Tab 1	**CS/CS/SB 36** by **AHS, HP, Sharief (CO-INTRODUCERS) Osgood, Davis, Rouson, Berman;** Similar to CS/H 00237 Use of Professional Nursing Titles					
728884	D	S		RC, Sharief	Delete everything after	02/26 04:09 PM
600226	AA	S		RC, Burton	btw L.23 - 24:	03/02 03:27 PM
Tab 2	**CS/CS/SB 354** by **ATD, CA, McClain;** Similar to CS/CS/CS/H 00299 Blue Ribbon Projects					
408320	D	S	RCS	RC, McClain	Delete everything after	03/03 07:58 PM
Tab 3	**SB 620** by **Mayfield;** Identical to H 00535 Candidate Qualifying					
521902	A	S	RCS	RC, Mayfield	Before L.15:	03/03 07:42 PM
693374	A	S	RCS	RC, Mayfield	Delete L.126:	03/03 07:42 PM
Tab 4	**CS/SB 796** by **RI, Bradley (CO-INTRODUCERS) Jones;** Identical to CS/H 00805 Veterinary Medicine					
309020	A	S	RCS	RC, Bradley	Delete L.217:	03/03 09:12 PM
Tab 5	**CS/SB 934** by **CA, Rodriguez;** Identical to CS/H 00755 Areas of Critical State Concern					
Tab 6	**CS/SB 1080** by **TR, DiCeglie;** Compare to CS/CS/CS/1ST ENG/H 00543 Transportation					
~~903300~~	D	S	WD	RC, DiCeglie	Delete everything after	03/02 12:24 PM
494040	D	S	RCS	RC, DiCeglie	Delete everything after	03/03 09:21 PM
Tab 7	**SB 1096** by **Burgess;** Compare to CS/H 01407 Remedies for Violations of the Florida Civil Rights Act					
556298	A	S	RCS	RC, Davis	Delete L.17 - 19:	03/03 09:29 PM
Tab 8	**CS/CS/SB 1260** by **AEG, RI, DiCeglie;** Compare to CS/H 01109 Services During a State of Emergency					
Tab 9	**SB 1366** by **Brodeur (CO-INTRODUCERS) Rouson;** Compare to H 00145 Claims Against the Government					
491330	A	S	RCS	RC, Brodeur	Delete L.167 - 309:	03/03 09:40 PM
Tab 10	**CS/CS/SB 1452** by **AEG, BI, Truenow;** Compare to CS/CS/CS/H 01221 Department of Financial Services					
557824	D	S	LRS	RC, Truenow	Delete everything after	03/03 09:44 PM
341966	SD	S	RCS	RC, Truenow	Delete everything after	03/03 09:44 PM
Tab 11	**SB 1536** by **Pizzo;** Digital Voyeurism					
Tab 12	**SB 1548** by **Calatayud;** Compare to CS/CS/H 00837 Affordable Housing					
Tab 13	**CS/CS/SB 1566** by **AEG, CA, DiCeglie;** Compare to CS/CS/1ST ENG/H 01329 Local Government Spending					
~~920006~~	A	S	WD	RC, DiCeglie	Delete L.137 - 186:	03/02 07:02 AM
~~707548~~	A	S	WD	RC, DiCeglie	Delete L.137 - 186:	03/03 10:00 PM
484786	D	S	LRCS	RC, DiCeglie	Delete everything after	03/03 10:00 PM

Tab 14	**CS/CS/SB 1568** by **AEG, BI, DiCeglie;** Similar to CS/CS/H 01415 Florida Stablecoin Pilot Program

Tab 15	**CS/SB 1580** by **RI, Martin;** Similar to CS/CS/CS/H 00189 Illegal Gaming					
~~587100~~	A	S	WD	RC, Martin	Delete L.798 - 1535:	03/04 08:54 AM
498764	A	S	RCS	RC, Martin	Delete L.1312 - 1938:	03/04 08:54 AM
~~287656~~	A	S	LWD	RC, Pizzo	btw L.508 - 509:	03/04 08:54 AM
145382	A	S	LRCS	RC, Pizzo	btw L.508 - 509:	03/04 08:54 AM

Tab 16	**SB 1588** by **Gruters (CO-INTRODUCERS) Rodriguez;** Compare to CS/CS/H 01311 Legal Tender					
542400	D	S	RCS	RC, Gruters	Delete everything after	03/04 09:26 AM

Tab 17	**CS/SB 1620** by **JU, Leek (CO-INTRODUCERS) Gaetz;** Compare to CS/1ST ENG/H 01073 Public Education					
534222	D	S	RS	RC, Leek	Delete everything after	03/04 09:36 AM
290396	SD	S	RCS	RC, Leek	Delete everything after	03/04 09:36 AM

Tab 18	**CS/SB 1668** by **AEG, Burton;** Similar to CS/CS/H 01291 Florida Birth-Related Neurological Injury Compensation Association					
799824	D	S	LRCS	RC, Burton	Delete everything after	03/04 09:16 AM
449888	AA	S	LUNFAV	RC, Martin	Delete L.548 - 557:	03/04 09:16 AM
438358	AA	S	LRCS	RC, Martin	Delete L.142:	03/04 09:16 AM

Tab 19	**CS/SB 1756** by **HP, Yarborough;** Compare to H 00917 Medical Freedom					
150652	D	S	RCS	RC, Yarborough	Delete everything after	03/04 10:11 AM
103592	AA	S	UNFAV	RC, Burton	btw L.272 - 273:	03/04 10:11 AM

Tab 20	**SB 7034** by **EN;** Compare to CS/CS/CS/H 01417 Ratification of Rules of the Department of Environmental Protection

Tab 21	**SB 7044** by **BI;** Compare to H 00777 Public Records/Custodians of Gold Coin and Silver Coin

Tab 22	**CS/HB 245** by **CRM, Baker (CO-INTRODUCERS) Gossett-Seidman, Salzman, Yarkosky;** Identical to CS/S 00398 Child Pornography Terminology

Tab 23	**CS/HB 363** by **HHS, Chaney (CO-INTRODUCERS) Salzman;** Dental Therapy

Tab 24	**CS/HB 1175** by **HPP, Redondo;** Similar to S 01526 Safety Design Standards for Office Surgery Suites

