provides the standing protocol for school FDA-approved epinephrine delivery devices ~~auto-injectors~~ are not liable for any injury arising from the use of an FDA-approved epinephrine delivery device ~~auto-injector~~ administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. Unless the trained school personnel's action is willful and wanton;

2. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable; and

3. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

Section 5. Subsection (3), paragraph (e) of subsection (4), paragraph (a) of subsection (5), and paragraph (e) of subsection (6) of section 1002.68, Florida Statutes, are amended to read:

1002.68 Voluntary Prekindergarten Education Program accountability.—

~~(3)(a) For the 2020-2021 program year, the department shall calculate a kindergarten readiness rate for each private prekindergarten provider and public school participating in the Voluntary Prekindergarten Education Program based upon learning gains and the percentage of students assessed as ready for kindergarten. The department shall require that each school district administer the statewide kindergarten screening in use before the 2021-2022 school year to each kindergarten student in the school district within the first 30 school days of the 2021-2022 school year. Private schools may administer the statewide kindergarten screening to each kindergarten student in a private school who was enrolled in the Voluntary Prekindergarten Education Program. Learning gains shall be determined using a value-added measure based on growth demonstrated by the results of the preassessment and postassessment in use before the 2021-2022 program year. However, a provider may not be newly placed on probationary status under this paragraph. A provider currently on probationary status may only be removed from such status if the provider earns the minimum rate, determined pursuant to subsection (5). The methodology for calculating a provider's readiness rate may not include students who are not administered the statewide kindergarten screening.~~

~~(b) For the 2021-2022 program year, kindergarten screening results may not be used in the calculation of readiness rates. Any private prekindergarten provider or public school participating in the Voluntary Prekindergarten Education Program which fails to meet the minimum kindergarten readiness rate for the 2021-2022 program year is subject to the probation requirements of subsection (5).~~

(3)~~(4)~~

(e) Subject to an appropriation, the department shall provide for a differential payment to a private prekindergarten provider and public school based on the provider's designation. The maximum differential payment may not exceed a total of 15 percent of the base student allocation per full-time equivalent student under s. 1002.71 attending in the consecutive program year for that program. A private prekindergarten provider or public school may not receive a differential payment if it receives a designation of "proficient" or lower. ~~Before the adoption of the methodology, the department shall confer with the Council for Early Grade Success under s. 1008.2125 before receiving approval from the State Board of Education for the final recommendations on the designation system and differential payments.~~

(4)(a)~~(5)(a)~~ If a public school's or private prekindergarten provider's program assessment composite score for its prekindergarten classrooms fails to meet the minimum program assessment composite score for contracting adopted in rule by the department, the private prekindergarten provider or public school may not participate in the Voluntary Prekindergarten Education Program beginning in the consecutive program year ~~and thereafter until the public school or private prekindergarten provider meets the minimum composite score for contracting~~. A public school or private prekindergarten provider may request one program assessment per program year in order to requalify for participation in the Voluntary Prekindergarten

Education Program, provided that the public school or private prekindergarten provider is not excluded from participation under ss. 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), or paragraph (b) ~~(5)(b) of this section~~. If a public school or private prekindergarten provider would like an additional program assessment completed within the same program year, the public school or private prekindergarten provider shall be responsible for the cost of the program assessment.

(5)~~(6)~~

(e) A private prekindergarten provider or public school granted a good cause exemption shall continue to implement its improvement plan and continue the corrective actions required under paragraph (4)(b) ~~(5)(b)~~ until the provider or school meets the minimum performance metric.

Section 6. Paragraphs (a) and (d) of subsection (4) of section 1002.945, Florida Statutes, are amended to read:

1002.945 Gold Seal Quality Care Program.—

(4) In order to obtain and maintain a designation as a Gold Seal Quality Care provider, a child care facility, large family child care home, or family day care home must meet the following additional criteria:

(a) The child care provider must not have had any class I violations, as defined by rule of the Department of Children and Families, for which the Department of Children and Families determines that the child care provider is the primary cause of the violation within the 2 years preceding its application for designation as a Gold Seal Quality Care provider. Commission of a class I violation for which the Department of Children and Families determines that the child care provider is the primary

cause of the violation shall be grounds for termination of the designation as a Gold Seal Quality Care provider until the provider has no class I violations for a period of 2 years.

~~(d) Notwithstanding paragraph (a), if the Department of Education determines through a formal process that a provider has been in business for at least 5 years and has no other class I violations recorded, the department may recommend to the state board that the provider maintain its Gold Seal Quality Care status. The state board's determination regarding such provider's status is final.~~

Section 7. Paragraph (j) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(j) The elementary principles of agriculture. This component must include, but need not be limited to, the history of agriculture both nationally and specifically to this state, the economic and societal impact of agriculture, and the various agricultural industry sectors. The department, in collaboration with the Department of Agriculture and Consumer Services and the University of Florida's Institute of Food and Agricultural Sciences, shall prepare and offer standards and a curriculum for the instruction required by this paragraph and may seek input

from state or nationally recognized agricultural educational organizations. The department may contract with state or nationally recognized agricultural educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. Instructional programming that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraph (u).

Section 8. Subsection (10) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(10) CAREER AND TECHNICAL EDUCATION CREDIT.—The Department of Education shall convene a workgroup~~, no later than December 1, 2024,~~ to:

(a) Identify best practices in career and technical education pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.

(b) Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The workgroup shall collaborate to identify the three mathematics pathways and

the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education, and careers.

1. The mathematics pathways must incorporate the applied algebra courses established under s. 1003.4936 which align the Florida Standards for Algebra I with the career and technical education standards and benchmarks for each designated career cluster.

2. Each mathematics pathway must include at least one course sequence beginning with an applied algebra course aligned to a specific career cluster. The workgroup shall identify additional mathematics courses that follow each applied algebra course and build on the algebraic reasoning, modeling, and quantitative skills introduced through industry-relevant applications. The mathematics pathways may include a plan to create new mathematics courses to complete a pathway.

3. Each mathematics pathway must offer flexibility and the ability to move between pathways if necessary.

4. Mathematics pathways must create clear links between precollege mathematics and college-level mathematics pathways, and support student progression into postsecondary academic programs, state college career and technical education programs, career center programs, industry certification programs, and high-skill, high-wage occupations.

5. The mathematics pathways that incorporate applied algebra courses created under s. 1003.4936(3)(a)1. must be identified no later than September 1, 2027. The mathematics pathways that incorporate applied algebra courses created under

s. 1003.4936(3)(a)2. must be identified no later than September 1, 2028. The workgroup shall submit the identified mathematics pathways to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 9. Section 1003.4936, Florida Statutes, is created to read:

1003.4936 Applied algebra for career and technical education.—

(1) The Legislature finds that algebra is an important step in a student's mathematics pathway. Algebra is a prerequisite for higher level mathematics courses, and success in algebra is strongly connected with later mathematics success. Establishing an applied algebra course that integrates career and technical education standards equips students with mathematical skills directly connected to real industry practices and increases the relevance of algebra instruction. By contextualizing algebraic concepts within authentic occupational problems, such applied algebra courses improve student engagement, strengthen understanding of core math standards, and better prepare students for high-skill, high-wage careers. Such a course will enable students to pass the Algebra I end-of-course assessment and develop practical skills that support success in Florida's workforce and postsecondary pathways.

(2) The Department of Education shall develop an applied algebra course for each of the established career and technical education career clusters. Each applied algebra course must:

(a) Integrate the career and technical education program standards and benchmarks for the relevant career cluster with the Florida Standards for Algebra I.

(b) Provide students with rigorous, career-relevant mathematical applications that demonstrate the use of algebraic concepts in authentic industry problems, processes, or settings.

(c) Prepare students to take the statewide, standardized Algebra I end-of-course assessment required under s. 1008.22.

(d) Meet all requirements for a mathematics credit required for high school graduation under s. 1003.4282(3)(b) or for middle grades promotion pursuant to s. 1003.4156(1)(b).

(3)(a) The department shall develop the courses on the following timelines:

1. Applied algebra courses in the following career clusters must be developed and available for school district adoption in the 2027-2028 school year:

a. Agriculture, food, and natural resources.

b. Architecture and construction.

c. Business management and administration.

d. Energy.

e. Engineering and technology education.

f. Finance.

g. Health science.

h. Information technology.

i. Manufacturing.

j. Transportation and distribution logistics.

2. Applied algebra courses in the following career clusters must be developed and available for district adoption in the 2028-2029 school year:

a. Arts, audio-visual technology, and communications.

b. Education and training.

c. Government and public administration.

d. Hospitality and tourism.

e. Human services.

f. Law, public safety, and security.

g. Marketing, sales, and service.

(b) In grades 6 through 12, school districts may offer one or more applied algebra courses in lieu of Algebra I, and successful completion of the course will satisfy the Algebra I credit requirement for high school graduation or middle grades promotion.

(c) The department shall collaborate with the Board of Governors of the State University System to ensure that each applied algebra course is accepted as a mathematics credit for state university admissions.

(d) The department shall provide professional development, instructional resources, and technical assistance to support school district implementation.

Section 10. Paragraph (b) of subsection (3) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(3) Educator preparation institutes approved pursuant to this section may offer competency-based certification programs specifically designed for noneducation major baccalaureate degree holders to enable program participants to meet the educator certification requirements of s. 1012.56. An educator preparation institute choosing to offer a competency-based certification program pursuant to the provisions of this section must implement a program developed by the institute and approved by the department for this purpose. Approved programs shall be available for use by other approved educator preparation

institutes.

(b) Each program participant must:

1. Meet certification requirements pursuant to s. 1012.56(1) by obtaining a statement of status of eligibility determining the participant is eligible for a certificate in the certification subject area of the educational plan. An educator preparation institute may allow a program participant to enroll in and complete coursework while the participant is working to obtain the statement of status of eligibility indicating eligibility for a certificate in the certification subject area of the educational plan.

2. ~~and~~ Meet the requirements of s. 1012.56(2)(a)-(f) before participating in field experiences.

3.~~2.~~ Demonstrate competency and participate in field experiences that are appropriate to his or her educational plan prepared under paragraph (a). Beginning with candidates entering an educator preparation institute in the 2022-2023 school year, a candidate for certification in a coverage area identified pursuant to s. 1012.585(3)(f) must successfully complete all competencies for a reading endorsement, including completion of the endorsement practicum through the candidate's field experience, in order to graduate from the program.

4.~~3.~~ Before completion of the program, fully demonstrate his or her ability to teach the subject area for which he or she is seeking certification by documenting a positive impact on student learning growth in a prekindergarten through grade 12 setting and, except as provided in s. 1012.56(7)(a)3., achieving a passing score on the professional education competency examination, the basic skills examination, and the subject area

examination for the subject area certification which is required by state board rule.

Section 11. Paragraph (b) of subsection (3) and paragraph (b) of subsection (4) of section 1004.933, Florida Statutes, are amended to read:

1004.933 Graduation Alternative to Traditional Education (GATE) Program.—

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

(b) "Institution" means any ~~a~~ school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21. Any such institution may enter into an agreement with an online provider for the adult education or career instruction portion of the program if such provider offers instructional content and services that align with the state career and adult education curriculum frameworks.

(4) PAYMENT WAIVER; ELIGIBILITY.—

(b) To be eligible for participation in the GATE Program, a student must:

1. Not have earned a standard high school diploma pursuant to s. 1003.4282 or a high school equivalency diploma pursuant to s. 1003.435 before enrolling in the GATE Program;

2. Have been withdrawn from high school;

3. Be a resident of this state as defined in s. 1009.21(1);

4. Be at least 16 ~~to 21~~ years of age at the time of initial enrollment, provided that a student who is 16 or 17 years of age has withdrawn from school enrollment pursuant to the requirements and safeguards in s. 1003.21(1)(c);

5. Select the adult secondary education program and career

education program of his or her choice at the time of admission to the GATE Program, provided that the career education program is included on the Master Credentials List under s. 445.004(4). The student is not required to enroll in adult secondary and career education program coursework simultaneously. The student may not change the requested pathway after enrollment, except that, if necessary for the student, the student may enroll in an adult basic education program prior to enrolling in the adult secondary education program;

6. Maintain a 2.0 GPA for career and technical education coursework; and

7. Notwithstanding s. 1003.435(4), complete the programs under subparagraph 5. within 3 years after his or her initial enrollment unless the institution determines that an extension is warranted due to extenuating circumstances.

Section 12. Present subsection (8) of section 1007.2616, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

1007.2616 Computer science and technology instruction.—

(8)(a) To align educator credentials with instructional practice across grade levels, the State Board of Education shall establish by rule or maintain the following computer science subject area coverages:

1. Computer science (grades K-5);

2. Computer science (grades 6-12); and

3. Computer science (K-12).

(b) For the coverages in paragraph (a), the State Board of Education shall adopt competencies and skills and designate corresponding examinations by rule. The comprehensive computer

science (K-12) coverage and its examination shall remain available unless amended by rule of the state board.

(c)1. The Department of Education shall present recommended competencies and skills for the grades K-5 and grades 6-12 coverages to the State Board of Education for approval by September 1, 2026.

2. Following approval under subparagraph 1., the department shall coordinate development, piloting, and standard-setting for the examinations. The examinations for both grade-band coverages must be available for administration no later than January 1, 2028.

Section 13. Paragraph (c) of subsection (4), paragraphs (b) and (d) of subsection (5), and paragraph (a) of subsection (9) of section 1008.25, Florida Statutes, are amended, and paragraph (d) is added to subsection (4) of that section, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5)(a) or a substantial mathematics deficiency as determined in paragraph (6)(a) must be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan, or both, as necessary. The individualized progress monitoring plan must be developed within 45 days after the results of the coordinated screening and progress monitoring system become available. The plan must, at a minimum, include:

1. The student's specific, identified reading or

mathematics skill deficiency.

2. Goals and benchmarks for student growth in reading or mathematics.

3. A description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress.

4. For a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive.

5. Strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress. For a student with a substantial reading deficiency, resources must include information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485.

6. Any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

(d) If the coordinated screening and progress monitoring system under subsection (9), or any district-approved screening instrument, identifies a student as exhibiting characteristics of dyslexia or dyscalculia, the school district shall:

1. Ensure that the student is covered by a plan under paragraph (b) which includes evidence-based interventions that are specific to the identified characteristics of dyslexia or dyscalculia and that are aligned, as appropriate, with the interventions required under subsections (5) and (6).

2. Treat the screening result as reasonable suspicion that the student may be a student with a disability for purposes of

s. 1003.57 and promptly seek parental consent to conduct an initial evaluation consistent with State Board of Education rule and applicable federal law.

3. Ensure that screening activities and intervention procedures, including interventions required under this subsection and subsections (5) and (6), occur concurrently with the evaluation process and are not used to delay or deny an appropriate evaluation.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the midyear or final coordinated screening and progress monitoring under subsection (9) shall be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A Voluntary Prekindergarten Education Program student who scores below the 25th ~~10th~~ percentile on the final administration of the coordinated screening and progress monitoring under subsection (9) shall be referred to the local school district and is eligible to receive early literacy skill instructional support through a summer bridge program the summer before participating in kindergarten. The summer bridge program must meet requirements adopted by the department and shall consist of 4 hours of instruction per day for a minimum of 100 total hours. A student with an individual education plan who has been retained pursuant to paragraph (2)(g) and has demonstrated a substantial deficiency in early literacy skills must receive instruction in early literacy skills.

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be immediately notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. The student progression requirements under paragraph (2)(h) and that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies and programming, through a read-at-home plan the parent can use in helping his or her child succeed in reading. The read-at-home plan must provide access to the resources identified in paragraph (e).

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (7)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 and the New Worlds Scholarship Accounts under s. 1002.411 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports and the student's eligibility for the New Worlds Reading Initiative under s. 1003.485. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent

interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(a) The Department of Education, in collaboration with the Office of Early Learning, shall procure and require the use of a statewide, standardized coordinated screening and progress monitoring system for the Voluntary Prekindergarten Education Program and public schools. The system must:

1. Measure student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English Language Arts and mathematics standards as required by ss. 1002.67(1)(a) and 1003.41 and identify the educational strengths and needs of students.

2. For students in the Voluntary Prekindergarten Education Program through grade 3, measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level, and, at a minimum, provide interval level and norm-referenced data that measures equivalent levels of growth.

3. Be a valid, reliable, and developmentally appropriate computer-based direct instrument that provides screening and diagnostic capabilities for monitoring student progress; identifies students who have a substantial deficiency in reading or mathematics, including identifying students with characteristics of dyslexia, dyscalculia, and other learning disorders; and informs instruction. Any student identified by the system as having characteristics of dyslexia or dyscalculia

shall undergo further screening. Any student whose performance in the system meets thresholds established by State Board of Education rule in circumstances in which the system is not capable of identifying characteristics of dyslexia or dyscalculia must undergo further screening. The further screening required under this subparagraph is used to refine instructional planning and parental communication and is not a prerequisite for the interventions or evaluation obligations described in subsection (4). The State Board of Education shall adopt rules establishing timelines, performance thresholds, and parental notification requirements for further screening under this subparagraph. Screening activities under this subsection shall occur concurrently with the interventions and evaluation obligations described in subsection (4) and may not be used to delay or deny an appropriate evaluation. Beginning with the 2023-2024 school year, the coordinated screening and progress monitoring system must be computer-adaptive.

4. Provide data for Voluntary Prekindergarten Education Program accountability as required under s. 1002.68.

5. Provide Voluntary Prekindergarten Education Program providers, school districts, schools, teachers, and parents with data and resources that enhance differentiated instruction and parent communication.

6. Provide baseline data to the department of each student's readiness for kindergarten. The determination of kindergarten readiness must be based on the results of each student's initial progress monitoring assessment in kindergarten. The methodology for determining a student's readiness for kindergarten must be developed by the department

and aligned to the methodology adopted pursuant to s. 1002.68(3) ~~s. 1002.68(4)~~.

7. Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels and provide information to the department to aid in the development of educational programs, policies, and supports for providers, districts, and schools.

Section 14. Paragraph (a) of subsection (1) of section 1008.2125, Florida Statutes, is amended to read:

1008.2125 The Council for Early Grade Success.—

(1) The Council for Early Grade Success, a council as defined in s. 20.03(7), is created within the Department of Education to oversee the coordinated screening and progress monitoring program under s. 1008.25(9) for students in the Voluntary Prekindergarten Education Program through grade 3 and, except as otherwise provided in this section, shall operate consistent with s. 20.052.

(a) The council shall be responsible for reviewing the implementation of, training for, and outcomes from the coordinated screening and progress monitoring program to provide recommendations to the department that support grade 3 students reading at or above grade level. The council, at a minimum, shall:

1. Provide recommendations on the implementation of the coordinated screening and progress monitoring program, including reviewing any procurement solicitation documents and criteria before being published.

2. Develop training plans and timelines for such training.

3. Identify appropriate personnel, processes, and

procedures required for the administration of the coordinated screening and progress monitoring program.

4. Provide input on the methodology for calculating a provider's or school's performance metric and designations under s. 1002.68(3) ~~s. 1002.68(4)~~.

5. Work with the department to review the methodology for determining a child's kindergarten readiness.

6. Review data on age-appropriate learning gains by grade level that a student would need to attain in order to demonstrate proficiency in reading by grade 3.

7. Continually review anonymized data from the results of the coordinated screening and progress monitoring program for students in the Voluntary Prekindergarten Education Program through grade 3 to help inform recommendations to the department that support practices that will enable grade 3 students to read at or above grade level.

Section 15. Paragraph (a) of subsection (4) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(4) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as permitted by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide

percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration which includes the district's indirect cost rate, not to exceed a total of 10 percent;

3. A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and

4. A necessary and reasonable amount, not to exceed 1 percent, for eligible schools to provide educational services in accordance with the approved Title I plan. Such educational services may include the provision of STEM curricula, instructional materials, and related learning technologies that support academic achievement in science, technology, engineering, and mathematics in Title I schools, including, but not limited to, technologies related to drones, coding, animation, artificial intelligence, cybersecurity, data science, the engineering design process, mobile development, and robotics. Funds may be reserved under this subparagraph only to the extent that all required reservations under federal law have

been met and that such reservation does not reduce school-level allocations below the levels required under federal law.