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

RULES
Senator Passidomo, Chair
Senator Jones, Vice Chair

MEETING DATE: Tuesday, March 3, 2026
TIME: 9:00 a.m.—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**CS/CS/SB 36** Appropriations Committee on Health and Human Services / Health Policy / Sharief (Similar CS/H 237)	Use of Professional Nursing Titles; Providing that licensed advanced practice registered nurses who hold specified degrees may use titles and abbreviations associated with those degrees in a specified manner; prohibiting such persons from holding themselves out to patients or prospective patients as a doctor in advertising without also clearly denoting their licensed profession, etc. HP 02/02/2026 Fav/CS AHS 02/12/2026 Fav/CS RC 03/03/2026 Temporarily Postponed	Temporarily Postponed
2	**CS/CS/SB 354** Appropriations Committee on Transportation, Tourism, and Economic Development / Community Affairs / McClain (Similar CS/CS/CS/H 299)	Blue Ribbon Projects; Requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a blue ribbon project have a blue ribbon plan; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; specifying that a project may be located on land with any future land use designation or zoning designation, etc. CA 01/13/2026 Fav/CS ATD 02/12/2026 Fav/CS RC 03/03/2026 Fav/CS	Fav/CS Yeas 12 Nays 10
3	**SB 620** Mayfield (Identical H 535)	Candidate Qualifying; Requiring certain candidates to provide the filing officer a statement disclosing dual citizenship for nomination and election to federal, state, county, multicounty, district, or judicial office or to a district school board, etc. EE 01/13/2026 Favorable JU 01/27/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**CS/SB 796** Regulated Industries / Bradley (Identical CS/H 805, Compare CS/H 607, H 871, S 1382)	Veterinary Medicine; Citing this act as the "Veterinary Workforce Innovation Act"; increasing the amount of time for which prescriptions based solely on a veterinary telehealth evaluation may be issued for certain drugs; providing requirements for veterinary professional associates to receive certificates of registration from the Department of Business and Professional Regulation; requiring the department to make a list of veterinary professional associate registrants publicly available on its website; authorizing the department to rescind the registration of a veterinary professional associate under certain circumstances, etc. RI 01/12/2026 Fav/CS AEG 02/04/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 21 Nays 1
5	**CS/SB 934** Community Affairs / Rodriguez (Identical CS/H 755)	Areas of Critical State Concern; Providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern, etc. CA 02/10/2026 Fav/CS AEG 02/25/2026 Favorable RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0
6	**CS/SB 1080** Transportation / DiCeglie (Compare CS/CS/CS/H 543, CS/S 1274)	Transportation; Requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures, etc. TR 01/20/2026 Fav/CS CM 01/28/2026 Favorable RC 02/10/2026 Not Considered RC 02/17/2026 Temporarily Postponed RC 03/03/2026 Fav/CS	Fav/CS Yeas 21 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	**SB 1096** Burgess (Compare CS/H 1407)	Remedies for Violations of the Florida Civil Rights Act; Revising the timeframe when a civil action may be brought for violations of the act; providing that if the Florida Commission on Human Relations or the Equal Employment Opportunity Commission does not make a determination within a specified timeframe, the complainant may bring a civil action within a specified timeframe, etc. JU 02/03/2026 Favorable GO 02/11/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
8	**CS/CS/SB 1260** Appropriations Committee on Agriculture, Environment, and General Government / Regulated Industries / DiCeglie (Compare CS/H 1109)	Services During a State of Emergency; Requiring the Department of Management Services to enter into and maintain state term contracts for building code inspection services, etc. RI 02/10/2026 Fav/CS AEG 02/25/2026 Fav/CS RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0
9	**SB 1366** Brodeur (Compare H 145)	Claims Against the Government; Increasing the statutory limits on the liability of the state and its agencies and subdivisions for tort claims; requiring the Department of Financial Services, beginning on a specified date and every 5 years thereafter, to adjust the limitations of liability for claims; limiting attorney fees based on the amount of funds recovered; authorizing the Legislature to limit attorney fee awards in a claim bill or reserve any portion of the proceeds of a claim bill to the claimant, etc. JU 02/03/2026 Favorable AP 02/12/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 21 Nays 1
10	**CS/CS/SB 1452** Appropriations Committee on Agriculture, Environment, and General Government / Banking and Insurance / Truenow (Compare CS/CS/CS/H 1221)	Department of Financial Services; Revising the subsystem used for a certain report of disbursements made; deleting the Department of Financial Services' authority to make semimonthly salary payments; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned, etc. BI 02/04/2026 Fav/CS AEG 02/25/2026 Fav/CS RC 03/03/2026 Fav/CS	Fav/CS Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	**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 RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0
12	**SB 1548** Calatayud (Compare CS/CS/H 837, CS/CS/H 1389, S 962)	Affordable Housing; Requiring counties and municipalities, respectively, to authorize certain residential use on property owned by a county, municipality, or school district under certain circumstances; revising the definition of the term "person"; revising a prohibition on discriminatory practices in land use decisions and in permitting of development to include housing that is affordable; waiving the state's sovereign immunity for certain causes of action based upon housing discrimination, etc. CA 02/03/2026 Favorable FP 03/02/2026 Favorable RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0
13	**CS/CS/SB 1566** Appropriations Committee on Agriculture, Environment, and General Government / Community Affairs / DiCeglie (Compare CS/CS/H 1329)	Local Government Spending; Citing this act as the "Local Government Financial Transparency and Accountability Act"; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable, etc. CA 02/10/2026 Fav/CS AEG 02/25/2026 Fav/CS RC 03/03/2026 Fav/CS	Fav/CS Yeas 21 Nays 0
14	**CS/CS/SB 1568** Appropriations Committee on Agriculture, Environment, and General Government / Banking and Insurance / DiCeglie (Similar CS/CS/H 1415)	Florida Stablecoin Pilot Program; Establishing the Florida Stablecoin Pilot Program within the Department of Financial Services; authorizing the department to accept payment stablecoins; authorizing the department to conduct examinations, audits, and investigations of permitted payment stablecoin issuers; requiring the department to monitor and evaluate the pilot program and collect certain data, etc. BI 02/04/2026 Fav/CS AEG 02/18/2026 Fav/CS RC 03/03/2026 Favorable	Favorable Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	**CS/SB 1580** Regulated Industries / Martin (Similar CS/CS/CS/H 189, Compare H 591, CS/S 204, S 1164)	Illegal Gaming; Repealing a provision relating to penalties and violations related to illegal gambling; authorizing a person who is ineligible for employment with the commission to submit a waiver request to the commission asking to be considered eligible for employment if the person possesses certain expertise or experience; revising the standards of conduct for current and former commissioners and employees of the commission; providing criminal penalties for persons who stake, bet, or wager any money or other thing of value upon the result of certain games, contests, matches, races, or sports if such persons have knowledge that the outcome of the games, contests, matches, races, or sports is prearranged or predetermined; revising the criminal penalties for persons who keep a gambling house, are agents or employees of a keeper of a gambling house, and rent a house for gambling purposes, respectively; providing that violations of certain laws are deemed immediate and serious dangers to public health, safety, and welfare, etc. RI 02/10/2026 Fav/CS AEG 02/25/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 21 Nays 1
16	**SB 1588** Gruters (Compare CS/CS/H 1311)	Legal Tender; Revising the definitions of the terms “gold coin” and “silver coin”; revising requirements for gold coin and silver coin recognized as legal tender; deleting a provision regarding examination of certain applicants; revising prohibitions relating to money services businesses; revising license application requirements for certain applicants, etc. BI 02/11/2026 Favorable AEG 02/18/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 20 Nays 1
17	**CS/SB 1620** Judiciary / Leek (Compare CS/H 1073)	Public Education; Providing members of a district school board with specified rights; requiring that certain documents from district school board meetings be kept as public records; requiring school officers to receive specified training; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement; prohibiting a school district from imposing certain conditions on employment, etc. ED 02/03/2026 Favorable JU 02/10/2026 Fav/CS RC 03/03/2026 Fav/CS	Fav/CS Yeas 22 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
18	**CS/SB 1668** Appropriations Committee on Agriculture, Environment, and General Government / Burton (Similar CS/CS/H 1291)	Florida Birth-Related Neurological Injury Compensation Association; Requiring the Agency for Health Care Administration to recover from the Florida Birth-Related Neurological Injury Compensation Association specified costs incurred by Medicaid; revising the exclusiveness of rights and remedies of the Florida Birth-Related Neurological Injury Compensation Plan; revising services eligible for compensation under certain annual benefits under the plan; requiring family members of plan participants to continuously maintain certain health insurance coverage for the participant, etc. BI 01/28/2026 Favorable AEG 02/25/2026 Fav/CS RC 03/03/2026 Fav/CS	Fav/CS Yeas 22 Nays 0
19	**CS/SB 1756** Health Policy / Yarborough (Compare H 917)	Medical Freedom; Citing this act as the "Medical Freedom Act"; requiring certain health care practitioners and paramedics to, before administering a vaccine to a minor child, inform the parent or legal guardian of certain information using materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine; providing that specified amendments made by the act to s. 456.0575, F.S., take effect within a specified timeframe after the Board of Medicine and the Board of Osteopathic Medicine adopt certain materials by joint rule; authorizing pharmacists to provide ivermectin to adults without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale; revising exemptions from school-entry immunization requirements, etc. HP 01/26/2026 Fav/CS AP 02/24/2026 Favorable RC 03/03/2026 Fav/CS	Fav/CS Yeas 14 Nays 8
20	**SB 7034** Environment and Natural Resources (Compare CS/CS/CS/H 1417)	Ratification of Rules of the Department of Environmental Protection; Ratifying a specified rule relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and recovery strategy for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs, etc. AEG 02/25/2026 Favorable RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	**SB 7044** Banking and Insurance (Compare H 777, CS/CS/H 1087, CS/CS/S 1440)	Public Records/Custodians of Gold Coin and Silver Coin; 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 money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; expanding a public records exemption for deferred presentment transactions to incorporate the inclusion of money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. RC 03/03/2026 Favorable	Favorable Yeas 17 Nays 5
22	**CS/HB 245** Criminal Justice Subcommittee / Baker (Identical CS/S 398, Compare CS/CS/H 1159)	Child Pornography Terminology; Replaces the term "child pornography" with the term "child sexual abuse material." RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 1
23	**CS/HB 363** Health & Human Services Committee / Chaney (Compare CS/H 693)	Dental Therapy ; Authorizes Medicaid to reimburse for dental services provided by certain mobile dental units; creates Council on Dental Therapy; specifies licensure requirements, services, limitations, & prohibitions relating to practice of dental therapy; requires DOH, in consultation with Board of Dentistry & AHCA, to submit reports to Legislature. RC 03/03/2026 Temporarily Postponed	Temporarily Postponed
24	**CS/HB 1175** Health Professions & Programs Subcommittee / Redondo (Similar S 1526)	Safety Design Standards for Office Surgery Suites; Requires Florida Building Commission & State Fire Marshal to establish safety design standards for certain office surgical suites by specified date; defines "office surgery suite." RC 03/03/2026 Favorable	Favorable Yeas 21 Nays 0
	Other Related Meeting Documents		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 36
INTRODUCER:	Appropriations Committee on Health and Human Services; Health Policy Committee; and Senator Sharief and others
SUBJECT:	Use of Professional Nursing Titles
DATE:	March 2, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	McKnight	AHS	**Fav/CS**
3.	Smith	Kruse	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 36 explicitly authorizes advanced practice registered nurses to use the titles "Doctor of Nursing Practice" or "Doctor of Philosophy" and the corresponding abbreviations, "D.N.P." or "Ph.D.," if the nurse holds that doctoral degree. The bill prohibits an APRN who holds a doctoral degree from using the title "doctor" in advertising, that he or she directly produces, without clearly specifying his or her profession.

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:

Nurse Licensure and Regulation

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over Florida's licensed health care practitioners. The MQA works in conjunction with the Board of Nursing (Board) to license and regulate approximately 50,378 advanced practice registered nurses (APRNs), 62,230 licensed practical nurses (LPNs), and 347,857 registered nurses (RNs) who are practicing in Florida under an active Florida

license.[1] The DOH and the Board also regulate approximately 4,195 RNs and 549 LPNs from other states who are authorized to practice in Florida through the Nurse Licensure Compact.[2]

To become initially licensed as an LPN or RN in Florida, an applicant must have completed an accredited or Board-approved pre-licensure nursing education program and passed the National Council of State Boards of Nursing Licensure Examination (NCLEX).[3] Nurses licensed in other states may apply for licensure by endorsement under the Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act.[4] Additionally, Florida is a member of the Nurse Licensure Compact which enables RNs and LPNs licensed to practice in other compact states to be able to practice in Florida if they have been issued a multistate license under the compact.[5]

Within the nursing profession, there are two primary categories of licensure: practical nurses and professional nurses. The Nurse Practice Act, codified within part I of ch. 464, F.S., distinguishes between the practice of practical nursing and the practice of professional nursing.

Practical nursing consists of performing selected nursing acts, such as administering treatments and medications, under the direction of a registered nurse, physician, or certain other licensed health care providers. It focuses on the care of individuals who are ill or infirm, and on promoting wellness and preventing illness.[6]

Professional nursing involves the performance of acts that require substantial, specialized knowledge, judgment, and skill based on scientific principles from the psychological, biological, physical, and social sciences. This includes comprehensive responsibilities such as assessing and diagnosing patient needs, planning and evaluating care, administering treatments and medications under proper authorization, and supervising or teaching others in the performance of these duties.[7]

The licensed practical nurses (LPNs) are licensed to practice practical nursing under supervision whereas the registered (professional) nurses (RNs) are licensed to practice professional nursing. The RNs who complete additional graduate- or doctoral-level education may obtain licensure as an advanced practice registered nurse (APRN). In Florida, The APRNs are licensed in one or more of the following roles: nurse practitioner (NP), certified nurse midwife (CNM), clinical nurse specialist (CNS), psychiatric-mental health nurse practitioner, and certified registered nurse anesthetist (CRNA).[8]

The APRNs seeking to register to practice primary care autonomously, i.e. without physician supervision, must complete 3,000 clinical practice hours, which may include clinical instruction

[1] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2024-25*, at 10, available at https://mqawebteam.com/annualreports/2425/2/ (last visited Jan. 28, 2025).
[2] *Id*.
[3] Section 464.008, F.S.
[4] Section 456.0145, F.S.
[5] Section 464.0095, F.S. *See also* National Council of State Boards of Nursing, *Participating Jurisdictions*, available at https://www.nursecompact.com/index.page#map (last visited Jan. 28, 2026).
[6] Section 464.003(18), F.S.
[7] Section 464.003(19), F.S.
[8] Section 464.003(3), F.S.

provided by faculty in a clinical setting in a graduate program leading to a master's or doctoral degree in a clinical nursing specialty area.[9]

Post-licensure Nursing Programs

A post-licensure nursing program is a nursing education program designed for people who are already licensed as nurses, most commonly RNs, who want to build upon their existing clinical foundation to advance their education, role, or specialty. Common programs include:

- Registered Nurse to Bachelor of Science in Nursing (RN to BSN);
- Master of Science in Nursing (MSN);
- Doctor of Nursing Practice (DNP);
- Doctor of Philosophy (Ph.D.); and
- Specialty nursing certificates.

The Florida Center for Nursing reported that in 2023, 11.9 percent of Florida APRNs and 1.1 percent of RNs hold a DNP or a Ph.D. in nursing.[10]

A DNP degree focuses on advanced clinical practice and leadership. The DNP programs emphasize evidence-based care, system improvement, and public health, addressing Florida's health care needs, and managing chronic conditions.[11]

A Ph.D. degree in nursing is research-focused and prepares nurses for careers as nurse scientists in primarily academic settings.[12]

Titles and Abbreviations

Within the Nurse Practice Act, s. 464.015, F.S., restricts the use of nursing titles and corresponding abbreviations such as RN, LPN, APRN, unless the individual holds a license as such. Title violations under this section are a misdemeanor of the first degree.[13]

Section 464.018, F.S., details the specific acts that can lead to a denial of a license or disciplinary action by the Board of Nursing, and the acts include violating any provision of ch. 456, F.S.[14]

Chapter 456, F.S., outlines the general grounds for discipline and applicable penalties for all health care professions, and the relevant board of each profession are authorized to impose penalties for violations.[15] The following two acts are considered violations under s. 456.072, F.S.:

- Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession.[16]

[9] Section 464.0123(1)(c), F.S.
[10] Florida Center for Nursing, *State of the Nursing Workforce in Florida 2023*, at 15, *available at* https://issuu.com/flcenterfornursing/docs/state_of_the_nursing_workforce_in_florida?ff (last visited Jan. 28, 2026).
[11] Department of Health, *SB 36 Legislative Bill Analysis* (Dec. 8, 2025) (on file with the Senate Committee on Health Policy).
[12] *Id*.
[13] Section 464.015(10), F.S.
[14] Section 464.018(1)(o), F.S.
[15] Section 456.072(2), F.S.
[16] Section 456.072(1)(a), F.S.

- Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing.[17]

For a nurse who violates either provision, the penalty can range from a reprimand and a $250 fine up to a $700 fine and license suspension.[18]

Current law does not explicitly authorize or prohibit the use of the titles "Doctor of Nursing Practice" or "Doctor of Philosophy" and the corresponding abbreviations, "D.N.P." or "Ph.D.," for persons who do not hold those degrees.

III. Effect of Proposed Changes:

The bill amends s. 464.015, F.S., to authorize advanced practice registered nurses (APRN) licensed under ch. 464, F.S., to use the titles "Doctor of Nursing Practice" or "Doctor of Philosophy" and the corresponding abbreviations, "D.N.P." or "Ph.D.," if the nurse holds that doctoral degree.

The bill provides that such APRN who is authorized above to use a title or abbreviation associated with a doctoral degree in a clinical setting may not hold himself or herself out as a doctor to patients or prospective patients in advertising, that he or she directly produces, using an authorized title or abbreviation without also clearly denoting his or her licensed profession.

The bill exempts title violations under this section from being considered a first-degree misdemeanor. Instead, these violations constitute grounds for disciplinary action under the s. 416.018(1)(o), F.S. (the Nurse Practice Act). This section allows the Board of Nursing to fine or discipline a licensee for title violations.
The bill takes effect 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.

[17] Section 456.072(1)(t), F.S.
[18] Rule 64B9-8.006, F.A.C.

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 bill has no fiscal impact on state expenditures or revenues.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 464.015 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:

- Authorizes an advanced practice registered nurse (APRN) who holds a doctorate degree (Doctor of Philosophy or Doctor of Nursing Practice) to use specific titles or abbreviations associated with his or her degree in a manner consistent with that degree.
- Provides that such APRN who is authorized above to use a title or abbreviation associated with a doctoral degree in a clinical setting may not hold himself or herself out as a doctor to patients or prospective patients in advertising, that he or she directly produces, using an authorized title or abbreviation without also clearly denoting his or her licensed profession.
- Provides that violations of the above provisions constitute grounds for discipline under the Nurse Practice Act.

CS by Health Policy on February 2, 2026:
The CS clarifies that a licensed nurse may use certain titles and abbreviations consistent with the doctoral degree the nurse has obtained. By removing the word "only" from the underlying bill, out-of-state degree holders are allowed to use the titles and abbreviations enumerated in the bill. Rather than requiring all doctoral degree holders to specify their profession when using the title "doctor," the CS provides that a nurse who holds a doctoral degree may not use the title "doctor" in a clinical setting without clearly specifying his or her profession.

B. Amendments:

None.

728884

LEGISLATIVE ACTION

Senate . House

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The Committee on Rules (Sharief) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (8) and (10) of section 464.015, Florida Statutes, are amended to read:

464.015 Titles and abbreviations; restrictions; penalty.—

(8) Only persons who hold valid licenses to practice as advanced practice registered nurses in this state may use the title “Advanced Practice Registered Nurse” and the abbreviation “A.P.R.N.”

728884

(a) A licensed advanced practice registered nurse who also holds a Doctor of Philosophy degree in nursing or a Doctor of Nursing Practice degree may use the title "Doctor of Philosophy" and the abbreviation "Ph.D.," or the title "Doctor of Nursing Practice" and the abbreviation "D.N.P.," respectively, in a manner consistent with the doctoral degree such person holds.

(b) A person authorized under paragraph (a) to use a title or abbreviation associated with a doctoral degree may not hold himself or herself out to a patient, a prospective patient, or the public at large as a doctor without using such title or abbreviation authorized under paragraph (a) or clearly specifying his or her licensed profession.

(10) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except for violations of paragraphs (8)(a) or (b). Violations of paragraphs (8)(a) or (b) constitute grounds for disciplinary action under s. 464.018(1)(o).

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 the use of professional nursing titles; amending s. 464.015, F.S.; providing that licensed advanced practice registered nurses who hold specified degrees may use titles and abbreviations associated with those degrees in a specified manner;

728884

prohibiting such persons from holding themselves out to a patient, a prospective patient, or the public at large as a doctor under certain circumstances; providing for disciplinary action; providing an effective date.

600226

LEGISLATIVE ACTION

Senate . House

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The Committee on Rules (Burton) recommended the following:

Senate Amendment to Amendment (728884) (with title amendment)

Between lines 23 and 24

insert:

(c) This subsection may not be construed to create any prohibition or requirement for a supervising health care practitioner or an entity licensed, registered, regulated, or certified by the Agency for Health Care Administration as provided in s. 408.802 relating to the adoption of bylaws or policies regarding the use of health care practitioner titles in

600226

a workplace setting.

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

And the title is amended as follows:

Between lines 43 and 44

insert:

providing construction;

By the Appropriations Committee on Health and Human Services; the Committee on Health Policy; and Senators Sharief, Osgood, Davis, Rouson, and Berman

603-02824-26 202636c2

A bill to be entitled

An act relating to the use of professional nursing titles; amending s. 464.015, F.S.; providing that licensed advanced practice registered nurses who hold specified degrees may use titles and abbreviations associated with those degrees in a specified manner; prohibiting such persons from holding themselves out to patients or prospective patients as a doctor in advertising without also clearly denoting their licensed profession; providing for disciplinary action; providing an effective date.

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

Section 1. Subsections (8) and (10) of section 464.015, Florida Statutes, are amended to read:

464.015 Titles and abbreviations; restrictions; penalty.—

(8) Only persons who hold valid licenses to practice as advanced practice registered nurses in this state may use the title "Advanced Practice Registered Nurse" and the abbreviation "A.P.R.N."

(a) A licensed advanced practice registered nurse who also holds a Doctor of Philosophy degree or a Doctor of Nursing Practice degree may use the title "Doctor of Philosophy" and the abbreviation "Ph.D.," or the title "Doctor of Nursing Practice" and the abbreviation "D.N.P.," respectively, in a manner consistent with the doctoral degree such person holds.

(b) A person authorized under paragraph (a) to use a title or abbreviation associated with a doctoral degree in a clinical

603-02824-26 202636c2

setting may not hold himself or herself out as a doctor to patients or prospective patients in advertising produced directly by the practitioner, including signage or written communication, using such title or abbreviation without also clearly denoting his or her licensed profession.

(10) A violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except for violations of paragraph (8)(a) or paragraph (8)(b). Violations of paragraph (8)(a) or paragraph (8)(b) constitute grounds for disciplinary action under s. 464.018(1)(o).

Section 2. 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 # 36**, relating to Use of Professional Nursing Titles, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Barbara Sharief
Florida Senate, District 35

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/CS/SB 354
INTRODUCER:	Rules Committee; Appropriations Committee on Transportation, Tourism and Economic Development; Community Affairs Committee; and Senator McClain
SUBJECT:	Blue Ribbon Projects
DATE:	March 3, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Griffin	Nortelus	ATD	**Fav/CS**
3.	Hackett	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 354 creates a framework for "Blue Ribbon Projects," large scale development projects which trade state preemption over local governments' comprehensive planning and land use regulations in exchange for a certain amount of "reserve area." Such projects must include at least 15,000 acres of land, with at least 60 percent reserved for uses such as environmental protection, agriculture, recreation, and utilities sites, while the remainder may be developed over 50 years into towns and cities regardless of underlying comprehensive planning and land use allocations.

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

The bill will have an indeterminate fiscal impact on private and governmental sectors. See Section V., Fiscal Impact Statement.