Section 16. Section 1011.804, Florida Statutes, is amended to read:

1011.804 GATE Startup Grant Program.—

(1) The GATE Startup Grant Program is established within the Department of Education to fund and support the startup and implementation of the GATE Program, subject to legislative appropriation. The purpose of the grant program is to increase access to programs that support adult learners earning a high school credential, either a high school diploma or its equivalent, and a workforce credential aligned to statewide or regional demand. The department shall administer the grants, determine eligibility, and distribute grant awards.

(2) As used in this section, the term "institution" means a school district career center established under s. 1001.44, a charter technical career center established under s. 1002.34, or a Florida College System institution identified in s. 1000.21 which offers the GATE Program pursuant to s. 1004.933.

(3) The department may solicit proposals from institutions ~~without programs that meet the requirements of s. 1004.933~~. Such institutions must be located in or serve a rural area of opportunity , as defined in s. 288.0656(2)(d) ~~as designated by the Governor~~. For purposes of this subsection, an institution serves a rural area of opportunity if the institution's service area includes one or more counties or municipalities included within a rural area of opportunity as defined in s. 288.0656(2)(d). An institution's principal place of business, main campus, or administrative offices are not required to be

located within a rural area of opportunity in order to satisfy the service requirement.

(a) The department may award a grant to an institution that, at the time of application, does not offer programs that meet the requirements of s. 1004.933 to support startup and implementation activities.

(b) The department may award a grant to an institution that, at the time of application, offers programs that meet the requirements of s. 1004.933 only for costs authorized in subsection (6), excluding new construction, structural expansion, and major renovation.

(4) The department shall prioritize grant proposals that combine adult basic education, adult secondary education, and career education programs at one location or allow students to complete programs through distance learning. An applicant may not receive more than 10 percent of the total amount appropriated for the program.

(5) The department shall make the grant application available to potential applicants no later than August 15 of each year in which funds are appropriated for the program~~, 2024~~. A grant proposal must include:

(a) The institution or institutions that will provide the adult basic education, adult secondary education, and career education programs;

(b) The proposed adult basic education and adult secondary education program or programs the institution or institutions will provide, and the projected enrollment for such program or programs;

(c) The proposed career education program or programs the

institution or institutions will provide and the projected enrollment for such program or programs;

(d) The credential or credentials associated with the career education program or programs. Such credential or credentials must be included on the Master Credentials List under s. 445.004(4);

(e) The cost of instruction for all programs contemplated in the proposal, including costs for tuition, fees, registration, and laboratory, examination, and instructional materials costs;

(f) Outreach strategies, including collaboration with local workforce development boards; and

(g) A plan or timeline for implementing s. 1004.933 and enrolling students.

(h) Documentation identifying the counties or municipalities within the institution's service area which are included in a rural area of opportunity as defined in s. 288.0656(2)(d).

(6) Grant funds may be used for planning activities and other expenses associated with the creation and implementation of the GATE Program, such as expenses related to program instruction, instructional equipment, supplies, instructional personnel, and student services, minor facility modifications necessary to install or operate instructional equipment used for the GATE Program, and marketing and outreach activities to recruit and enroll eligible students. Marketing and outreach activities and minor facility modifications authorized under this subsection are allowable direct costs of program implementation. Grant funds may not be used for indirect costs.

Grant recipients must submit an annual report in a format prescribed by the department. The department shall consolidate such annual reports and include the reports in the report required by s. 1004.933(6).

(7) The State Board of Education may adopt rules to administer this section.

Section 17. (1) The Department of Education shall collaborate with the Lastinger Center for Learning at the University of Florida to recommend to the Legislature individualized, adaptive artificial intelligence tools to support mathematics instruction in kindergarten through grade 12. The recommendations must:

(a) Ensure that recommended tools align to the Florida academic standards and prepare students for state assessments.

(b) Consider alternate mathematics sequencing and grade-level progression, and alternate funding models to support individualized progression through content.

(c) Evaluate the extent to which the tools provide real-time diagnostic assessments, individualized learning pathways, adaptive sequencing of content, and immediate, personalized feedback to students.

(d) Evaluate the applicability of the tools to progress monitoring tools, district learning management systems, suggested interventions, small-group instructional supports, and professional development that enables teachers to integrate the tools into classroom instruction.

(e) Provide for student data privacy and transparency in data collection and retention.

(f) Consider statewide and district-level costs.

(2) The department shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2026.

Section 18. This act shall take effect July 1, 2026.

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

The Florida Senate

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2/24/26
Meeting Date

Rules
Committee

7036
Bill Number or Topic

656962
Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Florida League of Cities

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

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

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S-001 (08/10/2021)

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Rules
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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Rules Comm
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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Rules
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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

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Rules Committee
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

Name Marlene Sandler

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City State Zip

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PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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Rules
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am a registered lobbyist, representing:

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2/24/2026	SB 7036
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:

Florida Education Association

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2/24/26
Meeting Date

Educ Fin.
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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2/24/26
Meeting Date

Educ. Fin.
Committee

7036
Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

Following appearance cards

were not read into the record

amendment withdrawn

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2/24/26
Meeting Date

Rules
Committee

7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

WD

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

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7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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2/24/2025
Meeting Date

Rules
Committee

7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/24/26
Meeting Date

Rules
Committee

7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

Name Elie Baratz

Phone 954-319-5456

Address 5880 SW 33rd Ave
Street

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Ft Lauderdale | FL | 33312
City | State | Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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Rules
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7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

Name Daniel Aqua (Teach Florida) Phone (954) 342-1159

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2-24-26
Meeting Date

Rules
Committee

SB 7036
Bill Number or Topic

739692
Amendment Barcode (if applicable)

Name Nathan Hoffman

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Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

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

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

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S-001 (08/10/2021)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 7038
INTRODUCER:	Rules Committee; Appropriations Committee on Pre-K - 12 Education; and Education Postsecondary Committee
SUBJECT:	Education
DATE:	February 25, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Jahnke	Bouck		**HE Submitted as Comm. Bill/Fav**
1.	Gray	Elwell	AED	**Fav/CS**
2.	Jahnke	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 7038 modifies provisions related to public postsecondary education, workforce development, and related regulation, focusing on tuition and fee policies, consumer protections, career and technical education, student acceleration, and institutional operations. Specifically, the bill modifies the following:

- Relating to residency, tuition, and fee waivers, the bill:
  - Provides that an individual who qualifies as a resident for tuition purposes may not lose resident status solely due to incarceration in a state or federal correctional facility located in Florida.
  - Expands resident tuition protections to individuals, and their dependent children, serving outside the state as active duty or civilian personnel.
  - Revises eligibility for the grandparent out-of-state fee waiver by removing the requirement that an eligible student must enroll full-time in the fall immediately after high school graduation.
  - Requires Florida College System (FCS) institutions and state universities to waive tuition and fees for active members of the Florida State Guard who enroll in up to six credit hours per academic term on a space-available basis, subject to approval by the Director of the Division of the State Guard.
- Relating to consumer protections and disability services, the bill:
  - Requires fee-based service providers serving individuals who are blind or visually impaired to disclose, in writing and in accessible formats upon request, whether

equivalent or substantially similar services are available at no cost through the Division of Blind Services or another public agency.
    - Provides that failure to provide the required disclosure constitutes an unfair or deceptive trade practice.
    - Replaces the vocational rehabilitation service provider registration process with an application and approval framework, establishes minimum qualifications and annual approval requirements, and requires the development of an annual effectiveness report for approved providers.
- Relating to postsecondary program oversight and governance, the bill:
    - Narrows the exemption from licensure and jurisdiction of the Commission for Independent Education by removing "course" from the exemption and clarifying that colleges or schools approved by another state agency solely to offer licensed programs do not qualify for the exemption.
    - Authorizes the chair of the Florida Prepaid College Board to appoint a qualified designee to serve as a director of its direct-support organization and on the board of directors of Florida ABLE, Inc.
    - Extends the timeline for institutions to seek accreditation from one year to three years following reaffirmation or a fifth-year review and removes the requirement that accreditation be sought from a regional accrediting agency.
    - Extends the sunset date for eligibility under the marriage and family therapist licensure pathway.
- Relating to transfer pathways and student acceleration, the bill:
    - Reduces from 60 to 30 days the timeframe for FCS institutions and state universities to submit comments on proposed Specialized Associate in Arts Transfer degree programs.
    - Requires the State Board of Education (SBE) to establish a statewide uniform weighted grading system for honors courses and articulated acceleration mechanisms, including dual enrollment and advanced coursework.
    - Revises the dual enrollment program by limiting eligibility to Florida students, clarifying eligible postsecondary institutions, and removing statutory requirements related to grade point average (GPA) weighting while prohibiting discriminatory grading practices.
    - Expands reimbursement eligibility under the Dual Enrollment Scholarship Program to include tuition and instructional materials costs for public school students enrolled at eligible independent postsecondary institutions during fall and spring terms.
- Relating to college readiness and developmental education, the bill:
    - Expands the use of SBE–approved alternative assessment methods for determining college readiness to include FCS institutions and school district career centers.
    - Revises readiness exemptions, assessment requirements, and developmental education protections, and applies developmental education requirements to school district career centers.
- Relating to workforce education and student financial incentives, the bill:
    - Removes geographic limitations on supplemental funding eligibility for regional and local demand certifications on the Career and Professional Education (CAPE) Industry Certification Funding List.
    - Modifies eligibility requirements for the Florida Gold Seal CAPE Scholars Award by reducing required postsecondary credit hours earned through CAPE certifications and adding a minimum weighted GPA requirement.

  - Allows eligible students to defer receipt of an initial Benacquisto Scholarship Program award for up to one year while retaining eligibility.
- Relating to funding models and institutional fiscal requirements, the bill:
  - Establishes an additional Florida Education and Finance Program (FEFP) funding incentive for student performance in the Florida Advanced Courses and Tests (FACT) College Algebra course, including associated teacher bonuses.
  - Revises the FCS Program Fund apportionment model to require recognition of a minimum funding level per full-time equivalent (FTE) student and additional economic factors, and standardizes institutional reserve thresholds.
  - Standardizes end-of-year carry-forward reserve requirements at 7 percent for all FCS institutions, revises reporting and notification requirements, and authorizes retention of excess reserves for future authorized expenditures.
  - Adds an adjusted cohort graduation rate to the existing 4-year graduation rate standard under the Preeminent State Research Universities Program and to the existing 4-year graduation rate metric used in the State University System performance-based funding model.
  - Revises the access rate performance metric to measure the percentage of first-year undergraduate students receiving a Pell Grant, rather than all undergraduate students enrolled.
- Relating to public postsecondary education safety policies and procedures, the bill requires each state university and FCS institution to adopt, implement, and annually update written safety policies to prevent, report, and respond to acts or credible threats of violence, and specifies the required policy components.

This bill has an indeterminate fiscal impact on state revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Residency Status for Tuition Purposes

Present Situation

Students must be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System (FCS) institutions, and state universities. Students pay differing tuition rates based on their status as residents or nonresidents of Florida.[1] A "resident for tuition purposes" means an admitted or currently enrolled student who meets the

[1] Section 1009.21. F.S.

residency requirements in statute and rule or regulation and is therefore eligible to pay the resident tuition and fee rate.[2]

Specifically, to qualify as a resident for tuition purposes a person, or if that person is a dependent child, his or her parent or parents must have established legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education. [3]

A person must provide proof that he or she should be classified as a resident for tuition purposes and may not receive the in-state tuition rate until clear and convincing evidence related to legal residence and its duration has been provided. Each institution of higher education must make a residency determination that is documented by the submission of written or electronic verification that includes two or more specified documents that:

- Must include at least one of the following ("Tier 1"):
  - A Florida voter's registration card.
  - A Florida driver license.
  - A State of Florida identification card.
  - A Florida vehicle registration.
  - Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
  - Proof of a homestead exemption in Florida.
  - Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.
  - Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
- May include one or more of the following ("Tier 2"):
  - A declaration of domicile in Florida.
  - A Florida professional or occupational license.
  - Florida incorporation.
  - A document evidencing family ties in Florida.
  - Proof of membership in a Florida-based charitable or professional organization.
  - Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.[4]

<u>Florida Residency for Incarcerated Individuals</u>

Each FCS institution and state university must develop regulations, policies, and procedures for determining each admitted student's Florida residency status for tuition purposes.[5] Therefore, each institution of higher education must establish policies regarding incarcerated individuals. For example, Tallahassee State College and St. Petersburg College both require an incarcerated individual to provide documentation that he or she lived in Florida for 12 months before

[2] Rule 6A-10.044, F.A.C. and Board of Governors Regulation 7.005.
[3] Section 1009.21(2)(a), F.S.
[4] Section 1009.21(3), F.S.
[5] Rule 6A-10.044(3), F.A.C. and Board of Governors Regulation 7.005(5).

incarceration, and require Tier 1 and Tier 2 documentation to prove his or her physical presence in Florida for 12 months before incarceration. If the individual has been released for a year or longer, he or she must provide documentation for the most recent 12 months.[6]

Effect of Proposed Changes

The bill modifies s. 1009.21, F.S., by providing that an individual who has met the requirements to be classified as a resident for tuition purposes may not lose his or her resident status for tuition purposes solely because of incarceration in a state or federal correctional facility in Florida.

The bill expands protection of residency status for members of the armed forces serving outside of Florida to include individuals, and their dependent children, serving outside the state as civilian personnel in the United States Department of State, Department of Defense, or teaching at a Department of Defense Dependent School.

Public Postsecondary Tuition and Fees

Present Situation

Florida law defines "tuition" as the basic fee charged to a student for instruction provided by a public postsecondary educational institution.[7] In addition to tuition, institutions charge a variety of required fees, such as student activity, technology, financial aid, and capital improvement fees, which together make up the total per-credit-hour cost.[8]

For the 2025-2026 academic year, the resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at $105.07 per credit hour.[9] When combined with required fees, the SUS average undergraduate tuition and fees total is $200.08 per credit hour.[10]

Within the Florida College System (FCS), standard tuition for college credit courses is $71.98 per credit hour, with additional required fees set by each institution. Tuition for the baccalaureate degree program is $91.79 per credit hour for students classified as residents for tuition purposes, plus required fees.[11]

[6] Tallahassee Community College, *Residency FAQs*, https://www.tsc.fl.edu/media/divisions/admissions-and-recruiting/forms/Residency-FAQs.pdf and St. Petersburg College, *Residency FAQs*, https://www.spcollege.edu/future-students/admissions/residency/residency-faqs (last visited Feb. 10, 2026).
[7] Section 1009.01(1), F.S.
[8] Sections 1009.23 and 1009.24, F.S.
[9] Section 1009.24(4)(a), F.S.
[10] Florida Board of Governors, *State University System of Florida, Tuition and Required Fees, 2025-2026, available at*, https://www.flbog.edu/wp-content/uploads/2025/07/2025-2026-SUS-Tuition-and-Fees-Report.pdf (last visited Feb. 10, 2026).
[11] Section 1009.23(3), F.S.

Florida law extends fee waivers to students who meet specified conditions. Some fee waivers are mandatory,[12] while others are permissive.[13]

Grandparent Out-of-State Fee Waiver

State universities are required to waive the out-of-state fee for certain nonresident undergraduate students whose grandparent is a legal resident of Florida. To be eligible for the waiver, a student must earn a high school diploma comparable to a Florida standard high school diploma or complete a home education program, achieve designated SAT, ACT, or Classic Learning Test score thresholds, and enroll as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.[14]

State Employee Tuition and Fee Waiver

Each SUS and FCS institution must waive tuition and fees for state employees for up to six credit hours per academic term, on a space-available basis. Participation is subject to approval by the employee's agency head. The waiver applies to tuition and required fees charged per credit hour.[15] Institutions may continue to charge non-waivable fees, such as laboratory or materials fees, as authorized elsewhere in statute.[16]

For purposes of this waiver, employees of the state include individuals employed by the executive, legislative, and judicial branches of state government, but exclude employees of state universities. The Chief Financial Officer, in cooperation with SUS and FCS institutions, must identify and implement measures to reduce administrative burdens associated with the waiver program, including streamlining how institutions verify state employment.

Eligible employees may be required to wait until after priority registration periods to enroll in courses. Participation in the waiver does not guarantee placement in a specific course or section and is dependent on institutional capacity.

SUS and FCS institutions are reimbursed for administrative costs associated with the waiver program from funds specifically appropriated for that purpose, and the Auditor General reviews the related cost assessment data as part of his or her regular audit responsibilities.[17]

[12] Section 1009.26 (5), (7)-(8), (12)-(14), (17)-(20) F.S. Mandatory fee waivers include, but are not limited to, waivers for graduate students in state-approved school psychology internship programs, spouses of deceased state employees, recipients of a Purple Heart or other qualifying combat decoration, and active duty members of the Armed Forces.
[13] Section 1009.26 (1)-(4), (6), (9)-(11), (15)-(16), and (21), F.S. Permissive fee waivers include, but are not limited to, waivers for full-time university employees, Florida residents 60 years of age or older on a space-available basis, purposes that support and enhance the mission of the university, and intercollegiate student athletes receiving an athletic scholarship.
[14] Section 1009.26(20)(a), F.S. The term "grandparent" means a person who has a legal relationship to a student's parent as the natural or adoptive parent or legal guardian of the student's parent.
[15] Section 1009.265(1), F.S.
[16] Sections 1009.23(12) and 1009.24(14), F.S.
[17] Section 1009.265, F.S.

Florida State Guard

The Florida State Guard (FSG) was created in 2022[18] as a component of the state's organized guard and operates separately from the Florida National Guard.[19] The FSG is a state-funded volunteer force that supports disaster-response and humanitarian efforts during state activations.[20]

The FSG operates under the Governor's command and control and may be activated for use within the state or in other states for specific purposes.[21] The FSG may also provide support to other states under the Emergency Management Assistance compact.[22] The Division of the State Guard within the Department of Military Affairs is responsible for administering and managing the FSG.[23]

Effect of Proposed Changes

Grandparent Out-of-State Fee Waiver

The bill amends s. 1009.26, F.S., by revising eligibility for the out-of-state fee waiver for certain nonresident students with a Florida-resident grandparent to remove the requirement that an eligible student enroll full-time in the fall academic term immediately following high school graduation. Therefore, university students who enroll prior to the creation of the waiver and transfer students may be eligible for the grandparent waiver.

Florida State Guard

The bill amends s. 251.001, F.S., by requiring each FCS institution and state university to waive tuition and fees for active members of the Florida State Guard who enroll in up to six credit hours per term on a space-available basis, subject to approval by the Director of the Division of the State Guard.

Blind Services

Present Situation

The Division of Blind Services, within the Department of Education, helps blind and visually impaired individuals achieve their goals and live their lives with as much independence and self-direction as possible.[24] All programs, projects, and activities of the division are to be carried out in a manner consistent with the following principles:

- Respect for individual dignity, personal responsibility, self-determination to live independently, and pursuit of meaningful careers, based on informed choice;
- Support for the involvement of an individual's representative if an individual requests, desires, or needs such support;

[18] Chapter 2022-157, s. 80, Laws of Fla., and s. 251.001, F.S.
[19] Section 251.001(1), F.S.
[20] Florida State Guard, *About*, https://www.floridastateguard.org/about (last visited Feb. 10, 2026).
[21] Section 251.001(2), F.S.
[22] Section 251.001(8)(a), F.S.
[23] Section 251.001(3), F.S.
[24] Florida Department of Education, Division of Blind Services, *Welcome Message*, https://dbs.fldoe.org/ (last visited Jan. 29, 2026).

- Respect for the individual's privacy and equal access, including the use of information in accessible formats; and
- Integration and full participation of individuals who are blind in society on equal terms with others.[25]

Effect of Proposed Changes

The bill creates s. 413.0114, F.S., to require individuals and entities that offer fee-based services to individuals who are blind or visually impaired to provide a written disclosure, before entering into a contract or accepting payment, indicating whether equivalent or substantially similar services are available at no cost through the Division of Blind Services or another public agency.