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]

Future Land Use Element and Compatibility

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

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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]

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]

Comprehensive Plan Amendments

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

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

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

[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] Sections 163.3174(4)(a) and 163.3184, F.S.
[16] Section 163.3184(3), (4), and (11), F.S.
[17] *Id.*

development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[18]

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

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[21]

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

Zoning

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

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

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[18] Sections 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[19] Martin Cty. v. Yusem, 690 So.2d 1288, 1293-94 (Fla. 1997).
[20] Gary K. Hunter Jr. and Douglas M Smith, ABCs of Local Land Use and Zoning Decisions, 84 Fla. B.J. 20 (January 2010).
[21] Section 163.3164(26), F.S.
[22] Section 163.3202(1), F.S.
[23] Section 163.3202(3), F.S.
[24] Sections 125.01055 and 166.04151, F.S.
[25] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[26] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[27] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[28] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cnty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[29] See, e.g., Indian River County, Planning and Development Services FAQ (last visited Jan. 11, 2026).

requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

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

Concurrency and Proportionate Share

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

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

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

[30] See e.g., City of Tallahassee, Application for Rezoning Review (last visited Jan. 11, 2026).
[31] See id. and City of Redington Shores, Planning and Zoning Board (last visited Jan. 11, 2026).
[32] See e.g., City of Tallahassee, Variance and Appeals and Seminole County, Variance Processes (last visited Jan. 11, 2026).
[33] Section 163.3180(2), F.S.
[34] *Id.*
[35] Section 163.3180(1), F.S.
[36] Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), available at https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1041&context=cutr_tpppfr (last visited Jan. 10, 2026).
[37] *Id.*

Development Rights

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

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

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

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

[38] 35 Am. Jur. Proof of Facts 3d s. 385 (1996).
[39] Monroe Cnty. v. Ambrose, 866 So.2d 707, 710 (Fla. 3rd DCA 2003).
[40] Section 163.3220(4), F.S.; See ss. 163.3220-163.3143, F.S., known as the "Florida Local Government Development Agreement Act."
[41] Morgran Co., Inc. v. Orange County, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

with the law governing said permitting requirements, conditions, terms, or restrictions.[42]

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

Preemption

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

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

Affordable Housing

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

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

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[42] Section 163.3227(1) and (2), F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[43] Section 163.3239, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).
[44] A successor in interest is one who follows another in ownership or control of property. A successor in interest retains the same rights as the original owner, with no change in substance. Black's Law Dictionary 1473 (8th ed. 2004); s. 163.3239, F.S
[45] Section 163.3237, F.S.
[46] Preemption Definition, Black's Law Dictionary (12th ed. 2024).
[47] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[48] See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).
[49] The Florida Housing Coalition, *Affordable Housing in Florida*, p. 3, available at: https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf (last visited Jan. 10, 2026).
[50] *Id.*
[51] *Id.*

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

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

Florida Hometown Hero Program

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

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

Conservation Lands

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

Conservation Land Management

The Board of the Internal Improvement Trust Fund (board) is charged with the management, control, supervision, conservation, and protection of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards or commissions.[61] Section 253.034, F.S., specifies that state lands acquired pursuant to ch. 259, F.S., are required to be managed to

[52] U.S. Department of Housing and Urban Development, *Income Limits*, *Access Individual Income Limits Areas – Click Here for FY 2023 IL Documentation*, available at https://www.huduser.gov/portal/datasets/il.html#2021 (last visited Jan. 10, 2026).
[53] Section 420.0004(9), F.S.
[54] Section 420.0004(17), F.S.
[55] Section 420.0004(11), F.S.
[56] Section 420.0004(12), F.S.
[57] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.
[58] Section 420.5096, F.S.
[59] The requirement to be a first-time homebuyer does not apply to those qualifying as servicemembers or veterans.
[60] FLA. CONST. art. X, s. 18.
[61] Section 253.03, F.S.

ensure the conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of the state, both present and future.[62] Additionally, all lands acquired and managed under ch. 259, F.S., are required to be managed in a manner that provides the greatest combination of benefits to the public and to the resources, for public outdoor recreation which is compatible with the conservation and protection of public lands, and for the purposes for which the lands were acquired.[63]

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

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

The Department of Agriculture and Consumer Services, on behalf of the board, is authorized to allocate money to acquire perpetual, less-than-fee interests in land, enter into agricultural protection agreements, and enter into resource conservation agreements.[65] To qualify for acquisition, the agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet at least one of the following public purposes:

- Promoting and protecting wildlife habitats.
- Perpetuating open space on working lands that contain significant natural areas.
- Protecting, restoring, or enhancing water bodies, aquifer recharge areas, wetlands, or watersheds.
- Protecting agricultural lands threatened by conversion to other uses.[66]

Florida Wildlife Corridor

The 2021 Legislature created the Florida Wildlife Corridor Act to "create incentives for conservation and sustainable development while sustaining and conserving green infrastructure that acts as the foundation of the state's economy and quality of life."[67] The Legislature appropriated $300 million,[68] directing the DEP to encourage and promote investments in areas that protect and enhance the Wildlife Corridor by establishing a "network of connected wildlife

[62] Section 253.034(5)(a), F.S.
[63] Section 259.032(7), F.S.; s. 259.032(7)(a)2, F.S., provides that "such management may include, but not be limited to, the following public recreational uses: fishing, hunting, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, model hobbyist activities, birding, sailing, jogging, and other related outdoor activities compatible with the purposes for which the lands were acquired."
[64] Section 253.034(5)(b), F.S.
[65] Section 570.71(1), F.S.
[66] *Id.*
[67] Section 259.1055(3), F.S.
[68] Chapter 2021-37. L.O.F., s. 152.

habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal."[69]

III. Effect of Proposed Changes:

Blue Ribbon Projects

The bill creates a framework for "Blue Ribbon Projects," large scale development projects which trade state preemption over local governments' comprehensive planning and land use regulations in exchange for a certain amount of "reserve area."[70] An individual will develop a "Blue Ribbon Plan" which, when administratively approved, grants development rights regardless of the land's underlying comprehensive plan, zoning, and land development regulations.

An eligible project must contain at least 15,000 acres of contiguous land controlled by a single owner, and the majority must not be within a municipality. At least 60 percent of the land must be reserved, while the other 40 percent may be developed.

Reserve Area

The bill provides that the reserve area is land set aside for any or all of the following:

- Environmental conservation, wildlife corridors, or wetland and wildlife mitigation;
- Productive agriculture and silviculture (forestry);
- Uses consistent with the public purposes described by 570.71(1), which include:
  - Promotion and improvement of wildlife habitat;
  - Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;
  - Perpetuation of open space on lands with significant natural areas; or
  - Protection of agricultural lands threatened by conversion to other uses;
- Parks and recreational activities;
- Utility sites;
- Reservoirs and lakes; or
- Other similar types of open space.

Reserve areas may not include golf courses, data centers, or solar farms. Some proposed uses for the reserve area, particularly recreational activities and utility sites, are undefined and unclear as to the breadth of permitted use. Uses of public benefit including including parks, active recreation, stormwater management facilities, flood control facilities, utility facilities, and reservoirs may not exceed 15% of the reserve area.

[69] Section 259.1055(4)(g), F.S.

[70] The bill's stated intent is to balance environmental stewardship with the need for development to provide for future growth. The bill states the Legislature intends for these projects to promote the preservation of natural areas, encourage agricultural land uses and rural land stewardship, protect critical ecological systems, expand wildlife corridors, and provide for more compact mixed-use developments designed for long-term viability.

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

Development Area

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

- Individual development areas within the project must promote walkability, mobility, and mixed uses;
- At least 10 percent of the development must be nonresidential, which may include mixed use where the ground floor is nonresidential;
- An unspecified portion must be allocated to provide economic development in a location accessible to an interstate interchange, rail line, airport, or any other transportation;
- The area must have a dense, walkable, mixed-use, "human-centered" development pattern; and
- Residential units must include single-family, multifamily, attached, and detached units.

The bill grants the development area a maximum residential density of 12 units per gross acre, and nonresidential intensity of 85 percent surface ratio per acre within the development area. At least 20 percent of residential units within the development area in each phase must include affordable housing, missing middle housing,[71] or housing for people eligible for the Florida Hometown Hero Program.[72]

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

Blue Ribbon Plans

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

Each blue ribbon plan must contain documentation that includes:

- A long-term master development map that depicts the locations of the reserve and development areas.
- A conceptual phasing plan depicting land uses, densities and intensities, public facility mitigation for each phase of development, and acreage of reserve area in each phase.
- A conceptual water supply and wastewater plan to show compliance with statutory concurrency requirements.

[71] Defined by the bill as any of a range of for-sale and for-rent housing types more dense than single-family home and less dense than large apartments.

[72] A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer and a Florida resident; and must be employed full-time by a Florida-based employer. Section 420.5096(3), F.S.

- A conceptual transportation and mobility plan to show compliance with statutory concurrency requirements.
- A conceptual parks and recreation plan to show the compliance with statutory concurrency requirements.
- A conceptual resource protection plan to show conservation, restoration, and management of significant natural resources.
- Development standards for each type of land use proposed within the development area which is typically found in a planned unit development.[73]

It is unclear whether compliance with statutory concurrency requirements requires the master plan to comply with the local government's adopted concurrency standards in their comprehensive plan, and how that would interact with the nature of the blue ribbon plan's overruling the comprehensive plan, in addition to its extended development outlook far beyond the standard 5 years' managed growth. Florida statutes only require concurrency for wastewater and water supply, while many local governments opt to apply concurrency requirements to schools and transportation, and few apply concurrency to recreation and open space.

Park and recreational uses in the parks and recreation plan required above must comply with the achieved level of service based on the latest local government impact fee study in place at the time of enactment of this section.

If a project under a blue ribbon plan contributes land, funds, or otherwise causes the construction of public facilities necessary for achieving concurrency, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required under the concurrency statute.[74]

Local Government Review

A landowner applies to the relevant local government(s) for approval. The application must include the proposed text amendment to the comprehensive plan's future land use element and a site-specific comprehensive plan future land use amendment to designate the property a blue ribbon project overlay. A blue ribbon plan that meets the requirements of the bill is presumed to be consistent with the local government's comprehensive plan, a presumption which may be overcome by the local government upon a finding of substantial inconsistency with the comprehensive plan.

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

[73] A "planned unit development" is an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.
Section 163.3202(5)(b)2., F.S.
[74] Section 163.3180, F.S.

amendment, governs use of the property in lieu of applicable comprehensive plan future land use requirements and applicable land development regulations.

The bill requires the local government to conduct two public hearings related to an application, including the proposed comprehensive plan amendments, the first at the local government's land planning agency, and the second at the local government's commission or council, at which time a decision on the application will be made by the commission or council. The bill provides that, at any time during the local government staff's review of the plan, the landowner has the right to request that the application be placed on the soonest-available agenda of the local governing body for a public hearing, provided that such a request is not made sooner than 60 days after the public notice of the first public hearing.

If a plan is approved, the bill requires the local government to record the blue ribbon plan in the public records of the county in which the project is located, and the plan shall run with title to the land. The local government must also insert the text amendment into the comprehensive plan's future land use element and denote the site-specific amendment on the comprehensive plan's future land use map. A recorded plan may be amended using the same review procedures as the initial application, with the local government's review being limited to the portion of the plan being amended.

Appeal Procedure

The bill allows an applicant to appeal the local government's denial of the application by filing a de novo action for declaratory, injunctive, or other relief . However, before initiating such an action, the applicant may use the dispute resolution procedures related to land use and environmental disputes.

The bill prohibits the court from using a deferential standard for the benefit of the local government.

The bill provides that a local government's approval of a blue ribbon project, including the proposed text amendment and site-specific future land use map amendment, may be appealed in the same manner as challenges to comprehensive plans and plan amendments.

The bill requires a blue ribbon project to comply with applicable provisions of Ch. 373, F.S., related to water resources, and Ch. 403, F.S., related to environmental control.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

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

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

The bill states that a blue ribbon plan may be located on land with any future land use designation and with any zoning designation listed in the applicable local government's land development regulations, may not require a comprehensive plan amendment or rezoning for approval of the project, and governs use of the property in lieu of applicable comprehensive plan future land use requirements and applicable land development regulations. The bill also states

that an application for a blue ribbon project can be denied following a finding of substantial inconsistency with the local government's comprehensive plan. These provisions appear to conflict directly.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 163.3249 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS/CS by Rules on March 3, 2026:

The CS substantially revises each section of the bill. Specifically, the amendment:

- Increases the minimum acreage of a blue ribbon project to 15,000 acres.
- Revises the effect of the blue ribbon master plan to act as an "overlay" on the local comprehensive plan.
- Revises approved uses of the reserve area to permit 15% "uses of public benefit" including active recreation, stormwater and flood management facilities, utility facilities, and reservoirs, but specifically excluding golf courses, data centers, or solar farms.
- Specifies that land subject to a preexisting conservation easement does not count towards the 60% reserve area calculation.
- Revises the required documents associated with a blue ribbon plan to require proposed civic, school, and utility sites, and conceptual plans describing land uses, water and transportation plans, and resource protection.
- Revises the approval process to limit review to local government review for compliance with the section.
- Revises the appeals process to limit appeal to a court action for relief following denial, or the appeals process used for comprehensive plan amendments for relief following approval.

CS/CS by Appropriation Committee on Transportation, Tourism and Economic Development on February 12, 2026:

The committee substitute:

• Adds and revises definitions, including establishment of "special assessment district" as an authorized financing mechanism for project related infrastructure.

• Codifies minimum eligibility criteria for blue ribbon project designation, including a minimum 10,000 contiguous acres under common ownership or control.

• Requires at least 60% of project acreage to be designated as reserve/conservation land, with adjacency and protection requirements near state conservation lands and wildlife corridors.

• Limits the developable area to no more than 40% of total acreage and excludes certain uses (e.g., golf courses and data centers) from counting toward reserve requirements.
• Imposes additional land use and design standards intended to ensure mixed-use, walkable, and integrated development patterns within the developable area.
• Authorizes use of special assessment or improvement districts to finance capital facilities and infrastructure serving the project.

CS by Community Affairs on January 13, 2026:
The committee substitute adds to the list of approved uses of reserve land uses consistent with public purposes under s. 570.71(1), F.S., and requires a Blue Ribbon Plan to include provision for an easement granted to the Department of Agriculture and Consumer Services for any portion of the reserve area to be reserved for such uses; the department and landowner must enter into an agreement regarding uses for the easement interest prior to an easement being granted. A Blue Ribbon Plan must also include a covenant requiring easements granted to state or local governments be granted without charge.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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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. Section 163.3249, Florida Statutes, is created to read:

163.3249 Blue ribbon projects.—

(1) PURPOSE AND INTENT.—The purpose of this section is to balance the protection of important state resources, such as the natural environment and existing agricultural and silvicultural uses, with the need to provide longer-term, well-planned

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

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

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

(b) "Blue ribbon plan" or "plan" means the conceptual master plan for the blue ribbon project that is required by subsection (5).

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

(d) "Blue ribbon project overlay" means an overlay district approved by a local government in its comprehensive plan which must adhere to the blue ribbon plan approved by the local government.

(e) "Development area" means land that may be used for residential, commercial, industrial, office, civic, and institutional purposes and complies with the requirements of paragraph (3)(c) and subsection (4).

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

(g) "Reserve area" means land that is set aside for environmental conservation, wildlife corridors, wetland and wildlife mitigation, lakes, passive recreation, productive agriculture and silviculture, conservation agreements granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71, activities permitted by conservation easements entered into with the Department of Agriculture and Consumer Services pursuant to s. 570.71, and uses of public benefit and that complies with the requirements of paragraph (3)(b). Reserve areas may not contain golf courses, data centers, or solar farms.

(h) "Uses of public benefit" means uses including parks, active recreation, stormwater management facilities, flood control facilities, utility facilities, and reservoirs.

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

(a) The property must contain a minimum of 15,000 acres of land which are contiguous, as defined in s. 163.3163(3), which are owned by the same person or by entities owned or controlled by the same person, and a majority of which are not located within a municipality.

(b) At least 60 percent of the land contained in the project must be reserve area. Land contained in a conservation

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easement before July 1, 2026, does not qualify as reserve area for the purposes of meeting the 60 percent threshold. The reserve area must meet all of the following requirements:

1. If any property boundary is contiguous to state-owned environmental land or the Florida wildlife corridor, a portion of the project's reserve area must be located adjacent to a portion of the state-owned land or the Florida wildlife corridor, as applicable.

2. At least 70 percent of the reserve area must be contiguous, as defined in s. 163.3163(3).

3. Uses of public benefit may not exceed 15 percent of the reserve area.

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

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

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

3. A portion of the development area must be allocated to uses intended to provide economic development within the area where the property is located. The development area so allocated must be in a location that is accessible to an interstate interchange, a state road, an active rail line, or an airport or other transportation facility.

4. The development area must have a dense, walkable, mixed-use development pattern.

5. Types of residential units within the development area


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must be varied and include single-family, multifamily, and attached and detached residential units.

(4) DEVELOPMENT AREA DENSITIES AND INTENSITIES.—

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

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

1. Housing that is affordable, as defined in s. 420.0004, for natural persons or families who meet the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

2. Missing middle housing.

3. Housing that is affordable, as defined in s. 420.0004, for persons eligible for the Florida Hometown Hero Program under s. 420.5096.

(c) The development area must be developed in phases. Development rights and mitigation of project impacts shall be vested for 50 years. If the applicant achieves development, as defined in s. 380.04, of at least 50 percent of the development area within 50 years after the project's date of initial public dedication of infrastructure, the vested period must be extended for an additional 25 years.

(5) BLUE RIBBON PLANS.—

(a) A blue ribbon project must have a blue ribbon plan that

complies with the requirements of subsections (3) and (4).

(b) A blue ribbon plan must contain the following documents:

1. A long-term master development map that, at a minimum, depicts the conceptual locations of:

a. Reserve area and development area throughout the property.

b. Major planned transportation corridors, including roads, multipurpose trails, and transit.

c. Proposed civic and school sites.

d. Proposed utility sites.

2. A conceptual phasing plan depicting land uses within reserve areas and development areas, densities and intensities of development within development areas, public facility mitigation for such development within each phase, and approximate acreage of reserve area in each phase.

3. A conceptual water supply plan and a conceptual wastewater plan to show the project’s compliance with s. 163.3180. The plans may allow water and wastewater supplies to be provided in phases.

4. A conceptual transportation and mobility plan to show the project’s compliance with s. 163.3180. The plans may allow transportation facilities to be provided in phases.

5. A conceptual parks and recreation plan to show the project’s compliance with s. 163.3180. The plans may allow parks and recreational facilities to be provided in phases.

6. A conceptual resource protection plan to show the conservation of, and, as appropriate, restoration and management of, regionally significant natural resources within the reserve

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area. The protection of regionally significant natural resources within the reserve area is determined to be a net ecosystem benefit.

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

(c) A blue ribbon plan must be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and must specify the projected population within the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis. If, under the plan, a project contributes land or funds or otherwise causes the construction of public facilities pursuant to s. 163.3180, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required by s. 163.3180.

(d) All park and recreational uses in the parks and recreation plan required by subparagraph (b)5. must comply with the achieved level of service based on the latest local government impact fee study in place at the time of enactment of this section.

(e) A blue ribbon plan must provide that any easement granted to the Department of Agriculture and Consumer Services pursuant to s. 570.71 for portions of the reserve area that will be reserved for uses consistent with that section must be granted without charge. The granting of the easement shall occur upon agreement between the Department of Agriculture and

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Consumer Services and the landowner regarding allowable uses of the easement interest. If an easement or property is granted to any other state agency, water management district, or local government, the easement or property shall be granted without charge.

(f) A blue ribbon plan may not contemplate the use of a stewardship district.

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

(a) A landowner must apply to the local government for approval of a blue ribbon plan, including the proposed text amendment to the comprehensive plan's future land use element and a site-specific comprehensive plan future land use map amendment to designate the property a blue ribbon project overlay. A blue ribbon plan that meets the requirements of this section is presumed, subject to rebuttal, to be consistent with the local government's comprehensive plan and in compliance with s. 163.3177(1)(f) and (6), as applicable. The presumption may be overcome by the local governing authority upon a finding that the blue ribbon plan is substantially inconsistent with the provisions of the governing comprehensive plan. At any time during the local government review of the plan application, the applicant shall have the right to request that the application be placed on the soonest-available agenda of the local government for a public hearing. However, such a request may not be made sooner than 60 days after public notice of the first public hearing conducted pursuant to paragraph (b).

(b) The local government must conduct two public hearings relating to the approval of a blue ribbon plan application, including the proposed text amendment to the comprehensive

plan's future land use element and a site-specific comprehensive plan future land use map amendment. The first public hearing must be conducted by the local government's land planning agency. The second public hearing must be conducted by the local government's commission or council, at which time the application must be approved or denied by the commission or council. The local government shall give public notice of the public hearings in the same manner as it provides notice for comprehensive plan amendment applications.

(c) If the local government denies a blue ribbon plan application, the local government must give written notice to the applicant within 5 days after denial of the application, stating the grounds for the denial, including any applicable ordinances, rules, statutes, comprehensive plan provisions, or other authority for the denial.

(d) Upon approval by the local government of a blue ribbon plan, including the proposed text amendment to the comprehensive plan's future land use element and a site-specific comprehensive plan future land use map amendment, the plan shall govern use of the property in lieu of applicable comprehensive plan future land use requirements and applicable land development regulations. The blue ribbon plan shall serve as the governing document for the blue ribbon project overlay.

(e) A blue ribbon project may be located on land with any future land use designation provided in the applicable local government's comprehensive plan and with any zoning designation listed in the applicable local government's land development regulations.

(f) Following approval by the local government of a blue

ribbon plan application, the local government must record the plan in the public records of the county in which the property is located, and the plan shall run with title to the land. The local government must also insert the text amendment into the comprehensive plan's future land use element and denote the site-specific amendment on the comprehensive plan's future land use map. The recorded plan or text amendment may not be amended or revised without local government review in accordance with paragraph (a), and such review is limited to the portions of the plan or text amendment which are being amended or revised.

(g) An applicant may hire a private company to conduct plan reviews and building inspections pursuant to s. 553.791.