The bill requires the written disclosure to:

- Be provided in plain language, and upon request in an accessible format, such as braille, large print, or audio;
- Include contact information for the Division of Blind Services; and
- Be signed or electronically acknowledged by the consumer or his or her representative.

The bill provides that a violation constitutes an unfair or deceptive trade practice subject to enforcement and penalties under part II of ch. 501, F.S. The bill also authorizes the State Board of Education to adopt rules to implement the section.

Vocational Rehabilitation Service Providers

Present Situation

The State Vocational Rehabilitation Services Program is authorized by the Rehabilitation Act of 1973[26] 2 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA)[27] and provides federal funding to states to operate vocational rehabilitation (VR) programs within a statewide workforce development system.[28]

In Florida, vocational rehabilitation services are administered by two agencies housed within the Department of Education: the Division of Blind Services, which serves individuals who are blind or visually impaired, and the Division of Vocational Rehabilitation (DVR), which serves individuals with other disabilities.[29]

Service providers must register with the DVR. To qualify for registration, the DVR must ensure that the service provider maintains an internal quality assurance system, has proven functional systems, and is subject to a due diligence inquiry into its fitness to undertake service responsibilities.[30]

[25] Section 413.011(1), F.S.
[26] Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355.
[27] Workforce Innovation and Opportunity Act, Pub. L. 113-128.
[28] United States Department of Education, *State Vocational Rehabilitation Services Program*, https://rsa.ed.gov/about/programs/vocational-rehabilitation-state-grants (last visited Feb. 10, 2026).
[29] Part I and Part II, ch. 413, F.S.
[30] Section 413.208(1), F.S.

Effect of Proposed Changes

The bill amends s. 413.208, F.S., by replacing service provider registration with an application and approval framework. The bill specifies that, to qualify for approval, a service provider must maintain an internal quality assurance system, have a proven functional system, meet minimum qualifications, and be subject to a due diligence inquiry into its fitness to undertake service responsibilities.

The bill requires the DVR to establish minimum qualifications and an annual application process for service providers offering employment-related vocational rehabilitation services. The bill allows the DVR to approve or deny any service provider application. Beginning January 1, 2027, only service providers that meet the minimum qualifications and that have been approved to provide employment-related services to individuals with disabilities may participate in the vocational rehabilitation program.

The bill also requires the DVR to develop and publish an annual report on service provider effectiveness, including an evaluation system that measures the effectiveness of all service providers approved by the DVR to provide employment-related services to individuals with disabilities.

The bill requires service providers participating in the VR program to meet minimum standards of effectiveness, including successful placement of individuals in competitive and integrated employment, in order to maintain approved status with the division. The bill requires rates for VR services to be allocable, reasonable, and necessary, as determined by the division.

The Commission for Independent Education

Present Situation

The Commission for Independent Education (CIE) was established in 2001 and is responsible for matters related to nonpublic postsecondary educational institutions. The CIE's functions include consumer protection, program improvements, institutional policies and administration, data management, and the licensure of independent schools, colleges, and universities.[31] Under current law, certain institutions are not under the jurisdiction of the CIE and are not required to obtain licensure, which include, but are not limited to:

- Any college, school, or course that is licensed or approved for establishment and operation by another state agency.[32]
- Any institution that offers only avocational programs or courses, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses.[33]

[31] Section 1005.21, F.S., and Florida Department of Education, *Commission for Independent Education*, https://www.fldoe.org/policy/cie/ (last visited Feb. 11, 2026).
[32] Section 1005.06(1)(b), F.S. This includes colleges, schools, or courses licensed under part I of chapter 464 (Nurse Practice Act), chapter 466 (Dentistry, Dental Hygiene, and Dental Laboratories), chapter 475 (Real Estate Brokers, Sales Associates, Schools, and Appraisers), or any other chapter of the Florida Statutes.
[33] Section 1005.06(1)(d), F.S.

Effect of Proposed Changes

The bill amends s. 1005.06, F.S., by removing "course" from the exemption from CIE licensure and jurisdiction, limiting the exemption to a college or school licensed or approved by another state agency. The bill also specifies that colleges or schools approved by another state agency to offer one or more courses or programs in nursing, dentistry, real estate, or other licensed programs do not qualify for the exemption solely because the course or program is licensed or approved.

Additionally, the bill clarifies that the provisions that narrow the current exemption of certain institutions from CIE oversight do not affect existing statutory exemptions for contract training, continuing education, or professional development programs, even if such programs are approved under Chapter 466.

Specialized Associate in Arts Transfer Degree

Present Situation

In 2024, the Legislature authorized Florida College System (FCS) institutions to offer Specialized Associate in Arts Transfer (SAAT) degrees designed for students who need supplemental lower-division coursework to prepare for transfer to another institution. These degrees must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit.[34]

The State Board of Education (SBE) is required to establish criteria for the review and approval of new SAAT degrees. As part of the approval process, an FCS institution seeking to offer a SAAT degree must submit a notice of intent to the Division of Florida Colleges (division). The division is required to forward the notice within 10 business days to all FCS institutions and to the Chancellor of the State University System, who must distribute the notice to all state universities. State universities and FCS institutions have 60 days after receipt of the notice to submit comments on the proposed SAAT degree before the proposing institution may submit a formal program proposal.[35]

Effect of Proposed Changes

The bill amends s. 1007.25, F.S., by reducing the comment submission timeframe on proposed SAAT degree programs from 60 to 30 days.

Middle and High School Grading System

Present Situation

The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools is as follows:

- Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

[34] Section 1007.25(9), F.S.; Rule 6A-14.094, F.A.C.

[35] *Id. See also* Florida Department of Education, Florida College System, *SAAT Proposal Approval Process Timeline*, https://www.fldoe.org/schools/higher-ed/fl-college-system/administrators/saat.stml (last visited Feb. 11, 2026).

- Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."
- Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."
- Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."
- Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."
- Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."[36]

For class ranking, district school boards are authorized to use a weighted grading system. School districts and Florida College System institutions must weigh dual enrollment courses the same as Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) courses when calculating grade point averages (GPAs). Alternative grade calculation systems, alternative grade weighting systems, and information about student education options that discriminate against dual enrollment courses are prohibited.[37]

Generally, school districts apply a 0.5 GPA weight to honors, pre-IB, or pre-AICE courses, and a 1.0 weight to AP, IB, AICE, and dual enrollment courses.

Effect of Proposed Changes

The bill amends s. 1003.437, F.S., by requiring the State Board of Education to establish a statewide uniform weighted grading system for honors courses and articulated acceleration mechanisms, including dual enrollment, AP, IB, and AICE. The bill also requires school boards to use the weighted grading system to calculate weighted high school GPAs.

Dual Enrollment

Present Situation

The dual enrollment program allows an eligible secondary student or home education student to enroll in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree.[38] School districts and Florida College System (FCS) institutions are required to weigh dual enrollment courses the same as Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) courses when calculating a student's high school grade point average (GPA). Alternative grade calculation systems, alternative grade weighting systems, and information about student education options that discriminate against dual enrollment courses are prohibited.[39]

[36] Section 1003.437, F.S.
[37] Section 1007.271(18), F.S.
[38] Section 1007.271(1), F.S.
[39] Section 1007.271(18), F.S.

Dual enrollment instruction may be provided by a Florida College System institution, a state university, or an eligible independent college or university. An eligible independent college or university is a nonprofit institution that is accredited by a regional or national accrediting agency recognized by the United States Department of Education and that confers degrees.[40] The statute does not specify that an eligible school must be located in Florida.

Effect of Proposed Changes

The bill amends s. 1007.271, F.S., by specifying that the postsecondary institutions eligible to participate in the dual enrollment program are Florida public postsecondary institutions and eligible not-for-profit independent colleges and universities.

Dual Enrollment Scholarship Program

Present Situation

The Dual Enrollment Scholarship Program (program) is established to reimburse eligible postsecondary institutions for the cost of providing dual enrollment instruction to certain secondary students. The program is administered by the Department of Education and operates subject to annual appropriations.

Eligible postsecondary institutions are reimbursed for tuition and related instructional materials costs for dual enrollment courses taken by eligible secondary students, with reimbursement for fall and spring term courses limited to eligible private school, home education program, and personalized education program secondary students. and reimbursement for summer term courses extended for public school, private school, home education program, and personalized education program secondary students.[41]

Public postsecondary institutions that provide dual enrollment instruction to public high school students receive payment through school district FEFP funds during the fall and spring terms, as specified in the dual enrollment articulation agreement.[42] The program reimburses eligible postsecondary institutions when district funding is not provided. However, private postsecondary institutions do not receive district funding, but are not authorized to receive program funds in the fall and spring terms.[43]

To receive reimbursement, participating institutions must report eligible student enrollments to the Department of Education within statutorily prescribed timeframes, and reimbursement payments are contingent upon funding provided in the General Appropriations Act.[44] Reimbursement amounts vary by institution type and are based on statutorily established tuition rates, with instructional materials costs reimbursed separately.[45]

[40] Section 1011.62(1)(i), F.S.
[41] Section 1009.30, F.S.
[42] Section 1007.271(21)(n)1., F.S.
[43] Section 1009.30, F.S.
[44] Section 1009.30(5) and (7), F.S.
[45] Section 1009.30(6), F.S.

Effect of Proposed Changes

The bill amends s. 1009.30, F.S., by expanding reimbursement eligibility under the Dual Enrollment Scholarship Program. Specifically, the bill authorizes reimbursement to eligible independent postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school students during the fall and spring terms.

College Readiness Assessment Alternatives

Present Situation

Florida public postsecondary institutions determine whether students demonstrate readiness for college-level communication and computation skills to place students in appropriate coursework and identify the need for developmental education. The State Board of Education (SBE) adopts rules establishing common placement tests and alternative methods for assessing readiness for college-level coursework in communication and computation readiness.[46]

Readiness for college-level communication and computation may be demonstrated by achieving or exceeding standard scores on approved placement assessments, including the Florida Postsecondary Education Readiness Test (PERT), ACT, SAT, ACCUPLACER, and other approved assessments. Readiness may also be demonstrated through alternative methods, including specified concordant scores on approved national assessments, successful performance in designated high school coursework with a minimum grade point average, credit-by-examination, or the use of institution-approved local placement methods for developmental education at Florida College System (FCS) institutions.[47]

Students who entered 9th grade in a Florida public school in the 2003–2004 school year or thereafter and earned a Florida standard high school diploma, as well as students serving as active-duty members of any branch of the United States Armed Services, are exempt from being assessed for readiness for college-level work in communication and computation and from enrollment in developmental education instruction at an FCS institution. Exempt students may elect to be assessed and to enroll in developmental education instruction upon request. Students assessed for readiness in college-level communication and computation whose assessment results indicate a need for developmental education must be advised of all developmental education options offered at the institution and, after advisement, may enroll in the developmental education option of their choice. Students who demonstrate readiness by achieving or exceeding test scores established by the SBE and enroll in an FCS institution within two years are not required to retest or complete developmental education.[48]

FCS institutions are required to implement the developmental education strategies defined in statute[49] and SBE rule.[50] Institutions must use placement test results or alternative methods established by the SBE to determine the extent to which each student demonstrates sufficient communication and computation skills for the student's chosen meta-major, and must counsel

[46] Section 1008.30(1) and (2), F.S.
[47] Rule 6A-10.0315, F.A.C.
[48] Section 1008.30(3), F.S.
[49] Section 1008.02, F.S.
[50] Rule 6A-10.0315, F.A.C.

students into college-credit coursework as quickly as possible, with developmental education limited to the content necessary for success in the meta-major.[51]

Effect of Proposed Changes

The bill amends s. 1008.30, F.S., by expanding the use of alternative assessment methods to allow both FCS and school district career centers to assess students' communication and computational skills using SBE-approved alternatives to common placement tests. The bill authorizes FCS institutions to request approval of institution-specific alternative methods in accordance with the SBE rule.

The bill revises student readiness exemptions by specifying that students who earned a Florida Standard High School Diploma and demonstrated readiness through an approved common placement test or alternative assessment method are exempt from assessment and developmental education.

The bill requires assessment opportunities for non-ready graduates by specifying that students who earned a Florida standard high school diploma but have not demonstrated readiness must be offered the opportunity to be assessed and, if necessary, advised of available developmental education options before enrolling.

The bill extends retesting and developmental education protections to both FCS institutions and school district career centers, providing that students who demonstrate readiness and enroll within two years may not be required to retest or complete developmental education.

Additionally, the bill applies developmental education requirements to school district career centers, including implementing SBE–defined strategies, using placement or alternative assessments tied to a student's chosen meta-major, and counseling students into college-credit coursework as quickly as possible, with developmental education limited to content necessary for success.

Career and Professional Education (CAPE) Certification Funding List

Present Situation

The Career and Professional Education (CAPE) Industry Certification Funding List identifies industry certifications that are eligible for additional funding when earned by students. The State Board of Education (SBE) must adopt the funding list at least annually, based on recommendations from the Commissioner of Education. The list assigns categories of industry certificates and certifications[52] to certifications identified in the Master Credentials List[53] that meet statewide, regional, or local workforce demand. Certifications designated as meeting regional or local demand are eligible for supplemental funding only in the areas where such demand has been identified by the Credentials Review Committee.[54]

[51] Section 1008.30(4), F.S.
[52] Section 1003.4203, F.S.
[53] Section 445.004(4), F.S. CareerSource Florida, *Florida's Master Credentials List*, https://careersourceflorida.com/master-credentials-list/ (last visited Feb. 11, 2026).
[54] Section 1008.44(1), F.S.

Effect of Proposed Changes

The bill amends s. 1008.44, F.S., by removing the limitation that supplemental funding for regional and local demand certifications may only be earned in demand areas as identified by the Credentials Review Committee.

Florida Gold Seal CAPE Scholars Awards

Present Situation

The Florida Gold Seal CAPE Scholars Award, established within the Florida Bright Futures Scholarship Program,[55] recognizes high school students who earn postsecondary credit through CAPE industry certifications that articulate for college credit.[56] To be eligible for the award, a student must meet the general eligibility requirements for the Bright Futures Scholarship Program,[57] earn at least five postsecondary credit hours through eligible CAPE industry certifications, and complete a required number of volunteer service or paid work hours, or a combination of both.[58] The award may be used to fund career-focused postsecondary programs, including technical degrees, applied technology diplomas, or career certificates, and may also be applied toward baccalaureate degree programs in specified articulated pathways.[59]

Effect of Proposed Changes

The bill amends s. 1009.536, F.S., by modifying the eligibility requirements for the Florida Gold Seal CAPE Scholars award. Specifically, the bill reduces the required minimum postsecondary credit hours earned through CAPE industry certifications from five to three and adds a requirement that students earn a minimum cumulative weighted grade point average (GPA) of 2.5 in all subjects required for high school graduation, excluding electives.

The bill also expands eligibility by allowing students who complete the GATE Program to apply for the award before or within three months of completion.

The Benacquisto Scholarship Program

Present Situation

The Benacquisto Scholarship Program is established to reward high school graduates who are recognized as National Merit Scholars and enroll in a baccalaureate degree program at an eligible Florida public or independent postsecondary educational institution. The program applies to students who initially enroll in the 2014–2015 academic year or later.

The Department of Education administers the program in accordance with rules and procedures adopted by the State Board of Education and is responsible for advertising the availability of the scholarship and notifying students, parents, educators, and school administrators of the eligibility criteria.

[55] Section 1009.53, F.S.
[56] Section 1009.536, F.S.
[57] *See* Section 1009.531, F.S.
[58] Section 1009.536(2), F.S.
[59] Section 1009.536(5), F.S.

To qualify for an initial award, a student must meet specified residency, academic, and enrollment requirements. A Florida resident student must earn a standard Florida high school diploma or its equivalent, subject to statutory exceptions for home education students and students who earn a diploma from a non-Florida school while residing with a parent on a military or public service assignment out of state. The student must also be accepted by and enroll full time in a baccalaureate degree program at a regionally accredited Florida public or independent postsecondary educational institution during the fall academic term immediately following high school graduation.[60]

Effect of Proposed Changes

The bill amends s. 1009.893, F.S., by allowing an eligible student to defer receipt of an initial Benacquisto Scholarship Program award for up to one year while retaining eligibility for the scholarship.

Florida Prepaid College Board

Present Situation

The Florida Prepaid College Board is authorized to establish a direct-support organization (DSO) organized as a Florida not-for-profit corporation to receive, hold, invest, and administer property and to make expenditures for the benefit of the board and the Florida Prepaid College Program. The DSO must be certified by the board as operating in a manner consistent with the board's goals and in the best interests of the state, and may not use the name of the prepaid or savings program unless so certified.

The DSO operates under a written contract with the board that governs its structure and oversight, including board approval of its articles of incorporation and bylaws, submission of an annual budget for board approval, annual certification of compliance by the board, reversion of assets to the board or the state if the organization ceases to operate, and required disclosures to donors. The DSO's fiscal year runs from July 1 through June 30.

The DSO is subject to financial oversight requirements, including an annual financial audit, and donor identities may remain confidential as provided by law. The chair of the Florida Prepaid College Board serves as a director of the DSO, and the chair and the executive director jointly appoint additional directors. The board may authorize the DSO to use board property, facilities, and personal services under conditions established by rule.

The board may invest certain DSO funds related to advance payment contracts and the DSO is responsible for administering the Florida Prepaid Tuition Scholarship Program. The board may also establish additional scholarship programs funded by escheated funds, subject to statutory criteria and reporting requirements.[61]

[60] Section 1009.893, F.S.
[61] Section 1009.983, F.S.

Effect of Proposed Changes

The bill amends s. 1009.983, F.S., by authorizing the chair of the board of the Florida Prepaid College Board to appoint a designee who possesses knowledge, skill, and experience in accounting, risk management, or investment management to serve as the director of the direct-support organization.

Florida ABLE Program

Present Situation

The Florida ABLE Program is established to encourage and assist individuals with disabilities in saving private funds in tax-advantaged accounts to pay for qualified disability expenses, consistent with federal law authorizing ABLE programs.[62] The program is administered by Florida ABLE, Inc., a direct-support organization established by the Florida Prepaid College Board as a Florida not-for-profit corporation to receive, hold, invest, and administer property for the benefit of the Florida ABLE Program.[63]

The board of directors of Florida ABLE, Inc. consists of the chair of the Florida Prepaid College Board or his or her designee; up to three individuals appointed by the Florida Prepaid College Board with expertise in accounting, risk management, or investment management; one individual with similar expertise appointed by the Governor; and two individuals appointed by legislative leadership who are advocates for persons with disabilities, including at least one advocate for persons with developmental disabilities.[64]

Effect of Proposed Changes

The bill amends s. 1009.986, F.S., by authorizing the chair of the Florida Prepaid College Board to appoint a designee to serve on the board of directors of Florida ABLE, Inc., provided that the designee possesses knowledge, skill, and experience in accounting, risk management, or investment management.

Academic Acceleration Options Supplement

Present Situation

The Academic Acceleration Options Supplement is established to assist school districts in providing academic acceleration options, career-themed courses, and courses that lead to digital tool certificates and industry certifications for prekindergarten through grade 12 students. The supplement is allocated annually under the General Appropriations Act, based on each school district's proportionate share of the state's total academic acceleration value.[65] For the 2025–2026 fiscal year, the total Academic Acceleration Options Supplement is $596.8 million.[66]

[62] Section 1009.986(1), F.S.
[63] Section 1009.986(3)(a), F.S.
[64] Section 1009.986(3)(d), F.S
[65] Section 1011.62(17)(a), F.S.
[66] Section 1011.62(17), F.S.; Chapter 2025-198, Laws of Fla., s. 2, Specific Appropriations 5 and 88.