(7) APPEAL PROCEDURE.—

(a) An applicant may appeal the local government's denial of an application for a blue ribbon plan, including the proposed text amendment to the comprehensive plan's future land use element and the site-specific comprehensive plan future land use map amendment, by filing a de novo action for declaratory, injunctive, or other relief. The court may not use a deferential standard for the benefit of the local government. Before initiating such an action, the applicant may use the dispute resolution procedures under s. 70.51.

(b) The approval of a blue ribbon plan application, including the proposed text amendment to the comprehensive plan's future land use element and the site-specific comprehensive plan future land use map amendment, may be appealed in the same manner as provided in s. 163.3184(5).

(8) ENVIRONMENTAL REVIEW.—A blue ribbon project must comply with applicable provisions of chapters 373 and 403.


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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 blue ribbon projects; creating s. 163.3249, F.S.; providing a purpose and legislative intent; defining terms; requiring that a development project meet certain requirements to qualify as a blue ribbon project; providing maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a specified percentage of the project's residential units meet certain requirements; requiring the development area to be developed in phases; requiring certain development rights and mitigation of project impacts to be vested for a specified period; requiring a blue ribbon project to have a blue ribbon plan; requiring such plan to contain certain documents; requiring such plan to be based on a specified period and specify certain information during such period; providing that a plan is not required to demonstrate certain need; requiring a project to receive dollar-for-dollar credits from a local government under certain circumstances; providing that certain easements or property must be granted without charge; prohibiting a plan from

contemplating the use of a certain district; requiring a landowner to apply to the local government for approval of a plan, including certain amendments; providing that a plan that meets certain requirements is presumed, subject to rebuttal, to be consistent with the local government's comprehensive plan and in compliance with specified provisions; specifying that an applicant has a right to request that the application be reviewed at any time; prohibiting such a request from being made sooner than a specified time period; providing local government review requirements; providing notice requirements if the local government denies an application; providing that the blue ribbon plan governs the use of the property upon approval of the plan application by the local government; providing that a project may be located on land with any future land use designation or zoning designation; requiring the local government to record the plan following approval in the public records of the county in which the project property is located; requiring the local government to insert the text amendment into the comprehensive plan's future land use element and denote the site-specific amendment on the comprehensive plan's future land use map; prohibiting an applicant from amending a recorded plan or text amendment without undergoing a specified, limited review; authorizing an applicant to hire a private company to conduct plan reviews and building inspections; providing appeal procedures for the


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denial and approval of a blue ribbon plan application, including certain amendments; providing environmental review requirements; providing an effective date.

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Community Affairs; and Senator McClain

606-02821-26 2026354c2

A bill to be entitled

An act relating to blue ribbon projects; creating s. 163.3249, F.S.; providing a purpose and legislative intent; defining terms; requiring that a development project meet certain requirements to qualify as a blue ribbon project; specifying maximum residential density and nonresidential intensity permitted within the development area of a blue ribbon project; requiring that a specified percentage of the project's residential units meet certain requirements; authorizing the development of the development area in phases for a specified purpose; providing that development rights and mitigation of project impacts shall be vested for at least a certain period, which may be extended under certain circumstances; requiring that a blue ribbon project have a blue ribbon plan; providing requirements for such plan; specifying that a plan is not required to demonstrate certain need; requiring that a project receive dollar-for-dollar credits from a local government under certain circumstances; requiring that impact fees be calculated as applicable at the time of issuance of building permits; requiring a landowner to apply to the Department of Commerce for approval of a project in order to initiate approval of a blue ribbon plan; requiring that the application include a blue ribbon plan that meets specified requirements; limiting the scope of the department's review; requiring the department to provide copies of the application to

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specified entities for certain review and comment; requiring such entities to provide written comments to the department with a specified timeframe; requiring the department to approve the application or provide the applicant with a certain notice within a specified timeframe; providing for automatic approval of a project under certain circumstances; specifying that a project may be located on land with any future land use designation or zoning designation; providing that local government approval of a project creates a certain overlay special district; prohibiting a local government from requiring a comprehensive plan amendment or rezoning for approval of a project; requiring a landowner to apply to the local government for approval of a project upon department approval; requiring a landowner to apply to multiple local governments under certain circumstances; requiring a local government to conduct a certain public workshop within a specified timeframe after receipt of an application; requiring that an applicant be permitted to attend and participate in the workshop; requiring a local government to review a project within a certain timeframe after receipt of an application; limiting the scope of the local government's review; requiring that certain projects be administratively approved; providing that projects approved by the department are presumed to comply with certain provisions; providing that a local government may overcome such presumption in a certain manner; providing for automatic approval

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

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

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

163.3249 Blue ribbon projects.—

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

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

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

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

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

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

(e) "Missing middle housing" means a range of for-sale and for-rent housing types, including, but not limited to, duplexes,

triplexes, townhomes, small multifamily buildings, and small detached single-family homes, that fill the gap between larger single-family homes and larger apartment buildings. Such housing may be vertically and horizontally integrated.

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

(g) "Reserve area" means land that is set aside for environmental conservation, wildlife corridors, wetland and wildlife mitigation, productive agriculture and silviculture, uses consistent with the public purposes described under s. 570.71(1), parks, recreational activities, utility sites, reservoirs and lakes, or other uses that support such activities. Reserve areas may not include golf courses or data centers.

(h) "Special assessment district" means a community development district, municipal services taxing district, municipal services benefit district, or other district available under state law that allows for the assessment of ad valorem or non-ad valorem taxes on parcels of real property located within a blue ribbon project for the purpose of constructing, maintaining, repairing, and replacing capital improvements that serve the blue ribbon project. The term does not include an improvement district.

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

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

controlled by the same person, and the majority of which are not located within a municipality.

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

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

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

2. At least 15 percent of the development area must be allocated to nonresidential land uses, which may include mixed-use buildings that contain ground floor nonresidential units. Conservation easement areas may not be counted toward the 15 percent.

3. A portion of the development area must be allocated to uses intended to provide economic development and create high-wage jobs. The development area so allocated must be in a location that is within 60 miles of an interstate interchange, an active rail line, or a regional or international airport or other transportation facility.

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

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

(4) DEVELOPMENT AREA DENSITIES AND INTENSITIES.—

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

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

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

2. Missing middle housing.

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

(c) The development area may be developed in phases to accommodate growth projections in the geographical area in which the project is located. Development rights and mitigation of project impacts shall be vested for at least 50 years. If the applicant achieves development as defined in s. 380.04 of at least 50 percent of the development area within 50 years after the project's date of initial public dedication of infrastructure, the vested period must be extended for an additional 25 years.

(5) BLUE RIBBON PLANS.—A blue ribbon project must have a

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

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

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

(c) Identification and analysis of the transportation facilities and future transportation corridors necessary to serve development area land uses in the master development plan, including guidelines to be used to establish each modal component intended to optimize mobility. Transportation facilities must be provided in compliance with s. 163.3180. Such facilities must be provided by the applicant or a special

assessment district created at the request of the applicant. A special assessment district, a local government, or the state may enter into a public-private partnership with the applicant pursuant to s. 255.065 to provide such facilities. Internal roads must be designed in accordance with the Department of Transportation's traditional neighborhood development guidelines provided in chapter 19 of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, 2023 edition.

(d) Identification of other regionally significant public facilities necessary to support the project's permitted density as provided in paragraph (4)(a) for each phase of the project, which facilities must include utilities, parks, and schools, and policies providing the procedures to mitigate the impacts of the project's permitted density on public facilities. Public facilities must be provided in compliance with s. 163.3180. Such facilities must be provided by the applicant or a special assessment district created at the request of the applicant. A special assessment district, a local government, or the state may enter into a public-private partnership with the applicant pursuant to s. 255.065 to provide such facilities.

(e) Identification of regionally significant natural resources within the reserve area based on the best available data and policies, and provision of mechanisms to ensure the perpetual protection or conservation of specific resources, consistent with the overall conservation and development strategy for the project area. The provision of regionally significant natural resources within the reserve area is determined to be a net ecosystem benefit.

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

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

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

3. Achieve a cleaner, healthier environment.

4. Limit urban sprawl.

5. Provide a range of housing types.

6. Protect wildlife and natural areas.

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

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

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

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

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

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

A blue ribbon plan must be based on a planning period longer than the generally applicable planning period of the local comprehensive plan and must specify the projected population within the planning area during the chosen planning period. A plan is not required to demonstrate need based on projected population growth or any other basis. If under the plan a project contributes land or funds or otherwise causes the construction of public facilities pursuant to s. 163.3180, the project must receive dollar-for-dollar credits against impact, mobility, proportionate share, or other fee credits from the local government for such facility improvements as required by s. 163.3180. Impact fees must be calculated as applicable at the time of issuance of building permits.

(6) STATE ADMINISTRATIVE REVIEW OF BLUE RIBBON PLANS.—In order to initiate approval of a blue ribbon plan, a landowner shall apply first to the Department of Commerce for approval of a blue ribbon project. The application must include a blue ribbon plan that meets the requirements of subsection (5). The department's review of a project is limited to a review for compliance with this section. The department shall provide copies of the application to the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, the Department of Transportation, and the applicable water management district for

review and comment within each entity's respective legal purview on the plan's compliance with this section. Such entities shall provide written comments to the Department of Commerce within 21 days after receipt of the application by the department. Within 45 days after receipt of the application, the department shall approve the application or provide to the applicant a written notice that identifies with specificity any areas of noncompliance and includes the written comments received from the specified entities. If the department fails to either approve the application or provide such notice within 45 days after receipt of the application, or fails to provide a written approval or denial of the application within 20 days after the applicant provides a response to the notice, the application is automatically approved by the department. At any point after the department's initial 45-day review period, the applicant may request a final determination of approval or denial by the department, and the department must provide the determination within 7 days after receipt of the request. If the department fails to provide the determination within the 7-day period, the application is automatically approved by the department.

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

(a) A blue ribbon project may be located on land with any future land use designation provided in the applicable local government's comprehensive plan and with any zoning designation listed in the applicable local government's land development regulations. A local government's approval of a project creates an overlay special district within the local government's comprehensive plan which must adhere to the project's blue

ribbon plan. A local government may not require a comprehensive plan amendment or rezoning for approval of a project.

(b)1. Upon approval of a blue ribbon project by the Department of Commerce, the landowner shall apply to the local government for approval of the project. If the project is located within more than one local government's jurisdiction, the landowner must apply to each applicable local government. In reviewing the project, each applicable local government shall apply subsections (3), (4), and (5) to the project as a whole.

2. Within 30 days after receipt of an application for approval of a project, the local government shall conduct a duly noticed public workshop at which the project is presented. The applicant must be permitted to attend and participate in the workshop.

3. The local government shall review the project within 15 days after receipt of the application. The review is limited to a review for compliance with this section. A project that is in compliance with this section must be administratively approved without further action by the local government or any quasi-judicial or administrative reviewing body. A project approved by the Department of Commerce is presumed to be in compliance with this section. In order for a local government to overcome such presumption, the local government must find that the blue ribbon plan does not comply with subsection (5). If the local government makes such a finding, the local government must provide a written notice to the applicant which identifies with specificity the area of noncompliance and provides the applicant 60 days to respond and submit any information necessary to comply with subsection (5). If the local government fails to

provide such notice within 90 days after receipt of the application, or fails to provide a written approval or denial of the application within 30 days after the applicant provides a response to such notice, the application is automatically approved. At any point after the local government's initial 90-day review period, the applicant may request a final determination of approval or denial by the local government, and the local government must provide the determination within 7 days after receipt of the request. If the local government fails to provide the determination within the 7-day period, the application is automatically approved.

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

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

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

(8) APPEAL PROCEDURE.—

(a)1. If the Department of Commerce denies an application for a blue ribbon project, the applicant may request an administrative hearing pursuant to ss. 120.569 and 120.57 within 21 days after the date on which the applicant receives the department's written denial.

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

(b) Any person whose substantial interests are or may be affected by the local government's approval of a blue ribbon project may request an administrative hearing by filing a written petition with the Department of Commerce pursuant to ss. 120.569 and 120.57. The petition must be filed with the Department of Commerce within 21 days after newspaper publication of the notice of the local government decision in accordance with paragraph (7)(d). The petition must clearly state the reasons for the petition and describe how the project will adversely affect the person more substantially than the general population of the geographic area in which the project is located. A copy of the petition must also be provided to the local government. If a petition is timely filed pursuant to this paragraph, the applicant may intervene as a party to the hearing.

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

(d) The Department of Commerce shall determine whether the blue ribbon project meets the requirements of this section and issue a final order granting or denying the application. The department may attach conditions and restrictions to the order. The department may provide a determination in the final order which is different from the determination it provided after review of the application under subsection (6).

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

(9) A blue ribbon project must comply with applicable provisions of chapters 373 and 403.

Section 2. 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 #354**, relating to Blue Ribbon Projects, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan McClain
Florida Senate, District 9

File signed original with committee office

The Florida Senate

APPEARANCE RECORD

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

3/3/2026
Meeting Date

RULES
Committee

354
Bill Number or Topic

Amendment Barcode (if applicable)

Name ELIZABETH ALVI

Phone 850-222-1098

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Street

Email Beth.alvi@audubon.org

TALLAHASSEE FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
AUDUBON FLORIDA

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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March 3
Meeting Date

Rules
Committee

354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Doolin

Phone 850-508-5492

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Street

Email cdoolin@doolinandassoc.com

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:
SMALL COUNTY COALITION

☐ 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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03/03/2026
Meeting Date

Rules Committee
Committee

SB 354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Martin Pyszczymuka

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Saint Johns FL 32259
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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3/3/26
Meeting Date

Rules
Committee

354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sarah Strohminger

Phone 904-377-2981

Address 7452 2nd Street
Street

Email sarahstrohm93@gmail.com

St Augustine FL 32080
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)

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3/3/26
Meeting Date

Rules
Committee

354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Betsy Condon

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Street

Email betsylondon@yahoo.com

Keystone Hts FL 32656
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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3/3/26	354
Meeting Date	Bill Number or Topic
Committee	Amendment Barcode (if applicable)

Name ERIC YONCE Phone 352-400-2339

Address 275 S Hoffner Oval Email ERIC.YONCE@GMAIL.COM
Street

Orlando Blvd, FL 32176
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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3-3-26
Meeting Date

SB 354
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Dennis Jr. Phone 8504576157

Address 12156 Hawksridge Email

Street

Pen FL 32506

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)

3-3-26
Meeting Date

Senate Rules
Committee

The Florida Senate

APPEARANCE RECORD

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354
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

APPEARANCE RECORD

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3/3/26
Meeting Date

Rules
Committee

SB 354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Neil Fleckenstein/Tall Timbers

Phone 850 728 6235

Address 13093 Henry Beadel Dr.
Street

Email neil@talltimbers.org

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:
Tall Timbers

☐ 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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3/3/26
Meeting Date

SB 354
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends of FL Phone 352-895-8693

Address 803 N Monroe St Email Kdinkins@1000fof.org
Street

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:
1000 Friends of FL

☐ 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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March 3, 2026
Meeting Date

Senate Rules
Committee

SB 354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Susan Arnold

Phone 904-501-7784

Address 104 Timberwood Dr
Street

Email

St Augustine FL 32084
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

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03/03/26
Meeting Date

Rules
Committee

354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Brendan Burke

Phone 7273722469

Address 1767 Hermitage Blvd
Street

Email bburke@fhba.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 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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3/3/2024
Meeting Date

Rules
Committee

SB 354
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ko Robins Phone 305 320 3247

Address 411 Arredondo Ave Email korobins@gmail.com
Street

St Aug FL 32080
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/SB 620
INTRODUCER:	Rules Committee and Senator Mayfield
SUBJECT:	Candidate Qualifying
DATE:	March 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Biehl	Roberts	EE	**Favorable**
2.	Davis	Cibula	JU	**Favorable**
3.	Biehl	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 620 creates new disclosure requirements for candidates seeking to qualify for nomination or election to office. Specifically, the bill provides:

- If a candidate is a citizen of another country in addition to being a citizen of the United States, the candidate must submit a written statement disclosing any other country in which he or she is also a citizen.
- Each candidate for federal office must state in writing whether he or she intends to trade stocks if elected and, if he or she previously held federal office, whether he or she traded stocks while in such office.

The bill also provides that for the 2026 general election, any candidate for representative to Congress is subject to the qualifying dates and petition qualification requirements that apply in apportionment years. This provision takes effect upon becoming a law.

Except as otherwise provided in the bill, the bill takes effect July 1, 2026.

II. Present Situation:

Qualifying for Office

Current law prescribes the process by which a person seeking nomination or election to a public office may qualify to do so.[1] Such a person must file his or her qualification papers with, and pay the qualifying fee[2] to, the relevant filing officer.[3] The law also provides a process by which a person can obtain a certain number of signed petitions in lieu of paying the qualifying fee and party assessment.[4]

The qualifying periods for non-apportionment years are as follows.[5]

Between the 120th and 116th days prior to the primary election	Federal office State attorney Public defender Judicial office
Between the 71st and 67th days prior to the primary election	State or multicounty district office (other than state attorney or public defender) County office or single-county district office School board

During an apportionment year,[6] the qualifying period for federal offices is moved to the 71st-67th days prior to the primary election.[7]

During a non-apportionment year, a person seeking to qualify via the petition process for an office other than a special district office must obtain signatures from 1 percent of the total number of registered voters in the geographical area represented by the office sought, as determined from the preceding general election. Petitions must indicate the district, if applicable.[8] In an apportionment year, any candidate for representative to Congress or the state

[1] Sections 99.061 and 105.031, F.S.
[2] The qualifying fee consists of the filing fee and election assessment, and party assessment, if applicable (ss. 99.061(1), 99.092(1), and 105.031(3), F.S.). The amount of the filing fee is 3 percent of the annual salary of the office, the amount of the election assessment is 1 percent of the annual salary of the office, and the party assessment is 2 percent of the annual salary of the office. Write-in candidates are exempt from the filing fee requirement (s. 99.092(1), F.S.).
[3] The filing officer for a federal, state, or multicounty district office, other than a judicial office or school board member, is the Department of State (s. 99.061(1), F.S.). The filing officer for a county office, or for a district office that is not multicounty, is the local supervisor of elections (s. 99.061(2), F.S.). Except for candidates for judicial office, nonpartisan candidates for multicounty office qualify with the Department of State, and nonpartisan candidates for countywide or less than countywide office file with the supervisor of elections. Candidates for county court judge file with the supervisor of elections; all other judicial candidates file with the Department of State. Section 105.031(1), F.S.
[4] Sections 99.095 and 105.035, F.S.
[5] See ss. 99.061 and 105.031, F.S.
[6] Article III, s. 16, FLA. CONST., provides that in the second year following each decennial census, the Legislature shall by joint resolution apportion the state Senate and House districts. Article I, s. 2, U.S. Const., requires the apportionment of the U.S. House of Representatives after each decennial census to distribute each of the House's 435 seats between the 50 states and to equalize population between districts within each state.
[7] Section 99.061(9), F.S.
[8] Sections 99.095(2) and 105.035, F.S.

Legislature must obtain signatures from one-third of 1 percent of the ideal population[9] for the district of the office being sought. The signatures may be obtained from any registered voter in Florida. Petitions shall state the name of the office the candidate is seeking, but not a district number.[10]

In order for a candidate[11] for an office other than a judgeship or a school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

- A properly executed check drawn upon the candidate's campaign account for the filing fee, unless the candidate qualified by petition.[12]
- The candidate's oath, as required by s. 99.021, F.S.[13]
- If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b), F.S.; or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c), F.S.
- The completed form for the appointment of campaign treasurer and the designation of a campaign depository.
- The candidate's financial disclosure.[14]

In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

- Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account for the filing fee, unless the candidate qualified by petition.
- The candidate's oath, as required by s. 105.031(4), F.S.
- The loyalty oath required by s. 876.05, F.S.[15]

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[9] "Ideal population" means the total population of the state based upon the most recent decennial census divided by the number of districts for representative to Congress, state Senate, or state House of Representatives (s. 99.09651(2), F.S.).
[10] Section 99.09651, F.S.
[11] Section 106.011(3), F.S., defines "candidate" to mean a person to whom any of the following applies: 1) a person who seeks to qualify for nomination or election by means of the petitioning process; 2) a person who seeks to qualify for election as a write-in candidate; 3) a person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office; 4) a person who appoints a treasurer and designates a primary depository; or 5) a person who files qualification papers and subscribes to a candidate's oath as required by law. The definition excludes any candidate for a political party executive committee.
[12] The filing fee for a special district candidate is not required to be drawn upon his or her campaign account (s. 99.061(7)(a)1., F.S.).
[13] Each candidate for an elected office in Florida must take and subscribe to in writing an oath or affirmation. Current law specifies oath formats for a candidate for federal office (s. 99.021(1)(a)2., F.S.), a candidate for a non-federal office other than a judicial office (s. 99.021(1)(a)1., F.S.), and a candidate for a state judicial office (s. 105.031(4)(b), F.S.). Generally, the oath or affirmation must, in substance, provide the name of the office for which the candidate is running; affirm that the candidate is a qualified elector of the county or court jurisdiction, as applicable; affirm that the candidate is qualified under the State Constitution and laws of Florida to hold the office for which he or she is running; affirm that the candidate has not qualified for any other public office in the state for which the term runs concurrently and that he or she has resigned from any office from which he or she is required to resign; and affirm that the candidate will support the constitutions of the United States and the State of Florida.
[14] Section 99.061(7)(a)5., F.S.
[15] Section 876.05, F.S., requires all persons who are employed by or are on the payroll of the state or any county, city, school board, school system, or institution of higher learning, except candidates for federal office, to swear or affirm that he or she will support the Constitution of the United States and of the State of Florida.