The weighted full-time equivalent (FTE) values for student attainment in specified academic acceleration programs vary based on the type of program and the level of achievement and include, but are not limited to, the following:

- **Advanced Placement (AP)**
  - 0.16 FTE for a score of 3 or higher on an AP examination.
  - 0.30 FTE for receipt of an AP Capstone diploma.
- **International Baccalaureate (IB)**
  - 0.16 FTE for a score of 4 or higher on an IB subject examination or a score of "C" or higher in the Theory of Knowledge course.
  - 0.30 FTE for receipt of an IB diploma.
- **Advanced International Certificate of Education (AICE)**
  - 0.16 FTE for completion of a full-credit AICE course with a score of "E" or higher.
  - 0.08 FTE for completion of a half-credit AICE course with a score of "E" or higher.
  - 0.30 FTE for receipt of an AICE diploma.
- **Dual Enrollment**
  - 0.16 FTE for early college program students who complete a general education core course with a grade of "A" or better.
  - 0.08 FTE for non-early college students who complete a general education core course or qualifying career course with a grade of "A".
  - 0.30 FTE for receipt of an associate degree through dual enrollment with a 3.0 GPA or higher.
- **Career and Professional Education (CAPE)**
  - 0.025 FTE for CAPE Digital Tool certificates earned by elementary and middle school students.
  - 0.10–0.30 FTE for completion of career-themed courses or embedded industry certifications.
  - 0.50–1.0 FTE for CAPE Acceleration industry certifications articulating to postsecondary credit.
- **Early High School Graduation**
  - 0.25 FTE for graduation one semester early.
  - 0.50 FTE for graduation one year or more early.[67]

Using funds received through the supplement, school districts must award performance-based bonuses to teachers whose instruction results in qualifying student achievement. Teacher bonuses are awarded in addition to any regular salary or other bonus received by the teacher:

- $50 per student for qualifying AP, IB, or AICE examination scores.
- Additional bonuses of up to $500 for eligible teachers in schools designated with a grade of "D" or "F".
- $25 to $100 per student for instruction leading to the attainment of qualifying CAPE industry certifications, depending on the assigned acceleration value.[68]

[67] Section 1011.62(17)(b)-(f) and (h), F.S.
[68] Section 1011.62(17)(c)-(g), F.S.

School districts must use remaining supplement funds for expenses associated with the applicable acceleration courses and programs, and such funds may not be used to supplant base FEFP funding.[69]

Florida Advanced Courses and Tests

In 2023,[70] the Legislature established advanced courses developed by the Department of Education (DOE) in collaboration with public postsecondary institutions as an additional acceleration option for students. The DOE collaborated with secondary and postsecondary faculty to develop a high school advanced mathematics course and associated assessment that will offer students an opportunity to earn college credit in college algebra. The DOE launched a pilot of the Florida Advanced Courses and Tests (FACT) College Algebra in the 2025-26 academic year, coordinated by the Division of Florida Colleges and the Florida Student Success Center. Participating secondary instructors received professional learning and will provide feedback to the DOE on the course. Full statewide implementation is scheduled for the 2026-27 school year.

The FACT College Algebra assessment will be based on the B.E.S.T. Standards in the 9-12 Florida Advanced College Algebra course and aligned with the competencies and outcomes identified in the College Algebra (MAC X105) course curriculum. The assessment will be offered during the normal spring (March – May) K-12 testing window. Upon passing the FACT College Algebra assessment, students will receive college credit for MAC X105 good at any public college or university in the state of Florida. Additionally, students who pass the assessment will be prepared for courses in the "Algebra through Calculus" postsecondary mathematics pathway, including pre-calculus, statistics, and/or business calculus.[71]

Effect of Proposed Changes

The bill amends s. 1011.62, F.S., by adding a new funding incentive that generates additional full-time equivalent (FTE) student membership based on student performance in the Florida Advanced Courses and Tests (FACT) College Algebra course, similar to incentives provided for other advanced courses, such as AP, IB, AICE, and CAPE industry certifications. Specifically, the bill:

- Awards additional FEFP FTE membership for each student enrolled in a FACT College Algebra course who achieves a minimum qualifying score on an approved assessment.
- Assigns a value of 0.16 FTE for each qualifying student and adds the additional FTE to the district's total FTE membership in basic programs for grades 9 through 12 in the subsequent fiscal year.
- Requires school districts to allocate at least 80 percent of the funds generated from the additional FTE to the high school that generated the funds through FACT College Algebra instruction.

[69] Section 1011.62(17)(b)-(f) and (h), F.S

[70] Chapter 2023-39, s. 18, Laws of Fla.

[71] Florida Department of Education, *Memorandum, Subject: Florida Advanced Course and Test (FACT) College Algebra* (June 13, 2025), *available at* https://info.fldoe.org/docushare/dsweb/Get/Version-11717/20225-69.pdf (last visited Feb. 11, 2026).

- Requires districts to distribute performance-based bonuses to teachers who provided FACT College Algebra course instruction, including:
  - A $50 bonus for each student taught by the teacher who achieves a qualifying score; and
  - An additional one-time $500 bonus to each FACT College Algebra course teacher in a school graded "D" or "F" who has at least one qualifying student, regardless of the number of qualifying students or courses taught.

Florida College System Program Funding Model

Present Situation

State financial support for FCS institutions is determined through an annual process that establishes the amount to be included in the FCS Program Fund for institutional operating programs. The DOE annually analyzes operating costs to determine costs per FTE student and submits this information, along with current college operating budgets, as part of the legislative budget request process. Funding allocations are based on advanced and professional disciplines, developmental education, and other adult education programs, including lifelong learning and education for disabled adults, while certain enrollments, including state inmate education and courses fully funded by external agencies, are excluded from FTE calculations for state funding purposes.[72]

The annual apportionment of state funds to each FCS institution is determined through the General Appropriations Act. In determining each institution's apportionment, the Legislature considers multiple components, including the base budget and a cost-to-continue allocation consisting of incremental changes to the base budget. The cost-to-continue allocation is distributed through a funding model approved by the Legislature and may recognize differing economic factors among institutions, including direct instructional funding, academic support, student services support, library support, special projects, operations and maintenance of plant, and comparable wage factors. The apportionment process also accounts for certain enrollments that are not counted toward FTE workload adjustments, operating cost adjustments for new facilities, and new or improved program enhancements. Student fee revenues included in the base budget and generated by fee increases are deducted from the total of these components to determine the net annual state apportionment to each institution.[73]

FCS institutions are prohibited from obligating funds for personnel or resources beyond those required to maintain the lower of the previously approved or revised enrollment level. Capital outlay and debt service funds are apportioned separately and transmitted to institution boards of trustees in accordance with SBE rules.

Institutional reserve levels are monitored, and written notification to the SBE is required when unencumbered general fund balances fall below 5 percent for institutions with a final FTE enrollment of less than 15,000 in the prior year, or below 7 percent for institutions with a final FTE enrollment of 15,000 or greater. FCS institutions are also required to certify unexpended state funds remaining as of June 30 of the prior fiscal year by September 30 of each year.[74]

[72] Section 1011.84(1), F.S.
[73] Section 1011.84(3), F.S.
[74] *Id.*

Expenditures for apprenticeship programs and upper-division enrollment are reported separately, and institutions are required to report the volume and cost of developmental education options as a distinct component of their annual cost accounting system.[75]

Effect of Proposed Changes

The bill amends s. 1011.84, F.S., by revising the components used to determine the annual apportionment to FCS institutions from the FCS Program Fund. The bill specifies that the cost-to-continue funding model used in the apportionment process is developed by FCS presidents in consultation with the DOE and approved by the Legislature. The bill requires the funding model to recognize a minimum level of funding per FTE student and account for differing economic factors among FCS institutions, including, but not limited to:

- Program offerings, weighting workforce FTE to account for priorities and costs;
- Completion of credentials, including certificates, certifications, and degrees;
- Size of the college;
- Economies of scale; and
- Regional cost differentials.

In addition, the bill removes provisions related to operating cost adjustments for new facilities. The bill also removes the statutory direction to deduct student fee revenues from the calculation of state apportionment amounts.

The bill retains institutional reserve notification and certification requirements and standardizes the reserve threshold to seven percent for all Florida College System institutions, regardless of institutional size. The bill requires FCS institution presidents to provide written notification when reserves fall below the threshold and to annually certify unexpended state funds.

End-of-Year Carry Forward Balances

Present Situation

Each Florida College System (FCS) institution must maintain a minimum carry forward balance of its state operating budget based on prior-year full-time equivalent (FTE) enrollment. An institution with a final FTE enrollment of less than 15,000 must maintain a minimum carry forward balance of at least 5 percent,[76] while an institution with a final FTE enrollment of 15,000 or greater must maintain a minimum carry forward balance of at least 7 percent.[77] If an institution fails to maintain the applicable minimum balance, an institution with fewer than 15,000 FTE must provide written notification to the State Board of Education (SBE),[78] and an institution with 15,000 or more FTE must submit a plan to the SBE to attain the required balance.[79] An institution that retains a carry forward balance in excess of the applicable minimum must submit a spending plan for the excess carry forward balance to its board of

[75] Sections 1011.84(3) and 1011.84(5), F.S.
[76] Section 1013.841(2)(a), F.S.
[77] Section 1013.841(3)(a), F.S
[78] Section 1013.841(2)(a), F.S.
[79] Section 1013.841(3)(a), F.S.

trustees for approval by September 30 of each year, and the SBE must review and publish the plan by November 15 of each year.[80]

For institutions required to submit a carry forward spending plan, the plan must include the estimated cost and a timeline for completion for each planned expenditure. Authorized expenditures in a carry forward spending plan may include commitments of funds to public education capital outlay projects requiring additional funds for completion, renovation, repair, or maintenance projects, remodeling or infrastructure projects that are survey-recommended, repair or replacement projects necessitated by natural disasters, operating expenditures that support the institution's mission, purposes approved by the SBE or specified in the General Appropriations Act, and commitments of funds to a contingency reserve for expenses related to a state of emergency declared by the Governor.[81]

Effect of Proposed Changes

The bill amends s. 1013.841, F.S., by standardizing the minimum carry-forward reserve threshold at 7 percent for all FCS institutions, regardless of institutional FTE enrollment size. The bill authorizes FCS institutions to retain and report to the SBE an annual reserve balance exceeding that amount. The bill also requires FCS institution presidents to provide written notification when reserves fall below the threshold and to annually certify unexpended state funds.

The bill requires each FCS institution with a carry-forward balance exceeding the 7 percent minimum to submit an annual spending plan addressing the excess carry forward balance. In addition, the bill removes the separate carry forward balance and spending plan framework for institutions with a final FTE of 15,000 or more.

The bill authorizes spending plans to include retention of the carry forward balance as a reserve fund to be used for authorized expenses in subsequent years.

State University System Performance-Based Incentive Funding

Present Situation

Performance funding for the State University System (SUS) is intended to provide funding based on indicators of system and institutional attainment of performance expectations.[82] The Board of Governors (BOG) Performance Funding Model contains ten performance metrics that evaluate each state university on the following:[83]

- The 4-year graduation rate for first-time-in-college students;
- Beginning in fiscal year 2022-2023, the 3-year graduation rate for associate in arts transfer students;
- Retention rates;
- Postgraduation education rates;

[80] Section 1013.841(2(b) and (3)(b), F.S.
[81] Section 1013.841(4), F.S.
[82] Section 1001.905, F.S.
[83] Section 1001.92, F.S.; Board of Governors Regulation 5.001.

- Degree production;
- Affordability;
- Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;
- Access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term;
- Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year; and
- Board of Trustees Choice[84]

Institutions receive scores for each metric based on both excellence and improvement. The higher of the two scores for each metric is applied to the overall score for each institution. Any institution that fails to meet the BOG's minimum performance funding threshold (a total score of less than 60 points) will not be eligible for the state's investment, will have a portion of its institutional investment withheld, and is required to submit an improvement plan that specifies the activities and strategies for improving its performance.[85]

Effect of Proposed Changes

The bill amends s. 1001.7065, F.S., by adding an adjusted cohort graduation rate to the existing 4-year graduation rate standard under the Preeminent State Research Universities Program. This allows recognition of students who graduate beyond four years, including those enrolled in high-credit or sequential programs such as engineering.

The bill amends s. 1001.92, F.S., by revising the access rate metric to measure the percentage of first-year undergraduate students receiving a Pell Grant, rather than all undergraduate students. The bill also adds an adjusted cohort graduation rate to the performance-based funding model.

Accreditation

Present Situation

Florida College System (FCS) institutions and state universities are required to be accredited by an accrediting agency or association recognized by the United States Department of Education and the State Board of Education (SBE) or the Board of Governors (BOG), respectively. In the year following reaffirmation or fifth-year review by its accreditor, each state college or university must seek and obtain accreditation before its next reaffirmation or fifth-year review date and is limited to a one-time change in accreditors. These requirements do not apply to professional, graduate, departmental, or certificate programs that have specific accreditation

[84] Each Board of Trustees selects a metric from the University Work Plan that is applicable to the mission of the university and has not been previously chosen for the model. *See* Florida Board of Governors, *Performance Funding Model Overview*, *available at* https://www.flbog.edu/wp-content/uploads/2025/08/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-2025.pdf (last visited Feb. 19, 2026).

[85] Section 1001.92(3)(a), F.S.; *See* also Florida Board of Governors, *Performance Funding Model Overview*, available at https://www.flbog.edu/wp-content/uploads/2025/08/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version-2025.pdf (last visited Feb. 19, 2026).

requirements or best practices, including, but not limited to, law, pharmacy, engineering, or other similarly situated educational programs.[86]

The FCS institution or state university is required to seek accreditation from a regional accreditor approved by the SBE or BOG, as applicable, and provide quarterly reports of its progress toward accreditation to the SBE or BOG, as applicable.[87] Accrediting agencies and associations are prohibited from compelling state colleges and universities to violate state law.[88]

In 2025, the BOG approved the creation of the Commission for Public Higher Education (CPHE), a nonprofit corporation that will serve as a higher education accreditor. A non-paid Board of Directors (BOD) is responsible for the administration and oversight of CPHE's affairs. The higher education systems from Florida, Georgia, North Carolina, South Carolina, Texas A&M, and Tennessee (Founding University Systems) are represented on the BOD by a designated director selected by each state, who together comprise the initial six members of the BOD.[89]

The BOD establishes accreditation standards, policies, and procedures and takes accreditation actions (e.g., approval of institutional accreditation applications). CPHE's mission is to advance the quality and improvement of higher education by accrediting state public colleges and universities that are incorporated, chartered, licensed, or authorized in the United States. CPHE serves as an institutional accrediting agency for state public colleges and universities that award associate, bachelor's, or higher degrees.[90]

Effect of Proposed Changes

The bill amends s. 1008.47, F.S., by requiring institutions to seek accreditation within three years following reaffirmation or a fifth-year review, rather than in the year following such review. The bill removes the requirement that accreditation be sought specifically from a regional accrediting agency. Additionally, the bill removes obsolete language relating to the identification of accrediting agencies. The changes in the bill will enable an institution to choose to pursue accreditation from the Higher Learning Commission, which is a regional accrediting agency, or the newly created Commission for Public Higher Education, once the commission receives United States Department of Education approval.

Marriage and Family Therapy Licensure

Present Situation

Licensure by examination as a marriage and family therapist requires an applicant to submit an application and fee, complete background screening, satisfy specified education and supervised

[86] Section 1008.47(2)(a), F.S.
[87] Section 1008.47(2)(b), F.S.
[88] Section 1008.47(3), F.S.
[89] Florida Board of Governors, *Board of Governors Approves Creation of the Commission for Public Higher Education*, https://www.flbog.edu/2025/07/11/board-of-governors-approves-creation-of-the-commission-for-public-higher-education/ (last visited Feb. 16, 2026).
[90] Florida Board of Governors, *Commission for Public Higher Education Business Plan*, available at, https://www.flbog.edu/wp-content/uploads/2025/07/Business-Plan-updated-July-1-1.pdf.

clinical experience requirements, pass a theory and practice examination, and demonstrate knowledge of the laws and rules governing the profession.[91]

An applicant must hold a master's degree in marriage and family therapy or a closely related field and meet one of three educational pathways:[92]

- A master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);
- A master's degree with a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP), with graduate coursework approved by the board; or
- A master's degree with an emphasis in marriage and family therapy or a closely related field, with a degree conferred before September 1, 2027, from an institutionally accredited college or university, and graduate coursework approved by the board.

The third pathway was created in 2022 to allow graduates of new marriage and family therapy programs time to obtain programmatic accreditation while still enabling graduates to pursue licensure. This pathway applies only to degrees conferred before September 1, 2027.[93]

Effect of Proposed Changes

The bill amends s. 491.005, F.S., by extending the sunset date from September 1, 2027, to September 1, 2032, for the requirement that a qualifying master's degree be conferred under one of the marriage and family therapist licensure pathways. This extension provides additional time for new marriage and family therapy graduate programs, such as Florida State University's new program, to complete the COAMFTE accreditation process while ensuring graduates remain eligible for licensure.

Public Postsecondary Education Safety Policies and Procedures

Present Situation

Governance and Institutional Authority for Campus Safety Policy

The Board of Governors (BOG) has constitutional authority to regulate the State University System (SUS), and each local constituent university is administered by a 13-member board of trustees.[94] The BOG may adopt a regulation development procedure for the BOG and university boards of trustees to use in implementing their constitutional duties and responsibilities.[95] Florida College System (FCS) institution boards of trustees have statutory authority to provide for risk management, safety, security, and law enforcement operations at the institution, including emergency response.[96]

[91] Section 491.005(3), F.S.
[92] Section 491.005(3)(c), F.S.
[93] Ch. 2022-71, s. 1, Laws of Fla.
[94] Art. IX, s. 7(c), Fla. Const.
[95] Art. IX, s. 7(d), Fla. Const.; and s. 1001.706(2), F.S.
[96] Section 1001.64(23), F.S.

Campus Emergency Response Information; Public Records and Open Meetings Exemptions

Current law defines "campus emergency response" to include plans and training for responding to an act of terrorism or other public safety crisis or emergency, and it specifies the categories of information included. Campus emergency response information includes, in part:

- Threat assessments conducted by any agency or private entity.
- Threat response plans.
- Emergency evacuation plans.
- Manuals for security personnel, emergency equipment, or security training.
- Security systems or plans.
- Identification of staff involved in emergency preparedness, response, and recovery activities.
- Individual identification of affected or at-risk students, faculty, and staff and related record-transfer and family-inquiry response methods.

Any portion of a campus emergency response held by a public postsecondary educational institution is exempt from the public records requirement.

Any portion of a campus emergency response held by specified governmental entities, including the BOG, the Department of Education, and state or local law enforcement and emergency management agencies, is also exempt from the public records requirement.

That portion of a public meeting that would reveal information related to a campus emergency response is exempt from open meetings requirements.[97]

State University System Emergency Management Planning

BOG regulation requires each SUS university to develop and maintain a comprehensive emergency management program and maintain a comprehensive emergency management plan and continuity of operations plan.[98]

The regulation also references state emergency management law that applies to state agencies and specified facilities, including requirements related to emergency coordination and disaster preparedness planning.[99]

Federal Campus Security Disclosure Requirements

The U.S. Department of Education describes the federal campus security framework as advancing goals of keeping students, parents, and employees informed about campus security, and it states that ensuring institutional compliance and enforcement is a departmental priority.[100]

[97] Section 1004.0962, F.S.
[98] Florida Board of Governors Regulation 3.001.
[99] Section 252.365, F.S.; see also Fla. Bd. of Governors Reg. 3.001 (referencing s. 252.365, F.S.).
[100] U.S. Department of Educ., Campus Security, https://www.ed.gov/teaching-and-administration/safe-learning-environments/school-safety-and-security/campus-security, (last visited Jan. 20, 2026).

Federal regulations implementing the Clery Act framework require participating institutions to prepare and distribute an annual security report and to comply with related policy statement and campus crime statistics disclosure requirements.[101]

Federal regulations also address timely warnings and require institutions to include emergency response and evacuation procedures in the annual security report.[102]

State University System Campus Safety Summit

A Florida Board of Governors report titled "SUS Safety Summit" states that, on October 8, 2025, the SUS hosted a safety summit for university leadership and FCS leaders and discussed key safety issues, including building hardening, threat assessment, and communications.[103]

The report describes facility lock review efforts following April 17, 2025, events at Florida State University and discusses facility and physical security measures such as reinforced access points, electronic door control systems, and modernized locking technologies.

The report discusses threat assessment as a proactive measure and describes multidisciplinary threat assessment teams drawing on expertise such as law enforcement, counseling, student affairs, and human resources.[104]

The report discusses emergency communications practices such as establishing communication hierarchies and distributing verified updates through multiple channels.[105]

Effect of Proposed Changes

The bill creates s. 1004.0983, F.S., to require each state university and Florida College System (FCS) institution to adopt and implement written safety policies and procedures applicable to campus facilities, classrooms, and other institutional settings to prevent, report, and respond to both an act of violence or attempted violence against a person and a credible threat, as defined in s. 784.048(1)(c), F.S.[106]

The bill requires each state university and FCS institution's policies and procedures to include, at a minimum, provisions that:

- Identify a responsible person who coordinates the institution's response to covered threats or conduct and implements the policies and procedures, including all safety measures.
- Establish clear internal and external reporting protocols, including notification of campus security or a local law enforcement agency when appropriate.

[101] 34 C.F.R. s. 668.46(a)-(b) (annual security report requirement).
[102] 34 C.F.R. s. 668.46(e) (timely warning); 34 C.F.R. s. 668.46(g) (emergency response and evacuation procedures).
[103] Florida Board of Governors, SUS Safety Summit (Nov. 2025) at 2, *available at* https://www.flbog.edu/wp-content/uploads/2025/10/Safety-Summit-Report-DRAFT.pdf (last visited Jan. 20, 2026).
[104] *Id.*
[105] Florida Board of Governors, SUS Safety Summit (Nov. 2025) at 3, *available at* https://www.flbog.edu/wp-content/uploads/2025/10/Safety-Summit-Report-DRAFT.pdf (last visited Jan. 20, 2026).
[106] "Credible threat" means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. Section 784.048(1)(c), F.S.

- Outline protective measures available to affected persons, which may include work or class relocation, security escorts, and restricting access to certain areas by a person engaged in covered conduct.
- Provide timely updates to an affected person regarding the status of an incident and any action taken.
- Ensure the policies and procedures are prominently posted on the institution's website and available to students, faculty, staff, and visitors upon request.

The bill requires each state university and FCS institution to annually review and update its policies and procedures to incorporate best practices in threat assessment, campus security, and safety.

The bill authorizes the Board of Governors to adopt regulations, and the State Board of Education to adopt rules, to administer the provisions of the bill.

The bill is effective 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:

Florida College System institutions and state universities may have a negative fiscal impact by granting a waiver of tuition and fees for active members of the Florida State Guard if the institution increases the number of spaces available to accommodate the expanded eligibility.

There is a potential indeterminate negative impact on fee-based providers of blind services and VR services, but a potential positive impact for consumers of those services. The impact on the Department of Education (DOE) to establish application and approval framework for the Division of Vocational Rehabilitation will have an indeterminate fiscal impact.

There is an indeterminate cost to the DOE and school districts for the State Board of Education (SBE) to establish a statewide uniform weighted grading system.

Adjustments to the grandparent fee waiver has an indeterminate fiscal impact to the institutions required to waive out of state fees.

Postsecondary institutions whose policies regarding incarcerated individuals do not currently allow individuals who were incarcerated to qualify for in-state tuition would incur a fiscal impact. In addition, the expansion of the Armed Forces resident tuition protections could have an indeterminate fiscal impact on institutions.
Expanding reimbursement eligibility under the Dual Enrollment Scholarship Program to independent postsecondary institutions for the fall and spring term may result in the distribution of additional program funds.

Amending the performance funding for the State University System (SUS) would only have a fiscal impact to state revenue and expenditures, if more funds are appropriated for this performance fund.

The changes to the Florida Gold Seal CAPE Scholars award are indeterminate. It is assumed that reducing the required minimum postsecondary credit hours earned through CAPE would increase the number of eligible participants. There would be a negative fiscal impact on the Florida Gold Seal CAPE Scholars award by expanding it to include GATE Program completers.

Establishing bonus funds for the FACT College Algebra course will not have an impact on state revenues or expenditures, however the bill has a positive impact for teachers of the FACT College Algebra course who receive bonuses based on student assessment scores.

State universities and Florida College System institutions may incur costs to develop, implement, post, and annually update required safety policies and procedures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 251.001, 413.208, 419.005, 1001.92, 1003.437, 1005.06, 1007.25, 1007.271, 1008.30, 1008.44, 1008.47, 1009.21, 1009.26, 1009.30, 1009.536, 1009.893, 1009.983, 1009.986, 1011.62, 1011.84, and 1013.841.

This bill creates sections 413.0114 and 1004.0983 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Rules on February 24, 2026:
The committee substitute maintains the provisions of the bill and adds the following provisions:

- Adds an adjusted cohort graduation rate to the existing 4-year graduation rate standard under the Preeminent State Research Universities Program and to the existing 4-year graduation rate metric used in the State University System performance-based funding model.
- Requires each state university and Florida College System institution to adopt, implement, and annually update written safety policies to prevent, report, and respond to acts or credible threats of violence, and specifies the required policy components.
- Clarifies that the bill provision, which narrows the current exemption of certain institutions from Commission for Independent Education oversight, does not affect existing statutory exemptions for contract training, continuing education, or professional development programs, even if such programs are approved under Chapter 466.

CS by Appropriations Committee on Pre-K-12 Education on February 18, 2026:
The committee substitute maintains the provisions of the bill and makes the following modifications:

- Modifies the grandparent out-of-state fee waiver provisions by retaining the Classical Learning Test as a qualifying option and removing the requirement that an eligible student enroll full-time in the fall immediately after high school graduation.
- Includes a technical clarification to the consumer disclosure for blind-related services provisions by clarifying that the State Board of Education may adopt rules instead of the Department of Education.

The committee substitute adds the following provisions:

- Revises the access rate performance metric to measure the percentage of first-year undergraduate students receiving a Pell Grant, rather than all undergraduate students enrolled.
- Extends the timeline for institutions to seek accreditation from one year to three years following reaffirmation or a fifth-year review and removes the requirement that institutions seek accreditation specifically from a regional accrediting agency.
- Expands the Armed Forces resident tuition protections to include individuals, and their dependent children, serving outside the state as civilian personnel on assignment for the United States Department of State, Department of Defense, or teaching at Department of Defense Dependent School.
- Extends the sunset date from September 1, 2027, to September 1, 2032, for eligibility under the marriage and family therapist licensure pathway.

B. Amendments:

None.

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

552764

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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The Committee on Rules (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 243 - 309
and insert:
Section 5. Paragraph (d) of subsection (2) of section 1001.7065, Florida Statutes, is amended to read:
1001.7065 Preeminent state research universities program.—
(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors

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Accountability Plan:

(d) A 4-year graduation rate of 60 percent or higher and adjusted cohort graduation rate for full-time, first-time-in-college students.

Section 6. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings, and the related distribution of annual fiscal year appropriation, the performance-based metrics must include:

(a) The 4-year graduation rate and adjusted cohort graduation rate for first-time-in-college students;

(b) Beginning in fiscal year 2022-2023, the 3-year graduation rate for associate in arts transfer students;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;

(h) Access rate, based on the percentage of first-year undergraduate students enrolled during the fall term who

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received a Pell Grant during the fall term; and

(i) Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve other metrics in a publicly noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors.

Section 7. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a

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grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

The State Board of Education shall establish a statewide uniform weighted grading system for honors courses and articulated acceleration mechanisms identified in s. 1007.27. ~~For the purposes of class ranking,~~ District school boards shall use the ~~may exercise a~~ weighted grading system to calculate weighted high school grade point averages ~~pursuant to s. 1007.271~~.

Section 8. Section 1004.0983, Florida Statutes, is created to read:

1004.0983 Public postsecondary safety policies and procedures.—

(1) Each state university and Florida College System institution shall adopt and implement written safety policies and procedures applicable to campus facilities, classrooms, and other institutional settings to prevent, report, and respond to:

(a) An act of violence or attempted violence against a person.

(b) A credible threat as defined in s. 784.048(1)(c).

(2) The policies and procedures must:

(a) Identify a person responsible for:

1. Coordinating the state university's or Florida College System institution's response to actions listed in paragraphs (1)(a) and (b).

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2. Implementing such policies and procedures, including all safety measures.

(b) Establish clear internal and external reporting protocols, including notification of campus security or a local law enforcement agency when appropriate.

(c) Outline the protective measures available to affected persons, which may include work or class relocation, security escorts, and restricting access to certain areas by a person engaged in an activity listed in paragraph (1)(a) or paragraph (1)(b).

(d) Provide timely updates to an affected person regarding the status of an incident and any action taken.

(e) Ensure the policies and procedures are prominently posted on the state university's or Florida College System institution's website and available to students, faculty, staff, and visitors upon request.

(3) Each state university and Florida College System institution shall annually review and update the policies and procedures to incorporate the best practices in threat assessment, campus security, and safety.

(4) The Board of Governors may adopt regulations and the State Board of Education may adopt rules to administer this section.

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

And the title is amended as follows:

Delete lines 29 - 35

and insert:

marriage and family therapist; amending s. 1001.7065,

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F.S.; revising academic and research excellence standards; amending s. 1001.92, F.S.; revising certain performance-based metrics; amending s. 1003.437, F.S.; requiring the State Board of Education to establish a uniform weighted grading system for specified courses and articulated acceleration mechanisms; requiring district school boards to use the system for a specified purpose; creating s. 1004.0983, F.S.; requiring state universities and Florida College System institutions to adopt and implement specified policies and procedures relating to safety; specifying requirements for such policies and procedures; requiring state universities and Florida College System institutions to annually review and update the policies and procedures; authorizing the Board of Governors and the State Board of Education to adopt regulations and rules, respectively;

512852

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2026	.	
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	.	

The Committee on Rules (Calatayud) recommended the following:

Senate Amendment

Delete lines 323 - 326

and insert:

courses. Nothing in this paragraph shall be construed to limit or affect the exemptions for contract training, continuing education, or professional development programs or courses under paragraph (d), even if such programs or courses are approved under chapter 466 ~~for establishment and operation under part I of chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes requiring licensing or approval~~

512852

~~as defined in this chapter~~.

By the Appropriations Committee on Pre-K - 12 Education; and the Committee on Education Postsecondary

602-02969-26 20267038c1

A bill to be entitled

An act relating to education; amending s. 251.001, F.S.; requiring each Florida College System institution and state university to waive tuition and fees for members of the Florida State Guard if certain conditions are met; creating s. 413.0114, F.S.; requiring entities that offer fee-based services to individuals who are blind or visually impaired to disclose in writing whether the service may be obtained elsewhere at no cost; providing requirements for the disclosure; authorizing the State Board of Education to adopt rules; amending s. 413.208, F.S.; requiring certain service providers to apply to, rather than register with, the Division of Vocational Rehabilitation; requiring the division to establish minimum qualifications for service providers; requiring the division to establish an annual application period; authorizing the division to approve or deny any service provider application; providing that, as of a specified date, only certain service providers may participate in the vocational rehabilitation program; requiring the division to develop and make publicly available a certain annual report; requiring service providers to meet certain standards to maintain approved status; requiring that the rates for vocational rehabilitation services meet certain criteria; amending s. 491.005, F.S.; revising the date for a requirement to obtain a license as a marriage and family therapist; amending s. 1001.92,

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

602-02969-26 20267038c1

F.S.; revising access rate performance-based metric; amending s. 1003.437, F.S.; requiring the State Board of Education to establish a statewide uniform weighted grading system for specified courses and articulated acceleration mechanisms; requiring district school boards to use the system for a specified purpose; amending s. 1005.06, F.S.; revising the list of institutions that are not under the jurisdiction of the Commission for Independent Education; amending s. 1007.25, F.S.; revising the timeframe for Florida College System institutions and state universities to submit comments in response to a specified notice of intent; amending s. 1007.271, F.S.; revising the list of postsecondary institutions that are eligible to participate in a dual enrollment program; amending s. 1008.30, F.S.; deleting a requirement for the State Board of Education to adopt rules; authorizing school district career centers to use alternative methods adopted by the board in lieu of common placement tests to assess students in basic communication and computation skills; authorizing Florida College System institutions to request approval of institution-specific alternative methods; making conforming changes; amending s. 1008.44, F.S.; deleting a provision limiting how supplemental funding may be earned for the CAPE Industry Certification Funding List; amending s. 1008.47, F.S.; revising the timeframe for a public postsecondary institution to seek and obtain accreditation; amending s. 1009.21,

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

F.S.; providing that a person may not lose his or her resident status for tuition purposes due to incarceration; providing that a person may not lose his or her resident status for tuition purposes due to his or her parent serving outside this state in certain capacities; amending s. 1009.26, F.S.; providing that a fee waiver only applies to a full-time undergraduate student, beginning with a specified academic year; revising requirements for a fee waiver; amending s. 1009.30, F.S.; requiring that certain postsecondary institutions be reimbursed for public school students under the Dual Enrollment Scholarship Program; amending s. 1009.536, F.S.; revising student eligibility requirements for the Florida Gold Seal Vocational Scholars and Florida Gold Seal CAPE Scholars awards; authorizing a student to apply for the Florida Gold Seal CAPE Scholars award within a specified timeframe; amending s. 1009.893, F.S.; authorizing a student to defer an award under the Benacquisto Scholarship Program; amending s. 1009.983, F.S.; authorizing a specified designee with certain credentials to serve as director of the direct-support organization for the Florida Prepaid College Foundation, Inc.; amending s. 1009.986, F.S.; revising the membership of the board of directors of Florida ABLE, Inc.; amending s. 1011.62, F.S.; revising the academic acceleration options supplement in the Florida Education Finance Program to include a method for calculating additional full-time equivalent

membership based on a specified course and test score; providing specified bonuses; amending s. 1011.84, F.S.; revising the components to be considered by the Legislature in determining an apportionment of state funds to a Florida College System institution; deleting obsolete provisions; amending s. 1013.841, F.S.; requiring all Florida College System institutions, rather than only certain institutions, to maintain a specified carry forward balance; providing that a Florida College System institution may retain an annual reserve amount exceeding the carry forward balance; deleting obsolete provisions; authorizing the inclusion in a carry forward spending plan of the retention of a carry forward balance as a reserve fund for a specified use; providing an effective date.

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

Section 1. Subsection (9) of section 251.001, Florida Statutes, is amended to read:

251.001 Florida State Guard Act.—

(9) REIMBURSEMENT, BENEFIT, AND COMPENSATION.—

(a) The division shall reimburse members of the Florida State Guard for per diem and travel expenses incurred to attend required training or in the course of active service as provided in s. 112.061.

(b) Members of the Florida State Guard may be compensated for time spent training or in the course of active service at

rates established by the director, subject to appropriation.

(c) A member of the Florida State Guard may not make any purchase or enter into any contract or agreement for purchases or services as a charge against the state without the authority of the director.

(d) As a benefit to the active members of the Florida State Guard, subject to approval by the director of the Division of the State Guard, each Florida College System institution and state university shall waive tuition and fees for active members of the Florida State Guard to enroll for up to 6 credit hours of courses per term on a space-available basis.

Section 2. Section 413.0114, Florida Statutes, is created to read:

413.0114 Consumer disclosure for blind-related services.—

(1) An individual, business, nonprofit, or other entity offering fee-based services to individuals who are blind or visually impaired shall, before entering into a contract or accepting payment, disclose in writing whether equivalent or substantially similar services may be available at no cost through the Division of Blind Services or another public agency.

(2) The written disclosure must:

(a) Be provided in plain language and, upon request, in an accessible format, such as braille, large print, or audio.

(b) Include contact information for the Division of Blind Services.

(c) Be signed or electronically acknowledged by the consumer or his or her representative.

(3) A violation of this section constitutes an unfair or deceptive trade practice under part II of chapter 501 and is

subject to penalties and enforcement as provided therein.

(4) The State Board of Education may adopt rules to implement this section.

Section 3. Subsection (1) of section 413.208, Florida Statutes, is amended to read:

413.208 Service providers; quality assurance; fitness for responsibilities; background screening.—

(1) Service providers must apply to ~~register with~~ the division. To qualify for approval, a ~~registration, the division must ensure that the~~ service provider must maintain ~~maintains~~ an internal system of quality assurance, have ~~has~~ proven functional systems, meet the minimum qualifications, and be ~~is~~ subject to a due-diligence inquiry as to its fitness to undertake service responsibilities.

(a) The division shall establish minimum qualifications for service providers. The division shall establish an annual application period for service providers to submit applications. The division may approve or deny any service provider application. Beginning January 1, 2027, only service providers that meet the minimum qualifications established by the division and that have been approved to provide employment-related services to individuals with disabilities may participate in the vocational rehabilitation program.

(b) The division shall develop and make publicly available an annual report of service provider effectiveness which includes an evaluation system measuring the effectiveness of all service providers that are approved by the division to provide employment-related services to individuals with disabilities.

(c) In order to maintain approved status with the division,

service providers must meet minimum standards of effectiveness in the provision of vocational rehabilitation services, including placement of individuals in competitive and integrated employment.

(d) Rates for vocational rehabilitation services must be allocable, reasonable, and necessary, as determined by the division.

Section 4. Paragraph (c) of subsection (3) of section 491.005, Florida Statutes, is amended to read:

491.005 Licensure by examination.—

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, the department shall issue a license as a marriage and family therapist to an applicant whom the board certifies has met all of the following criteria:

(c)1. Attained one of the following:

a. A minimum of a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

b. A minimum of a master's degree with a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the Council on Accreditation of Counseling and Related Educational Programs and graduate courses approved by the board.

c. A minimum of a master's degree with an emphasis in marriage and family therapy or a closely related field, with a degree conferred before September 1, 2032 ~~2027~~, from an institutionally accredited college or university and graduate courses approved by the board.

2. If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant provided additional documentation, including, but not limited to, a syllabus or catalog description published for the course. The required master's degree must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or was a member in good standing with Universities Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program that did not

emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure may not exceed those stated in this subsection.

Section 5. Subsection (1) of section 1001.92, Florida Statutes, is amended to read:

1001.92 State University System Performance-Based Incentive.—

(1) A State University System Performance-Based Incentive shall be awarded to state universities using performance-based metrics adopted by the Board of Governors of the State University System. Beginning with the Board of Governors' determination of each university's performance improvement and achievement ratings, and the related distribution of annual fiscal year appropriation, the performance-based metrics must include:

(a) The 4-year graduation rate for first-time-in-college students;

(b) Beginning in fiscal year 2022-2023, the 3-year graduation rate for associate in arts transfer students;

(c) Retention rates;

(d) Postgraduation education rates;

(e) Degree production;

(f) Affordability;

(g) Postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree;

(h) Access rate, based on the percentage of first-year undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and

(i) Beginning in fiscal year 2021-2022, the 6-year graduation rate for students who are awarded a Pell Grant in their first year.

The Board of Governors may approve other metrics in a publicly noticed meeting. The board shall adopt benchmarks to evaluate each state university's performance on the metrics to measure the state university's achievement of institutional excellence or need for improvement and minimum requirements for eligibility to receive performance funding. Benchmarks and metrics may not be adjusted after university performance data has been received by the Board of Governors.

Section 6. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools shall be as follows:

(1) Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(2) Grade "B" equals 80 percent through 89 percent, has a

grade point average value of 3, and is defined as "above average progress."

(3) Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(4) Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(5) Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(6) Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

The State Board of Education must establish a statewide uniform weighted grading system for honors courses and articulated acceleration mechanisms identified in s. 1007.27. ~~For the purposes of class ranking,~~ District school boards shall use the ~~may exercise a~~ weighted grading system to calculate weighted high school grade point averages ~~pursuant to s. 1007.271~~.

Section 7. Paragraph (b) of subsection (1) of section 1005.06, Florida Statutes, is amended to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.—

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(b) Any college or~~,~~ school~~, or course~~ licensed or approved as an institution for establishment and operation by another state agency. A college or school, or any of its programs or

courses, does not qualify for exemption from the commission's jurisdiction under this paragraph solely because another state agency licenses or approves one or more of its programs or courses ~~for establishment and operation under part I of chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes requiring licensing or approval as defined in this chapter~~.

Section 8. Paragraph (b) of subsection (9) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(9)

(b) An associate in arts specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit. Specialized transfer degrees are designed for Florida College System institution students who need supplemental lower-level coursework in preparation for transfer to another institution. The State Board of Education shall establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

1. A Florida College System institution to submit a notice of its intent to propose a new associate in arts specialized degree program to the Division of Florida Colleges. The notice must include the recommended credit hours, the rationale for the specialization, the demand for students entering the field, and the coursework being proposed to be included beyond the 60 semester hours required for the general transfer degree, if applicable. Notices of intent may be submitted by a Florida

College System institution at any time.

2. The Division of Florida Colleges to forward the notice of intent within 10 business days after receipt to all Florida College System institutions and to the Chancellor of the State University System, who shall forward the notice to all state universities. State universities and Florida College System institutions shall have 30 ~~60~~ days after receipt of the notice to submit comments to the proposed associate in arts specialized transfer degree.

3. After the submission of comments pursuant to subparagraph 2., the requesting Florida College System institution to submit a proposal that, at a minimum, includes:

a. Evidence that the coursework for the associate in arts specialized transfer degree includes demonstration of competency in a foreign language pursuant to s. 1007.262 and demonstration of civic literacy competency as provided in subsection (5).

b. Demonstration that all required coursework will count toward the associate in arts degree or the baccalaureate degree.

c. An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.

d. Justification for the program length if it exceeds 60 credit hours, including references to the common prerequisite manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of a Florida College System institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.

e. Articulation agreements for graduates of the associate

in arts specialized transfer degree.

f. Responses to the comments received under subparagraph 2.

Section 9. Subsections (1) and (16) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(1) The dual enrollment program is the enrollment of an eligible secondary student in this state or home education student in this state in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. Postsecondary institutions that are eligible to participate in the dual enrollment program are Florida public postsecondary institutions and eligible not-for-profit independent colleges and universities pursuant to s. 1011.62(1)(i). A student ~~who is~~ enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.

(16) Students who ~~meet the eligibility requirements of this section and who choose to~~ participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.

Section 10. Subsections (2) and (3) and paragraphs (a) and (b) of subsection (4) of section 1008.30, Florida Statutes, are amended to read:

1008.30 Assessing college-level communication and computation skills for public postsecondary education.—

(2) ~~By January 31, 2022, the State Board of Education shall adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida~~

~~College System institution.~~ Florida College System institutions and school district career centers may use ~~these~~ alternative methods adopted by the State Board of Education for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida College System institution or school district career center in lieu of the common placement tests under subsection (1) to assess student readiness for college-level work in communication and computation. Florida College System institutions may request approval of institution-specific alternative methods in accordance with State Board of Education rules.

(3) The rules adopted under subsection (2) must specify the following:

(a) A student who ~~entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and~~ earned a Florida standard high school diploma and who demonstrated readiness for college-level communication and computation skills by any of the approved common placement tests or alternative methods pursuant to this section or a student who is serving as an active duty member of any branch of the United States Armed Services is not required to be assessed for readiness for college-level work in communication and computation and is not required to enroll in developmental education instruction in a Florida College System institution or a school district career center. However, a student who is not required to be assessed for readiness for college-level work in communication and computation and is not required to enroll in developmental education under this paragraph may opt to be assessed and to enroll in developmental education instruction,

and the college or school district career center shall provide such assessment and instruction upon the student's request.

(b) A student who earned a Florida standard high school diploma and has not demonstrated readiness for college-level courses pursuant to subsection (1) or subsection (2) must be offered the opportunity to be ~~is~~ assessed for readiness for college-level communication and computation and, if the student's ~~whose~~ assessment results indicate a need for developmental education, he or she must be advised of ~~all~~ the developmental education options offered at the institution. ~~and,~~ After advisement, the student may enroll in the developmental education option of his or her choice.

(c) A student who demonstrates readiness by achieving or exceeding the test scores established under subsection (1) by the state board and enrolls in a Florida College System institution or a school district career center within 2 years after achieving such scores may ~~shall~~ not be required to retest or complete developmental education when admitted to any Florida College System institution or school district career center.

(4)(a) Each Florida College System institution and school district career center shall implement the developmental education strategies defined in s. 1008.02 and rules established by the State Board of Education.

(b) Each Florida College System institution and school district career center shall use placement test results or alternative methods as established by the State Board of Education to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. Florida

College System institutions and school district career centers shall counsel students into college credit courses as quickly as possible, with developmental education limited to that content needed for success in the meta-major.

Section 11. Subsection (1) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List.—

(1) The State Board of Education shall adopt, at least annually, based upon recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns categories of certificates and certifications as provided for in s. 1003.4203 to certifications identified in the Master Credentials List under s. 445.004(4) which meet a statewide, regional, or local demand. ~~Supplemental funding for regional and local demand certifications may only be earned in those areas with regional or local demand as identified by the Credentials Review Committee.~~

Section 12. Subsection (2) of section 1008.47, Florida Statutes, is amended to read:

1008.47 Postsecondary education institution accreditation.—

(2) ACCREDITATION.—

(a) ~~By September 1, 2022,~~ The Board of Governors or the State Board of Education, as applicable, shall identify and determine the accrediting agencies or associations best suited to serve as an accreditor for public postsecondary institutions. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States Department of Education. Within 3 years ~~In the year~~ following reaffirmation or fifth-year review by its accrediting agencies

or associations, each public postsecondary institution must seek and obtain accreditation from an accrediting agency or association identified by the Board of Governors or State Board of Education, respectively, before its next reaffirmation or fifth-year review date. The requirements in this section are limited to a one-time change in accreditation. The requirements of this subsection are not applicable to those professional, graduate, departmental, or certificate programs at public postsecondary institutions that have specific accreditation requirements or best practices, including, but not limited to, law, pharmacy, engineering, or other similarly situated educational programs.

(b) Once a public postsecondary institution is required to seek and obtain accreditation from an agency or association identified pursuant to paragraph (a), the institution shall seek accreditation from an ~~a regional~~ accrediting agency or association and provide quarterly reports of its progress to the Board of Governors or State Board of Education, as applicable. If each ~~regional~~ accreditation agency or association identified pursuant to paragraph (a) has refused to grant candidacy status to an institution, the institution must seek and obtain accreditation from any accrediting agency or association that is different from its current accrediting agency or association and is recognized by the database created and maintained by the United States Department of Education. If a public postsecondary institution is not granted candidacy status before its next reaffirmation or fifth-year review date, the institution may remain with its current accrediting agency or association.

(c) This subsection expires December 31, 2032.

Section 13. Present subsections (4) through (13) of section 1009.21, Florida Statutes, are redesignated as subsections (5) through (14), respectively, a new subsection (4) is added to that section, and present subsection (7) of that section is amended, to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(4) An individual may not lose his or her resident status for tuition purposes solely by reason of his or her incarceration in a state or federal correctional facility in this state.

(8)~~(7)~~ A person may ~~shall~~ not lose his or her resident status for tuition purposes solely by reason of his or her serving, or, if such person is a dependent child, by reason of his or her parent's or parents' serving outside this state as active duty or civilian personnel:~~,~~

(a) In the Armed Forces ~~outside this state~~.

(b) On assignment for the United States Department of State or Department of Defense.

(c) Teaching at a Department of Defense Dependent School.

Section 14. Paragraph (a) of subsection (20) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(20)(a) Beginning with the 2026-2027 ~~2022-2023~~ academic

year, a state university shall waive the out-of-state fee for a full-time undergraduate student who:

1. Has a grandparent who is a legal resident as defined in s. 1009.21(1). For purposes of this subsection, the term "grandparent" means a person who has a legal relationship to a student's parent as the natural or adoptive parent or legal guardian of the student's parent.

2. Earns a high school diploma comparable to a Florida standard high school diploma, or its equivalent, or completes a home education program.

3.a. Achieves an SAT combined score no lower than the 89th national percentile on the SAT;

b. Achieves an ACT score concordant to the required SAT score in sub-subparagraph a., using the latest published national concordance table developed jointly by the College Board and ACT, Inc.; or

c. If a state university accepts the Classic Learning Test (CLT) for admission purposes, achieves a CLT score concordant to the required SAT score specified in sub-subparagraph a., using the latest published scoring comparison developed by Classic Learning Initiatives.

~~4. Beginning with students who initially enroll in the 2022 fall academic term and thereafter, enrolls as a full-time undergraduate student at a state university in the fall academic term immediately following high school graduation.~~

Section 15. Subsection (3) of section 1009.30, Florida Statutes, is amended to read:

1009.30 Dual Enrollment Scholarship Program.—

(3)(a) The program shall reimburse eligible postsecondary

institutions for tuition and related instructional materials costs for dual enrollment courses taken during the fall or spring terms by eligible students, consisting of:

1. Private school students who take dual enrollment courses pursuant to s. 1007.271(24)(b);

2. Home education program secondary students; or

3. Personalized education program secondary students.

(b) The program shall reimburse eligible independent postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school students during the fall or spring terms.

(c) The program shall reimburse institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, home education program, or personalized education program secondary students during the summer term.

Section 16. Subsection (2) of section 1009.536, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

1009.536 Florida Gold Seal Vocational Scholars and Florida Gold Seal CAPE Scholars awards.—The Florida Gold Seal Vocational Scholars award and the Florida Gold Seal CAPE Scholars award are created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career preparation by high school students who wish to continue their education.

(2) A student is eligible for a Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship Program, and the student:

(a) Earns a minimum of 3 ~~5~~ postsecondary credits ~~credit hours~~ through CAPE industry certifications approved pursuant to s. 1008.44 which articulate for college credit; ~~and~~

(b) Earns a minimum cumulative weighted grade point average of 2.5, as calculated pursuant to s. 1009.531, on all subjects required for a standard high school diploma, excluding elective courses; and

(c) Completes at least 30 hours of volunteer service, or 75 hours of volunteer service for students entering grade 9 in the 2024-2025 school year and thereafter, or 100 hours of paid work, approved by the district school board, the administrators of a nonpublic school, or the Department of Education for home education program students, or 100 hours of a combination of both. The student may identify a social or civic issue or a professional area that interests him or her and develop a plan for his or her personal involvement in addressing the issue or learning about the area. The student must, through papers or other presentations, evaluate and reflect upon his or her experience. Such volunteer service or paid work may include, but is not limited to, a business or governmental internship, work for a nonprofit community service organization, or activities on behalf of a candidate for public office. The hours of volunteer service or paid work must be documented in writing, and the document must be signed by the student, the student's parent or guardian, and a representative of the organization for which the student performed the volunteer service or paid work.

(6) Before or within 3 months after completion of the GATE Program as provided in s. 1004.933, a student may apply for the Florida Gold Seal CAPE Scholars award.

Section 17. Paragraph (a) of subsection (4) of section 1009.893, Florida Statutes, is amended to read:

1009.893 Benacquisto Scholarship Program.—

(4) In order to be eligible for an initial award under the scholarship program, a student must meet the requirements of paragraph (a) or paragraph (b).

(a) A student who is a resident of this state, as determined in s. 1009.40 and rules of the State Board of Education, must:

1. Earn a standard Florida high school diploma or its equivalent pursuant to s. 1002.3105, s. 1003.4281, s. 1003.4282, or s. 1003.435 unless:

a. The student completes a home education program according to s. 1002.41; or

b. The student earns a high school diploma from a non-Florida school while living with a parent who is on military or public service assignment out of this state;

2. Be accepted by and enroll in a Florida public or independent postsecondary educational institution that is regionally accredited; and

3. Be enrolled full-time in a baccalaureate degree program at an eligible regionally accredited Florida public or independent postsecondary educational institution during the fall academic term following high school graduation. A student may defer the initial scholarship award for up to 1 year.

Section 18. Subsection (5) of section 1009.983, Florida Statutes, is amended to read:

1009.983 Direct-support organization; authority.—

(5) The chair of the board or a designee who possesses

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knowledge, skill, and experience in the areas of accounting, risk management, or investment management shall serve as a director of the direct-support organization. The chair and the executive director of the board shall jointly name, at a minimum, four other individuals to serve as directors of the organization.

Section 19. Paragraph (d) of subsection (3) of section 1009.986, Florida Statutes, is amended to read:

1009.986 Florida ABLE program.—

(3) DIRECT-SUPPORT ORGANIZATION; FLORIDA ABLE, INC.—

(d)1. The board of directors of Florida ABLE, Inc., shall consist of:

a. The chair of the Florida Prepaid College Board~~,~~ or a ~~his or her~~ designee who possesses knowledge, skill, and experience in the areas of accounting, risk management, or investment management.

b. Up to three individuals who possess knowledge, skill, and experience in the areas of accounting, risk management, or investment management, one of whom may be a current member of the Florida Prepaid College Board, who shall be appointed by the Florida Prepaid College Board.

c. One individual who possesses knowledge, skill, and experience in the areas of accounting, risk management, or investment management, who shall be appointed by the Governor.

d. Two individuals who are advocates of persons with disabilities, one of whom shall be appointed by the President of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives. At least one of the individuals appointed under this sub-subparagraph must be an advocate of

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persons with developmental disabilities, as that term is defined in s. 393.063.

2.a. The term of the appointees under sub-subparagraph 1.b. shall be up to 3 years as determined by the Florida Prepaid College Board. Such appointees may be reappointed.

b. The term of the appointees under sub-subparagraphs 1.c. and d. shall be 3 years. Such appointees may be reappointed.

3. Unless authorized by the board of directors of Florida ABLE, Inc., an individual director has no authority to control or direct the operations of Florida ABLE, Inc., or the actions of its officers and employees.

4. The board of directors of Florida ABLE, Inc.:

a. Shall meet at least quarterly and at other times upon the call of the chair.

b. May use any method of telecommunications to conduct, or establish a quorum at, its meetings or the meetings of a subcommittee or other subdivision if the public is given proper notice of the telecommunications meeting and provided reasonable access to observe and, if appropriate, to participate.

c. Shall annually elect a board member to serve as chair.

5. A majority of the total current membership of the board of directors of Florida ABLE, Inc., constitutes a quorum of the board.

6. Members of the board of directors of Florida ABLE, Inc., and the board's subcommittees or other subdivisions shall serve without compensation; however, the members may be reimbursed for reasonable, necessary, and actual travel expenses pursuant to s. 112.061.

Section 20. Present paragraphs (h) and (i) of subsection

(17) of section 1011.62, Florida Statutes, are redesignated as paragraphs (i) and (j), respectively, and a new paragraph (h) is added to that subsection, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(17) ACADEMIC ACCELERATION OPTIONS SUPPLEMENT.—The academic acceleration options supplement is created to assist school districts in providing academic acceleration options, career-themed courses, and courses that lead to digital tool certificates and industry certifications for prekindergarten through grade 12 students and shall be allocated annually in the General Appropriations Act.

(h) *Calculation of additional full-time equivalent membership based on the Florida Advanced Courses and Tests (FACT) College Algebra course and test score of students.*—A value of 0.16 full-time equivalent student membership shall be calculated for each student in the Florida Advanced Courses and Tests (FACT) College Algebra course who achieves a minimum score on an assessment identified by the Department of Education pursuant to s. 1007.27(2) and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district shall allocate at least 80 percent of the funds provided to the district for the FACT College Algebra course instruction, in accordance with this paragraph, to the high school that

generates the funds. The school district shall distribute to each classroom teacher who provided the FACT College Algebra course instruction:

1. A bonus in the amount of $50 for each student taught by the FACT College Algebra course teacher in each FACT College Algebra course who achieves a minimum score on an assessment identified by the Department of Education pursuant to s. 1007.27(2).

2. An additional bonus of $500 to each FACT College Algebra course teacher in a school designated with a grade of "D" or "F" who has at least one student who achieves a minimum score on an assessment identified by the Department of Education pursuant to s. 1007.27(2), regardless of the number of classes taught or of the number of students who achieve a minimum score on an assessment identified by the Department of Education pursuant to s. 1007.27(2).

Section 21. Paragraphs (b) and (e) of subsection (3) of section 1011.84, Florida Statutes, are amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(b) The apportionment to each Florida College System institution from the Florida College System Program Fund shall be determined annually in the General Appropriations Act. In

determining each college's apportionment, the Legislature shall consider the following components:

1. Base budget, which includes the state appropriation to the Florida College System Program Fund in the current year plus the related student tuition and out-of-state fees assigned in the current General Appropriations Act.

2. The cost-to-continue allocation, which consists of incremental changes to the base budget, including salaries, price levels, and other related costs allocated through a funding model developed by the Florida College System presidents in consultation with the Department of Education and approved by the Legislature. The model must ~~which may~~ recognize a minimum level of funding per FTE and differing economic factors arising from the individual educational approaches of the various Florida College System institutions, including, but not limited to:

a. Program offerings, weighting workforce FTE to account for priorities and costs ~~Direct Instructional Funding, including class size, faculty productivity factors, average faculty salary, ratio of full-time to part-time faculty, costs of programs, and enrollment factors~~.

b. Completion of credentials, including certificates, certifications, and degrees ~~Academic Support, including small colleges factor, multicampus factor, and enrollment factor~~.

c. Size of the college ~~Student Services Support, including headcount of students as well as FTE count and enrollment factors~~.

d. Economies of scale ~~Library Support, including volume and other materials/audiovisual requirements~~.

e. Regional cost differentials ~~Special Projects~~.

~~f. Operations and Maintenance of Plant, including square footage and utilization factors.~~

~~g. Comparable wage factor.~~

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. ~~Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.~~

~~5.~~ New and improved program enhancements, which shall be determined by the Legislature.

~~Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.~~

(e) If at any time the unencumbered balance in the general fund of the Florida College System institution board of trustees approved operating budget goes below 7 ~~5~~ percent for a Florida College System institution ~~with a final FTE less than 15,000 for the prior year, or below 7 percent for a Florida College System institution with a final FTE of 15,000 or greater for the prior year~~, the president must ~~shall~~ provide written notification to the State Board of Education. By September 30 of each year, the chief financial officer of each Florida College System

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institution shall certify the unexpended amount of state funds remaining in the general fund of an institution as of June 30 of the previous fiscal year.

Section 22. Subsections (2), (3), and (4) of section 1013.841, Florida Statutes, are amended to read:

1013.841 End of year balance of Florida College System institution funds.—

(2)(a) Each Florida College System institution ~~with a final FTE less than 15,000 for the prior year~~ shall maintain a minimum carry forward balance of at least 7 ~~5~~ percent of its state operating budget; however, a Florida College System institution may retain and report to the State Board of Education an annual reserve balance exceeding that amount. If a Florida College System institution fails to maintain a 7 ~~5~~ percent balance in state operating funds, the president must ~~shall~~ provide written notification to the State Board of Education.

(b) Each Florida College System institution ~~with a final FTE less than 15,000 for the prior year~~ that retains a state operating fund carry forward balance in excess of the 7 ~~5~~ percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan must ~~shall~~ include all excess carry forward funds from state operating funds. The spending plan must ~~shall~~ be submitted to the Florida College System institution's board of trustees for approval by September 30 of each year~~, 2020, and each September 30 thereafter~~. The State Board of Education shall review and publish each Florida College System institution's carry forward spending plan by November 15 of each year~~, 2020, and each November 15 thereafter~~.

(3)~~(a) Each Florida College System institution with a final~~

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~~FTE of 15,000 or greater for the prior year shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a Florida College System institution fails to maintain a 7 percent balance in state operating funds, the institution shall submit a plan to the State Board of Education to attain the minimum balance.~~

~~(b) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution's board of trustees for approval by September 30, 2020, and each September 30 thereafter. The State Board of Education shall review and publish each Florida College System institution's carry forward spending plan by November 15, 2020, and each November 15 thereafter.~~

~~(4)~~ A Florida College System institution identified in paragraph (2)(b) ~~(3)(b)~~ must include in its carry forward spending plan the estimated cost per planned expenditure and a timeline for completion of the expenditure. A carry forward spending plan may include retention of the carry forward balance as a reserve fund to be used for authorized expenses in subsequent years. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation was previously provided, which requires additional funds for completion, and

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which is included in the list required by s. 1001.03(18)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with s. 1013.64(1) or replacement of a minor facility;

(c) Completion of a remodeling or infrastructure project, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the Florida College System institution's mission;

(f) Any purpose approved by the state board or specified in the General Appropriations Act; and

(g) A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor pursuant to s. 252.36.

Section 23. This act shall take effect July 1, 2026.

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The Florida Senate

Committee Agenda Request

To: Chair Kathleen Passidomo
Committee on Rules

Subject: Committee Agenda Request

Date: February 18, 2026

I respectfully request that **Senate Bill #7038**, relating to Education, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Alexis Calatayud

Senator Alexis Calatayud
Florida Senate, District 38

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

02/24/2026
Meeting Date

Appropriations HHS
Committee

7038
Bill Number or Topic

512852
Amendment Barcode (if applicable)

Name Bob Harris

Phone 850-222-0720

Address 2618 Centennial Place
Street

Email bharris@lawfla.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

Brighton Dental Assisting

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

02/24/2026
Meeting Date

Appropriations HHS
Committee

7038
Bill Number or Topic

Amendment Barcode (if applicable)

Name Bob Harris

Phone 850-222-0720

Address 2618 Centennial Place
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Email bharris@lawfla.com

Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Brittin Dental Assisting

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

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
SENATOR JASON W.B. PIZZO

DISTRICT OFFICE:

3475 Sheridan Street
Suite 211
Hollywood, FL 33021
Phone: 954.893.5045
pizzo.jason@flsenate.gov

CAPITOL OFFICE:

304 Senate Office Building
404 South Monroe Street
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Legislative Aide
morancy.taylor@flsenate.gov

COMMITTEES:

Appropriations Committee on Pre-K-12 Education, *Vice Chair*

Regulated Industries, *Vice Chair*

Appropriations

Appropriations Committee on Agriculture, Environment, and General Government

Banking and Insurance

Community Affairs

Criminal Justice

Rules

Joint Legislative Auditing Committee

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

February 24, 2026

The Honorable Senator Passidomo
Chairman, Rules
402 Senate Building
404 South Monroe
Tallahassee, FL 32399

Chair Passidomo,

I respectfully request to be excused from today's Rules meeting. Thank you for your cooperation.

Sincerely,

Jason Pizzo

The following appearance cards

were not read into the record

as they were received after

bill was considered

The Florida Senate

APPEARANCE RECORD

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

February 24, 2026
Meeting Date

Rules
Committee

436
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Smart Justice Alliance

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

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The Florida Senate

APPEARANCE RECORD

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

February 24, 2026
Meeting Date

Rules
Committee

990
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Risk Institute

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

February 24, 2026
Meeting Date

Rules
Committee

1536
Bill Number or Topic

Amendment Barcode (if applicable)

Name Barney Bishop

Phone 8505109922

Address 1454 Vieux Carre Drive
Street

Email Barney@BarneyBishop.com

Tallahassee FL 32308
City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
Florida Smart Justice Alliance

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

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

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Rules Committee **Judge:**

Started: 2/24/2026 12:05:10 PM
Ends: 2/24/2026 3:44:47 PM **Length: 03:39:38**

12:05:11 PM Chair Passidomo calls meeting to order
12:05:18 PM Roll call
12:05:57 PM Quorum announced
12:06:05 PM Senator Pizzo is excused
12:06:16 PM SB 1536 is TP'd
12:06:21 PM Chair with opening comments
12:07:03 PM Tabs 1-6 Confirmations
12:07:28 PM No appearance forms
12:07:31 PM No debate
12:07:39 PM Motion by Senator Jones
12:07:45 PM Roll call
12:08:25 PM Motion to confirm is adopted
12:08:35 PM Chair Passidomo
12:08:41 PM Tab 8 CS/SB 208 Land Use and Development Regulations by Senator McClain
12:08:45 PM Senator McClain explains the bill
12:09:33 PM Amendment Barcode 705478
12:09:36 PM Senator McClain explains the amendment
12:10:10 PM Questions
12:10:16 PM Senator Bradley
12:10:49 PM Senator McClain
12:11:36 PM Senator Bradley
12:12:00 PM Senator Berman
12:12:14 PM Senator McClain
12:12:43 PM Senator Berman
12:12:51 PM Senator McClain
12:13:37 PM Senator Harrell
12:13:59 PM Senator McClain
12:14:08 PM Appearance Forms
12:14:12 PM Jess McCarty, First Assistant County Attorney, Miami-Dade County waives
12:14:20 PM Lori Killinger, FL Manufactured Housing Assn., waives
12:14:24 PM Debate
12:14:27 PM Senator Jones
12:15:11 PM Senator Garcia
12:15:51 PM Senator Rodriguez
12:16:15 PM Senator Harrell
12:16:41 PM Senator McClain closes
12:17:04 PM Amendment is adopted
12:17:13 PM Late-filed Amendment Barcode 712734
12:17:15 PM Without objection amendment is introduced
12:17:21 PM Senator Martin explains the amendment
12:19:24 PM Senator Martin withdraws the amendment
12:19:39 PM Back on the Bill
12:19:41 PM No questions
12:19:45 PM Appearance Forms
12:19:49 PM Adam Basford, Associated Industries of FL, waives
12:19:51 PM Colton Madill, Florida Chamber of Commerce, waives
12:19:59 PM Karen Murillo, AARP Florida, waives
12:20:05 PM Alexander Miles, Enterprise Community Partners, waives
12:20:09 PM Daniel Martinez, Americans for Prosperity, waives
12:20:14 PM Brendan Burke, Florida Home Builders Assoc., waives
12:20:19 PM Debate
12:20:23 PM Senator Brodeur

12:23:59 PM Senator Jones
12:24:38 PM Senator Garcia
12:25:54 PM Senator McClain closes
12:27:25 PM Roll call
12:27:58 PM CS/CS/SB 208 is reported favorably
12:28:09 PM Tab 19 CS/CS/SB 686 Agricultural Enclaves by Senator McClain
12:28:15 PM Senator McClain explains the bill
12:29:53 PM Amendment Barcode 118996
12:29:59 PM Senator McClain explains
12:30:44 PM Amendment to the Amendment
12:30:49 PM Amendment Barcode 193976
12:30:56 PM Senator Harrell explains the amendment
12:31:26 PM No questions
12:31:28 PM Appearance Form
12:31:34 PM Mat Forrest, Martin County, waives
12:31:38 PM Debate
12:31:43 PM Senator McClain
12:31:59 PM Senator Harrell closes
12:32:17 PM Amendment is adopted
12:32:23 PM Back on the Main Amendment
12:32:30 PM No questions
12:32:33 PM No appearance forms
12:32:34 PM No debate
12:32:41 PM Senator McClain closes
12:32:52 PM Amendment is adopted
12:32:55 PM Back on the Bill
12:32:58 PM Questions
12:33:02 PM Senator Berman
12:33:11 PM Senator McClain
12:33:18 PM Senator Osgood
12:33:42 PM Senator McClain
12:33:47 PM Appearance Forms
12:33:53 PM Kari Hebrank, Florida Home Builders Assoc., waives
12:33:55 PM Adam Basford, Associated Industries of FL, waives
12:34:02 PM Chadwick Leonard, 1000 Friends of Florida, waives
12:34:06 PM Daniel Martinez, Americans for Prosperity, waives
12:34:09 PM Debate
12:34:16 PM Chair Passidomo
12:34:48 PM Senator McClain waives close
12:34:50 PM Roll call
12:35:24 PM CS/CS/CS/SB 686 is reported favorably
12:35:39 PM Tab 13 CS/CS/SB 436 Felony Battery by Senator Leek
12:35:45 PM Senator Leek explains the bill
12:36:39 PM No questions
12:36:42 PM Appearance Form
12:36:48 PM Molly Hudson, Volusia Sheriff's Office, waives
12:36:51 PM No debate
12:36:54 PM Senator Leek waives close
12:36:56 PM Roll call
12:37:33 PM CS/CS/SB 436 is reported favorably
12:37:44 PM Tab 23 SB 830 Public Records/County Administrators and City Managers by Senator Leek
12:37:47 PM Senator Leek explains the bill
12:38:39 PM No questions
12:38:41 PM Appearance Forms
12:38:45 PM Jeff Scala, Florida Association of Counties, waives
12:38:48 PM Jorge Chamizo, Broward County, waives
12:38:51 PM no debate
12:38:55 PM Senator Leek waives close
12:38:58 PM Roll call
12:39:32 PM SB 830 is reported favorably
12:39:40 PM Tab 29 SB 990 Protected Cell Captive Insurance Companies by Senator Leek
12:39:46 PM Senator Leek explains the bill

12:41:10 PM No questions
12:41:12 PM Appearance Forms
12:41:15 PM Ben Stearns, Florida Captive Insurance Association, waives
12:41:19 PM Wayne Matthews, The Florida Risk Institute, waives
12:41:23 PM No debate
12:41:26 PM Senator Leek waives close
12:41:29 PM Roll call
12:42:02 PM SB 990 is reported favorably
12:42:15 PM Tab 17 CS/CS/SB 600 Bail Bonds by Senator Truenow
12:42:23 PM Senator Truenow explains the bill
12:44:03 PM Amendment Barcode 736450
12:44:11 PM Senator Rouson explains the amendment
12:44:57 PM No questions
12:45:00 PM Appearance Form
12:45:13 PM RJ Miers, The Bail Project, speaks
12:47:21 PM Senator Harrell
12:47:55 PM Mr. Miers
12:48:00 PM Senator Harrell
12:48:25 PM Mr. Miers
12:48:34 PM Senator Grall
12:48:53 PM Mr. Miers
12:49:22 PM Senator Martin
12:49:28 PM Mr. Miers
12:49:37 PM Senator Martin
12:49:41 PM Mr. Miers
12:50:40 PM Debate
12:50:45 PM Senator Jones
12:51:31 PM Senator Martin
12:53:49 PM Senator Osgood
12:55:02 PM Senator Simon
12:55:59 PM Senator Harrell
12:56:49 PM Senator Burton
12:57:37 PM Senator Truenow
12:58:52 PM Senator Rouson closes
1:00:09 PM Amendment is adopted
1:00:13 PM Back on the Bill
1:00:18 PM No questions
1:00:21 PM Appearance Form
1:00:28 PM Cary Carlisle, Florida Bail Agents Association, waives
1:00:33 PM No debate
1:00:33 PM Senator Truenow closes
1:00:33 PM Roll call
1:01:27 PM CS/CS/CS/SB 600 is reported favorably
1:01:41 PM Tab 26 CS/SB 914 Dry Needling by Senator Calatayud
1:01:59 PM Senator Calatayud explains the bill
1:02:42 PM No questions
1:02:43 PM No appearance forms
1:02:45 PM No debate
1:02:48 PM Senator Calatayud waives close
1:02:50 PM Roll call
1:03:24 PM CS/SB 914 is reported favorably
1:03:31 PM Tab 39 CS/SB 1434 Infill Redevelopment by Senator Calatayud
1:03:38 PM Senator Calatayud explains the bill
1:04:49 PM Amendment Barcode 935140
1:04:59 PM Senator Calatayud explains the amendment
1:05:19 PM No questions
1:05:23 PM No appearance forms
1:05:25 PM No debate
1:05:31 PM Senator Calatayud waives close
1:05:33 PM Amendment is adopted
1:05:36 PM Back on the Bill
1:05:38 PM Questions

1:05:39 PM Appearance Form
1:05:44 PM Daniel Martinez, Americans for Prosperity, waives
1:05:49 PM No debate
1:05:53 PM Senator Calatayud waives close
1:05:55 PM Roll call
1:06:33 PM CS/CS/SB 1434 is reported favorably
1:06:45 PM Tab 42 CS/SB 1504 Insurance Customer Representative Licensing Qualifications by Senator Calatayud
1:06:52 PM Senator Calatayud explains the bill
1:07:09 PM No questions
1:07:12 PM Appearance Forms
1:07:18 PM BG Murphy, Florida Association of Insurance Agents, waives
1:07:21 PM Daniel Martinez, American for Prosperity, waives
1:07:24 PM No debate
1:07:26 PM Senator Calatayud waives close
1:07:29 PM Roll call
1:08:04 PM CS/SB 1504 is reported favorably
1:08:13 PM Tab 48 SB 1718 Educator Preparation and Certification by Senator Calatayud
1:08:18 PM Senator Calatayud explains the bill
1:08:46 PM No questions
1:08:52 PM Appearance Forms
1:08:57 PM Jessica Prichard, iteach, waives
1:09:01 PM Stephanie Kunkel, Florida Education Association, waives
1:09:05 PM Nathan Hoffman, Foundation for Florida's Future, waives
1:09:08 PM No debate
1:09:13 PM Senator Calatayud waives close
1:09:15 PM Roll call
1:09:50 PM SB 1718 is reported favorably
1:10:05 PM Tab 50 CS/SB 7038 Education
1:10:13 PM Senator Calatayud explains the bill
1:10:59 PM Amendment Barcode 552764
1:11:13 PM Senator Calatayud explains the amendment
1:11:38 PM No questions
1:11:43 PM No appearance forms
1:11:45 PM No debate
1:11:50 PM Senator Calatayud waives close
1:11:54 PM Amendment is adopted
1:11:58 PM Late-filed Amendment Barcode 512852
1:12:02 PM Without objection amendment is introduced
1:12:08 PM Senator Calatayud
1:12:22 PM Chair Passidomo
1:12:53 PM Senator Calatayud explains Amendment Barcode 552764
1:13:24 PM No questions
1:13:27 PM Amendment is adopted
1:13:37 PM Amendment Barcode 512852
1:13:46 PM Senator Calatayud explains the amendment
1:14:20 PM No questions
1:14:23 PM Appearance Form
1:14:34 PM Bob Harris, Brittin Dental Assisting, waives
1:14:39 PM Debate
1:14:42 PM Senator Jones
1:14:57 PM Senator Calatayud waives close
1:15:00 PM Amendment is adopted
1:15:02 PM Back on the Bill
1:15:03 PM No questions
1:15:04 PM Appearance Form
1:15:10 PM Bob Harris, Brittin Dental Assisting, waives
1:15:13 PM No debate
1:15:17 PM Senator Calatayud waives close
1:15:20 PM Roll call
1:15:56 PM CS/CS/SB 7038 is reported favorably
1:16:14 PM Tab 32 CS/CS/SB 1092 Podiatric Medicine by Senator Massullo
1:16:21 PM Senator Massullo explains the bill

1:17:47 PM Questions
1:17:55 PM Senator Berman
1:18:12 PM Senator Massullo
1:18:36 PM Appearance Form
1:18:42 PM Chris Hansen, Florida Podiatric Medical Association, waives
1:18:44 PM No debate
1:18:49 PM Senator Massullo waives close
1:18:51 PM Roll call
1:19:28 PM CS/CS/SB 1092 is reported favorably
1:19:40 PM Tab 33 CS/SB 1138 Qualified Contractors by Senator Massullo
1:19:46 PM Senator Massullo
1:19:58 PM Amendment Barcode 249874
1:20:02 PM Senator Massullo explains the amendment
1:22:21 PM Chair Passidomo
1:22:27 PM Amendment to Amendment Barcode 850242
1:22:55 PM Senator Massullo explains the Amendment to the Amendment
1:23:05 PM No questions
1:23:05 PM No debate
1:23:08 PM Amendment is adopted
1:23:11 PM Back on main amendment
1:23:13 PM No questions
1:23:16 PM Appearance Forms
1:23:20 PM David Cruz, Florida League of Cities, waives
1:23:26 PM Davin Suggs, Florida Association of Counties, waives
1:23:32 PM No debate
1:23:36 PM Senator Massullo waives close
1:23:37 PM Amendment is adopted
1:23:41 PM Back on the Bill
1:23:45 PM Questions
1:23:48 PM Senator Davis
1:24:16 PM Senator Massullo
1:24:42 PM Senator Osgood
1:25:33 PM Senator Massullo
1:26:17 PM Appearance Forms
1:26:19 PM Brendan Burke, Florida Home Builders Assoc., waives
1:26:22 PM Daniel Martinez, Americans for Prosperity, waives
1:26:26 PM Debate
1:26:37 PM Chair Passidomo
1:26:55 PM Senator Massullo closes
1:26:58 PM Roll call
1:27:35 PM CS/CS/SB 1138 is reported favorably
1:27:54 PM Tab 7 C/SB 186 Student Health and Safety by Senator Garcia
1:27:58 PM Senator Garcia explains the bill
1:30:01 PM Questions
1:30:06 PM Senator Davis
1:30:49 PM Senator Garcia
1:30:54 PM Appearance Forms
1:31:01 PM Karen Mazzula. FLPTA, waives
1:31:03 PM Steve Schale, Epilepsy Alliance of Florida, waives
1:31:07 PM No debate
1:31:14 PM Senator Garcia closes
1:31:37 PM Roll call
1:32:14 PM CS/SB 186 is reported favorably
1:32:26 PM Senator Jones with recognition
1:33:23 PM Chair Passidomo
1:33:43 PM Senator Simon with recognition
1:34:02 PM Tab 16 CS/CS/SB 560 Child Welfare by Senator Garcia
1:34:07 PM Senator Garcia explains the bill
1:35:30 PM Late-filed Amendment Barcode 311442
1:35:35 PM Without objection amendment is introduced
1:35:39 PM Senator Garcia explains the amendment
1:36:26 PM No questions

1:36:30 PM No appearance forms
1:36:33 PM No debate
1:36:34 PM Senator Garcia waives close
1:36:35 PM Amendment is adopted
1:36:39 PM Back on the Bill
1:36:40 PM No questions
1:36:45 PM No appearance forms
1:36:47 PM No debate
1:36:50 PM Senator Garcia closes
1:37:16 PM Roll call
1:37:58 PM CS/CS/CS/SB 560 is reported favorably
1:38:05 PM Tab 25 CS/CS/SB 902 Department of Health
1:38:11 PM Senator Garcia explains the bill
1:40:12 PM Late-filed Amendment Barcode 399010
1:40:16 PM Without objection amendment is introduced
1:40:18 PM Senator Garcia explains the amendment
1:40:54 PM No questions
1:40:57 PM Appearance Form
1:41:01 PM Melissa Villar, The Holistic Cannabis Community, waives
1:41:05 PM No debate
1:41:15 PM Senator Garcia closes
1:41:17 PM Amendment is adopted
1:41:21 PM Late-file Amendment Barcode 401870
1:41:26 PM Without objection, amendment is introduced
1:41:28 PM Senator Garcia explains the amendment
1:41:49 PM No questions
1:41:52 PM No appearance forms
1:41:53 PM No debate
1:41:56 PM Senator Garcia waives close
1:41:58 PM Amendment is adopted
1:42:14 PM Back on the Bill
1:42:18 PM No questions
1:42:19 PM Appearance Form
1:42:23 PM J.P Bell, DOH, waives
1:42:25 PM No debate
1:42:26 PM Senator Garcia waives close
1:42:29 PM Roll call
1:43:03 PM CS/CS/CS/SB 902 is reported favorably
1:43:14 PM Tab 9 SB 218 Land Use Regulations by Senator Gaetz
1:43:23 PM Senator Gaetz explains the bill
1:44:30 PM Amendment Barcode 103578
1:44:35 PM Senator Gaetz explains the amendment
1:44:58 PM Amendment Barcode 668898 is withdrawn
1:45:02 PM No questions
1:45:09 PM No appearance forms
1:45:10 PM No debate
1:45:14 PM Senator Gaetz waives close
1:45:15 PM Amendment is adopted
1:45:20 PM Back on the Bill
1:45:22 PM No questions
1:45:28 PM Appearance Forms
1:45:38 PM Linda Struhl waives
1:45:43 PM Tilda Fisher waives
1:45:45 PM Daniel Martinez, Americans for Prosperity, waives
1:45:50 PM Caren Marder waives
1:45:56 PM Mimi Jankovits waives
1:46:00 PM Marlene Sandler waives
1:46:05 PM No debate
1:46:09 PM Senator Gaetz waives close
1:46:15 PM Roll call
1:46:51 PM CS/SB 218 is reported favorably
1:46:57 PM Tab 30 CS/SB 1002 Child Welfare by Senator Gaetz

1:47:04 PM Senator Gaetz explains the bill
1:47:51 PM No questions
1:47:54 PM Appearance Form
1:47:58 PM Barney Bishop, Florida Smart Justice Alliance, waives
1:48:00 PM No debate
1:48:03 PM Senator Gaetz waives close
1:48:05 PM Roll call
1:48:45 PM CS/SB 1002 is reported favorably
1:48:56 PM Tab 41 CS/SB 1474 Biosolids Management by Senator Gaetz
1:49:06 PM Senator Gaetz explains the bill
1:49:31 PM Late-filed Amendment Barcode 835512
1:49:32 PM Without objection, amendment is introduced
1:49:37 PM Senator Gaetz explains the amendment
1:49:41 PM No questions
1:50:02 PM No appearance forms
1:50:05 PM No debate
1:50:06 PM Senator Gaetz waives close
1:50:09 PM Amendment is adopted
1:50:12 PM Back on the Bill
1:50:14 PM No questions
1:50:19 PM No appearance forms
1:50:21 PM No debate
1:50:24 PM Senator Gaetz waives close
1:50:27 PM Roll call
1:51:04 PM CS/CS/SB 1474 is reported favorably
1:51:14 PM Tab 47 SB 1708 Veterinary Licensure by Senator Gaetz
1:51:22 PM Senator Gaetz explains the bill
1:52:09 PM No questions
1:52:11 PM Appearance Forms
1:52:15 PM Jennifer Hobgood, ASPCA, waives
1:52:17 PM Daniel Martinez, Americans for Prosperity, waives
1:52:22 PM No debate
1:52:26 PM Senator Gaetz waives close
1:52:28 PM Roll call
1:53:03 PM SB 1708 is reported favorably
1:53:16 PM Tab 10 CS/SB 314 Payment Stablecoin by Senator Burton
1:53:31 PM Amendment Barcode 554568
1:53:38 PM Senator Burton explains the amendment
1:54:31 PM Substitute Amendment 513500
1:54:36 PM No questions
1:54:40 PM No appearance forms
1:54:43 PM No debate
1:54:48 PM Senator Burton waives close
1:54:50 PM Substitute Amendment is adopted
1:54:54 PM Back on the Bill
1:54:56 PM No questions
1:55:02 PM Appearance Form
1:55:06 PM Ash Mason, FL Office of Financial Regulation, waives
1:55:11 PM No debate
1:55:16 PM Senator Burton waives close
1:55:18 PM Roll call
1:55:57 PM CS/CS/SB 314 is reported favorably
1:56:12 PM Tab 11 CS/CS/SB 326 Curators of Estates by Senator Burgess
1:56:17 PM Senator Burgess explains the bill
1:56:32 PM No questions
1:56:34 PM No Appearance forms
1:56:36 PM No debate
1:56:42 PM Senator Burgess waives close
1:56:45 PM Roll call
1:57:23 PM CS/SB 326 is reported favorably
1:57:32 PM Tab 18 SB 642 Foreign and Alien Bail Bond Insurers by Senator Burgess
1:57:38 PM Senator Burgess explains the bill

1:57:56 PM No questions
1:57:58 PM Appearance Form
1:58:03 PM Shawn Foster, Florida Bail Agents Association, waives
1:58:05 PM No debate
1:58:08 PM Senator Burgess waives close
1:58:11 PM Roll call
1:58:51 PM SB 642 is reported favorably
1:58:59 PM Tab 22 CS/SB 772 Limited Licenses for Portable Electronics or Eyewear Insurance by Senator Burgess
1:59:08 PM Senator Burgess explains the bill
1:59:26 PM No questions
1:59:29 PM Appearance Forms
1:59:33 PM Tim Meenan, Asurion, waives
1:59:37 PM Cynthia Henderson, Essilor/Luxoltica, waives
1:59:40 PM No debate
1:59:45 PM Senator Burgess waives close
1:59:51 PM Roll call
2:00:25 PM SB 772 is reported favorably
2:00:33 PM Tab 45 SB 1656 Designation of the Official State Flagship by Senator Burgess
2:00:50 PM Senator Burgess explains the bill
2:00:55 PM No questions
2:01:01 PM No appearance forms
2:01:10 PM No debate
2:01:21 PM Senator Burgess closes
2:01:24 PM Roll call
2:02:17 PM SB 1656 is reported favorably
2:02:30 PM Tab 12 CS/CS/SB 332 Public Records and Public Meetings/Private Property Rights by Senator Bradley
2:02:37 PM Senator Bradley explains the bill
2:03:20 PM No questions
2:03:24 PM Appearance Forms
2:03:28 PM Matthew Singer, Florida League of Cities, waives
2:03:33 PM Jeff Scala, Florida Associaton of Counties, waives
2:03:36 PM No debate
2:03:39 PM Senator Burton waives close
2:03:41 PM Roll call
2:04:21 PM CS/CS/SB 332 is reported favorably
2:04:30 PM Tab 21 CS/CS/SB 758 Justice Administrative Commission by Senator Bradley
2:04:38 PM Senator Bradley explains the bill
2:05:13 PM No questions
2:05:17 PM Appearance Form
2:05:23 PM Aaron Wayt, FL Association of Criminal Defense Lawyers, waives
2:05:33 PM No debate
2:05:35 PM Senator Bradley waives
2:05:37 PM Roll call
2:06:00 PM CS/CS/SB 758 is reported favorably
2:06:25 PM Tab 36 CS/CS/SB 1294 Biosolids Management by Senator Bradley
2:06:36 PM Senator Bradley explains the bill
2:06:41 PM Amendment Barcode 114628
2:06:46 PM Senator Bradley explains the amendment
2:08:16 PM No questions
2:08:20 PM No appearance forms
2:08:24 PM No debate
2:08:27 PM Senator Bradley waives close
2:08:29 PM Amendment is adopted
2:08:37 PM Back on the Bill
2:08:39 PM No questions
2:08:42 PM Appearance Form
2:08:48 PM John November waives
2:08:52 PM No debate
2:08:54 PM Senator Bradley waives close
2:08:57 PM Roll call
2:09:40 PM CS/CS/CS/SB 1294 is reported favorably
2:09:53 PM Tab 14 CS/SB 474 Military Affairs

2:09:59 PM Senator Wright explains the bill
2:11:04 PM No questions
2:11:08 PM Appearance Form
2:11:11 PM Colonel Jason Hunt, Dept. of Military Affairs, waives
2:11:14 PM No debate
2:11:20 PM Senator Wright waives close
2:11:22 PM Roll call
2:12:01 PM CS/SB 474 is reported favorably
2:12:10 PM Tab 28 SB 964 Financial Disclosures by Senator Wright
2:12:17 PM Senator Wright explains the bill
2:12:43 PM No questions
2:12:47 PM Appearance Form
2:12:52 PM Kerrie Stillman, Florida Commission on Ethics, waives
2:12:55 PM No debate
2:12:58 PM Senator Wright waives close
2:13:01 PM Roll call
2:13:14 PM SB 964 is reported favorably
2:13:52 PM Tab 15 CS/CS/SB 540 Office of Financial Regulation by Appropriations Committee on Agriculture, Environment, and General Government
2:13:55 PM by Senator Martin
2:14:09 PM Senator Martin explains the bill
2:14:43 PM Amendment Barcode 318308
2:14:49 PM Senator Martin explains the amendment
2:14:53 PM No questions
2:14:55 PM No appearance forms
2:14:58 PM No debate
2:15:02 PM Senator Martin waives close
2:15:04 PM Amendment is adopted
2:15:06 PM Back on the Bill
2:15:08 PM No questions
2:15:10 PM Appearance Forms
2:15:13 PM Scott Jenkins, American Financial Services Association, waives
2:15:22 PM Ash Mason, FL Office of Financial, waives
2:15:28 PM Christopher Hodge, FL Credit Union Association, waives
2:15:33 PM No debate
2:15:37 PM Senator Martin waives close
2:15:40 PM Roll call
2:16:19 PM CS/CS/CS/SB 540 is reported favorably
2:16:28 PM Tab 20 CS/SB 698 Onsite Sewage Treatment and Disposal System Permits by Environment and Natural Resources
2:16:35 PM Senator Martin explains the bill
2:17:08 PM Amendment Barcode 575830
2:17:13 PM Senator Martin explains the amendment
2:18:02 PM Questions
2:18:06 PM Senator Berman
2:18:20 PM Senator Martin
2:18:40 PM Appearance Form
2:18:47 PM Brendan Burke, Florida Home Builders Assn., waives
2:18:49 PM No debate
2:18:53 PM Senator Martin waives close
2:18:54 PM Amendment is adopted
2:19:00 PM Back on the Bill
2:19:01 PM No questions
2:19:04 PM Appearance Form
2:19:10 PM Brendan Burke, Florida Home Builders Assn, waives
2:19:14 PM No debate
2:19:17 PM Senator Martin waives close
2:19:21 PM Roll call
2:20:00 PM CS/CS/SB 698 is reported favorably
2:20:12 PM Tab 27 CS/SB 928 Mandatory Remand to Custody upon Conviction of Dangerous Crimes by Criminal Justice
2:20:21 PM Senator Martin explains

2:21:13 PM Late-filed Amendment Barcode 622412
2:21:17 PM Without objection amendment is introduced
2:21:25 PM Senator Martin explains the amendment
2:21:31 PM No questions
2:21:32 PM Appearance Form
2:21:47 PM Jack Campbell, 2nd Judicial State Attorney, speaks
2:22:43 PM No debate
2:22:48 PM Senator Martin waives close
2:22:49 PM Amendment is adopted
2:22:53 PM Back on the Bill
2:22:56 PM No questions
2:22:59 PM Appearance Forms
2:23:08 PM Aaron Wayt, FL Assn of Criminal Defense Lawyers, speaks
2:26:38 PM Pepper Mogle speaks
2:27:58 PM Barney Bishop, Florida Smart Justice Alliance, waives
2:28:03 PM Charles Mogle waives
2:28:06 PM Libby Guzzo, Attorney General's Office, waives
2:28:09 PM Molly Hudson, Volusia Sheriff's Office, waives
2:28:12 PM No debate
2:28:20 PM Senator Martin waives close
2:28:23 PM Roll call
2:29:03 PM CS/CS/SB 928 is reported favorably
2:29:12 PM Tab 38 SB 1370 Habitual Traffic Offender Designation by Senator Martin
2:29:20 PM Senator Martin explains the bill
2:29:51 PM No questions
2:29:57 PM Appearance Forms
2:30:03 PM Barney Bishop, Florida Smart Justice Alliance, waives
2:30:05 PM Molly Hudson, Volusia Sheriff's Office, waives
2:30:09 PM No debate
2:30:12 PM Senator Martin waives close
2:30:14 PM Roll call
2:30:49 PM SB 1370 is reported favorably
2:30:59 PM Tab 40 CS/SB 1440 Public Records/Office of Financial Regulation/Cybersecurity Event by Banking and Insurance
2:31:08 PM Senator Martin explains the bill
2:31:43 PM Amendment Barcode 266456
2:32:21 PM No questions
2:32:25 PM No appearance forms
2:32:30 PM Senator Martin waives close
2:32:31 PM Amendment is adopted
2:32:35 PM Back on the Bill
2:32:37 PM No questions
2:32:39 PM Appearance Form
2:32:43 PM Ash Mason, FL Office of Financial Regulation
2:32:45 PM Debate
2:32:55 PM Senator Rouson
2:33:30 PM Senator Martin closes
2:33:33 PM Roll call
2:34:11 PM CS/CS/SB 1440 is reported favorably
2:34:33 PM Tab 24 SB 878 Clinical Laboratory Personnel by Senator Yarborough
2:34:42 PM Senator Avila explains the bill
2:36:25 PM No questions
2:36:29 PM Appearance Form
2:36:35 PM Doug Russell, Quest Diagnostics Lab, waives
2:36:37 PM No debate
2:36:41 PM Senator Avila waives close
2:36:42 PM Roll call
2:37:01 PM SB 878 is reported favorably
2:37:34 PM Tab 46 CS/SB 1694 Technology Education by Senator Avila
2:37:39 PM Senator Avila explains the bill
2:38:31 PM No questions
2:38:36 PM Appearance Form

2:38:43 PM Karen Mazzola, FLPTA, waives
2:38:44 PM No debate
2:38:50 PM Senator Avila waives close
2:38:54 PM Roll call
2:39:34 PM CS/SB 1694 is reported favorably
2:39:43 PM Tab 31 CS/CS/SB 1030 Recovery Residences by Senator Gruters
2:39:50 PM Senator Rouson explains the bill
2:41:10 PM No questions
2:41:14 PM Appearance Form
2:41:18 PM Jill Puckett, Floridians for Recovery, waives
2:41:22 PM Jared Willis, Better Tomorrow Treatment Center, waives
2:41:26 PM Natalie Kelly, Florida Association of Managing Entities, waives
2:41:31 PM Lauren Jackson, Palm Beach County, waives
2:41:38 PM Zack Hubbard, Better Tomorrow Treatment Center, waives
2:41:41 PM No debate
2:41:45 PM Senator Rouson waives close
2:41:47 PM Roll call
2:42:24 PM CS/CS/SB 1030 is reported favorably
2:42:38 PM Tab 34 CS/CS/SB 1224 Fraudulent Entry of Residential Dwellings by Criminal Justice
2:42:45 PM Senator Rodriguez explains the bill
2:43:11 PM No questions
2:43:14 PM Appearance Forms
2:43:19 PM Kelly Mallette, Florida Apartment Association, waives
2:43:23 PM Ethan Perry, Florida Realtors, waives
2:43:25 PM No debate
2:43:28 PM Senator Rodriguez waives close
2:43:30 PM Roll call
2:44:16 PM CS/CS/SB 1224 is reported favorably
2:44:29 PM Tab 35 CS/SB 1234 Building Permits and Inspections by Regulated Industries
2:44:42 PM Senator DiCeglie explains the bill
2:44:59 PM Late-filed Amendment Barcode 567540
2:45:00 PM Without objection amendment is introduced
2:45:08 PM Senator DiCeglie explains
2:46:41 PM Questions
2:46:51 PM Senator Berman
2:47:51 PM Senator DiCeglie
2:48:03 PM Senator Berman
2:48:42 PM Senator DiCeglie
2:49:07 PM Senator Berman
2:49:20 PM Senator DiCeglie
2:49:33 PM Senator Berman
2:50:07 PM Senator DiCeglie
2:50:39 PM Appearance Forms
2:50:53 PM Kari Hebrank, FL Home Builders Association, speaks
2:52:23 PM Senator Davis
2:52:51 PM Ms. Hebrank
2:53:56 PM Senator Bradley
2:55:26 PM Ms. Hebrank
2:55:49 PM Remberto Leiseca speaks
2:57:01 PM Senator Davis
2:57:14 PM Mr. Leiseca
2:57:17 PM Adam Basford, Associated Industries of FL, waives
2:57:21 PM Jason Maine. Storm Smart Industries, waives
2:57:25 PM Carol Bowen, Associated Builders and Contractors of Florida, waives
2:57:31 PM Lori Killinger, FL Manufactured Housing Assn, waives
2:57:34 PM No debate
2:57:43 PM Senator DiCeglie waives close
2:57:44 PM Amendment is adopted
2:57:48 PM Back on the Bill
2:57:49 PM No questions
2:57:53 PM Appearance Forms
2:57:58 PM Kari Hebrank, Florida Home Builders & NUCA of Florida, waives

2:58:05 PM Daniel Martinez, Americans for Prosperity, waives
2:58:09 PM Colton Madill, Florida Chamber of Commerce, waives
2:58:15 PM Jason Maine, Storm Smart Industries, waives
2:58:21 PM Debate
2:58:29 PM Senator Davis
2:59:29 PM Chair Passidomo
2:59:57 PM Senator DiCeglie closes
3:02:08 PM Roll call
3:02:51 PM CS/CS/SB 1234 is reported favorably
3:03:01 PM Tab 44 CS/SB 1612 Electronic Payments Made to Units of local Governments by Government Oversight and Accountability
3:03:07 PM Senator DiCeglie explains the bill
3:03:29 PM No questions
3:03:33 PM No appearance forms
3:03:35 PM No debate
3:03:38 PM Senator DiCeglie waives close
3:03:40 PM Roll call
3:04:17 PM CS/SB 1612 is reported favorably
3:04:25 PM Tab 37 SB 1340 Coordinated Screening Process Monitoring by Senator Harrell
3:04:31 PM Senator Harrell explains the bill
3:05:33 PM No questions
3:05:42 PM No appearance forms
3:05:43 PM No debate
3:05:51 PM Senator Harrell closes
3:05:53 PM Roll call
3:06:42 PM SB 1340 is reported favorably
3:07:11 PM Tab 49 CS/SB 7036 Education by Appropriation Committee on Agriculture, Environment and General Government
3:07:12 PM Chair Passidomo
3:07:23 PM Recording Paused
3:24:26 PM Recording Resumed
3:24:35 PM Chair Passidomo
3:24:44 PM Tab 49 CS/SB 7036 Education by Appropriations Committee on Agriculture, Environment, and General Government
3:24:54 PM Senator Simon explains the bill
3:26:24 PM Amendment Barcode 515704
3:26:31 PM Senator Simon explains the amendment
3:27:24 PM Amendment Barcode 739692 is withdrawn
3:27:36 PM Late-filed Amendment Barcode 656962
3:27:38 PM Without objection amendment is introduced
3:27:43 PM Senator Jones explains the amendment
3:28:17 PM No questions
3:28:23 PM Appearance Form
3:28:28 PM David Cruz, Florida League of Cities, waives
3:28:37 PM Debate
3:28:45 PM Senator Boyd
3:29:16 PM Senator Jones closes
3:29:19 PM Amendment is adopted
3:29:23 PM Back on the main amendment Barcode 515704
3:29:28 PM Questions
3:29:32 PM Senator Davis
3:30:22 PM Senator Simon
3:31:01 PM Senator Davis
3:31:21 PM No appearance forms
3:31:24 PM No debate
3:31:27 PM Senator Simon waives close
3:31:29 PM Amendment is adopted
3:31:33 PM Back on the Bill
3:31:35 PM Questions
3:31:47 PM Senator Davis
3:32:15 PM Senator Simon
3:32:37 PM Senator Davis

3:33:04 PM Senator Simon
3:33:24 PM Senator Daivs
3:33:41 PM Senator Simon
3:34:38 PM Senator Osgood
3:35:12 PM Senator Simon
3:35:20 PM Senator Jones
3:35:36 PM Appearance Forms
3:35:48 PM Caren Malder waives
3:35:51 PM Tilda Fisher waives
3:36:01 PM Miriam Jawkouits waives
3:36:04 PM Marlene Sandler waives
3:36:06 PM Linda Struhl waives
3:36:10 PM Cathy Boehme, Florida Education Association, waives
3:36:16 PM Michael Baptiste waives
3:36:51 PM Kalisha Baptiste speaks
3:39:36 PM Debate
3:39:41 PM Senator Harrell
3:40:02 PM Senator Simon closes
3:40:52 PM Roll call CS/CS/SB 7036 is reported favorably
3:41:07 PM Motions to Vote After
3:41:19 PM Senator Burgess
3:41:30 PM Senator Avila
3:41:39 PM Senator Trumbull
3:41:46 PM Senator Burton
3:41:55 PM Senator Boyd
3:42:00 PM Senator Brodeur
3:42:35 PM Senator Garcia
3:42:42 PM Senator DiCeglie
3:42:48 PM Senator Bradley
3:42:55 PM Senator Simon
3:43:02 PM Senator Rodriguez
3:43:07 PM Senator Davis
3:43:13 PM Senator Berman
3:43:19 PM Senator Rouson
3:43:27 PM Senator Osgood
3:43:33 PM Senator Jones
3:43:44 PM Senator Harrell
3:43:53 PM Senator Martin
3:44:06 PM Senator Gaetz
3:44:20 PM Without objection, motions adopted
3:44:32 PM Senator Gaetz moves to adjourn
3:44:41 PM Without objection, meeting is adjourned