- The completed form for the appointment of campaign treasurer and the designation of a campaign depository.
- For a candidate for judicial office, a signed statement that he or she has read and understands the requirements of the Florida Code of Judicial Conduct.
- The candidate's financial disclosure.[16]

2026 Reapportionment Proclamation

In January 2026, Governor Ron DeSantis issued a proclamation convening the Legislature to consider legislation relating to the redrawing of the state's congressional districts. The proclamation calls for the special session to be held from April 20-24, 2026, which is the same week as the first qualifying period, during which congressional candidates qualify during non-apportionment years.[17]

The Secretary of State issued an accompanying directive in which he concluded that the statutes referring to procedures to be following in a "year of apportionment" apply to congressional candidates for the purpose of qualifying in such races in Florida during the regular 2026 election cycle.[18]

Dual Citizenship

Dual citizenship, or dual nationality, means that a person is a citizen or "national"[19] of both the United States and a foreign country at the same time. In practical terms, a person owes allegiance to both the United States and a foreign country and is required to obey the laws of both countries. If the foreign country places a claim on a United States dual national, conflicting obligations may arise.[20]

The advantages for someone who has dual citizenship are that he or she might be able to vote in both countries, be authorized to work in both countries, have passports from both countries, and own property in both countries. However, a person with dual citizenship might be expected to provide military service in the second country, pay income taxes in both countries, and be prevented from holding senior positions in the government and military.[21]

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[16] Section 105.031(5)(a), F.S.
[17] Proclamation to the Honorable Members of the Florida Senate and House of Representatives, January 7, 2026, available at https://flgov.com/eog/sites/default/files/shared/2026/01/AprilSpecialSessionProclamation_Filed_1.7.26.pdf (last visited March 3, 2026).
[18] Memorandum to Supervisors of Elections, *Directive 2026-01-Congressional Candidate Qualifying; Year of Apportionment*, January 7, 2026, available at https://files.floridados.gov/media/709911/final-directive-2026-01.pdf (last visited March 3, 2026).
[19] According to the U.S. Department of State website, Section 101(a)(22) of the Immigration and Nationality Act (INA) states that "the term 'national of the United States' means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States." U.S. Department of State, Travel.State.Gov, *Dual Nationality,* https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/Relinquishing-US-Nationality/Dual-Nationality.html (last visited Jan. 22, 2026).
[20] *Id*.
[21] Caryl Espinoza Jaen, Manifest, *How to Get Dual Citizenship in the U.S.* (Jan. 13, 2026), https://manifestlaw.com/blog/dual-us-citizenship-guide/.

Current law does not require a member of Congress to disclose whether he or she has dual citizenship or to renounce that additional citizenship. However, a bill that addresses a concern similar to this bill was recently introduced in Congress. H.R. 5817 states:

> No person, without regard to whether that person is a United States national, may be elected to the office of Representative or Senator if that person is a national of any country other than the United States.[22]

It appears that the intent of the legislation is to require candidates to renounce dual citizenship and demonstrate their loyalty to this country.

Stock Trading by Members of Congress

There is currently no general prohibition against, or reporting requirement for, stock trading by a member of Congress or by a congressional candidate. However, the Stop Trading on Congressional Knowledge (STOCK) Act of 2012 is designed to prevent insider training and prohibits federal officials, including members of Congress, the President, and staff, from using non-public information for private profit.[23]

Two bills to further address stock trading by members of Congress have been introduced in Congress. H.R. 1908[24] and H.R. 5106[25] would generally prohibit members of Congress, and their spouses and dependent children, from owning and trading stocks.

III. Effect of Proposed Changes:

CS/SB 620 adds an additional item to the current list of items that a candidate must submit to the relevant filing officer in order to qualify for nomination or election to office. Specifically, if a candidate is a citizen of another country in addition to being a citizen of the United States, the candidate must submit a written statement disclosing any other country where he or she is a citizen.

The bill also requires each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, to, at the time of subscribing to the required oath or affirmation, state in writing whether:

- He or she intends to trade stocks if elected; and
- If he or she previously held federal office, whether he or she traded stocks while in such office.

[22] H.R. 5817 – "Disqualifying Dual Loyalty Act of 2025," available at https://www.congress.gov/bill/119th-congress/house-bill/5817/text (last visited March 3, 2026).
[23] Public Law 112-105.
[24] H.R. 1908 – "End Congressional Stock Trading Act," available at https://www.congress.gov/bill/119th-congress/house-bill/1908/text (last visited March 3, 2026).
[25] H.R. 5106 – "Restore Trust in Congress Act," available at https://www.congress.gov/bill/119th-congress/house-bill/5106/text (last visited March 3, 2026).

Effective upon becoming a law, the bill specifies that for the 2026 general election, apportionment-year qualifying dates and petition qualification requirements apply to any candidate for representative to Congress. Specifically:

- If such candidate seeks to qualify via the petition process, he or she must obtain at least the number of signatures equal to one-third of 1 percent of the ideal population for each congressional district. Signatures may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries. Petitions must state that the candidate is seeking the office of representative to Congress, but a district number is not required.
- The qualifying period for such candidates shall be from the 71st day to the 67th day before the primary election.

Except as otherwise provided in the bill, 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 amends sections 99.021, 99.061, and 105.031, 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 Rules on March 3, 2026:

The committee substitute adds to the bill:

- A requirement that a candidate for federal office disclose specified information about intent to trade stocks or a past history of stock trading.
- An unnumbered section of law providing that notwithstanding current law, for the 2026 general election, apportionment-year qualifying dates and petition qualification requirements apply for candidates for representative to Congress.

B. Amendments:

None.

521902

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
	.	
	.	
	.	

The Committee on Rules (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Before line 15

insert:

Section 1. Paragraph (d) of subsection (1) of section 99.021, Florida Statutes, is amended to read:

99.021 Form of candidate oath.—

(1)

(d)1. In addition, each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or

521902

affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed $250 for any violations of s. 8, Art. II of the State Constitution; the Code of Ethics for Public Officers and Employees under part III of chapter 112; any local ethics ordinance governing standards of conduct and disclosure requirements; or chapter 106. If the candidate owes any outstanding fines, fees, or penalties exceeding the threshold amount specified in this paragraph, he or she must also specify the amount owed and each entity that levied such fine, fee, or penalty. For purposes of this paragraph, any such fines, fees, or penalties that have been paid in full at the time of subscribing to the oath or affirmation are not deemed to be outstanding.

2. In addition, each candidate seeking federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she intends to trade stocks if elected and, if he or she previously held federal office, state in writing whether he or she traded stocks while in such office.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to candidate qualifying; amending s. 99.021, F.S.; requiring a candidate for federal office to state in writing whether he or she intends to trade

521902

or has traded stock while serving in federal office;

amending ss.

693374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
	.	
	.	
	.	

The Committee on Rules (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete line 126

and insert:

Section 4. (1) Notwithstanding any other law to the contrary, for the 2026 General Election:

(a) Any candidate for representative to Congress seeking ballot position by the petition process described in s. 99.095, Florida Statutes, must obtain at least the number of signatures equal to one-third of 1 percent of the ideal population for each congressional district, as calculated by dividing the statewide

693374

population in the most recent decennial census by the number of representatives apportioned to the state after the most recent decennial census. Signatures may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries. Petitions must state that the candidate is seeking the office of representative to Congress, but a district number is not required.

(b) Each person seeking to qualify for nomination or election as a representative to Congress must file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process described in s. 99.095, Florida Statutes, with the Department of State, at any time after noon of the 1st day for qualifying, which shall be the 71st day before the primary election, but not later than noon of the 67th day before the date of the primary election.

(c) Except as otherwise provided in this section, all requirements and procedures relating to qualifying and to the candidate petition process must conform to the requirements and procedures in law.

(2) This section shall take effect upon becoming a law.

Section 5. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, 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:

693374

Delete line 11

and insert:

in references thereto; requiring candidates for representative to Congress seeking ballot position by petition to obtain a specified percentage of signatures to qualify for such office; authorizing the obtainment of signatures from any registered voters in this state; specifying petition requirements; requiring candidates to file qualification paperwork with and pay a qualifying fee to the Department of State within a specified timeframe; specifying that requirements and procedures relating to qualifying for office must conform to specified provisions; providing effective dates.

By Senator Mayfield

19-00947-26 2026620__

A bill to be entitled

An act relating to candidate qualifying; amending ss. 99.061 and 105.031, F.S.; requiring certain candidates to provide the filing officer a statement disclosing dual citizenship for nomination and election to federal, state, county, multicounty, district, or judicial office or to a district school board; reenacting s. 99.012(1)(b), F.S., relating to definition of the term "qualifying," to incorporate the amendments made to ss. 99.061 and 105.031, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the

19-00947-26 2026620__

filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b); or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics before qualifying for office may file a copy of that disclosure or a verification or receipt of electronic filing as provided in subsection (5) at the time of qualifying.

6. If the candidate is a citizen of another country in addition to being a citizen of the United States, a statement disclosing any other country the candidate is also a citizen of.

Section 2. Paragraph (a) of subsection (5) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath; items required to be filed.—

(5) ITEMS REQUIRED TO BE FILED.—

(a) In order for a candidate for judicial office or the office of school board member to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. Except for candidates for retention to judicial office, a properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by subsection (3) or, in lieu thereof, the copy of the notice of obtaining ballot position pursuant to s. 105.035. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by subsection (4), which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021. In addition, each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of the Florida Code of Judicial Conduct. Such statement shall be in substantially the following form:

Statement of Candidate for Judicial Office

I, ...(name of candidate)..., a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

...(Signature of candidate)...

...(Date)...

5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable. A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

6. If the candidate is a citizen of another country in addition to being a citizen of the United States, a statement disclosing any other country the candidate is also a citizen of.

Section 3. For the purpose of incorporating the amendments made by this act to sections 99.061 and 105.031, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 99.012, Florida Statutes, is reenacted to read:

99.012 Restrictions on individuals qualifying for public office.—

(1) As used in this section:

(b) "Qualify" means to fulfill the requirements set forth in s. 99.061(7)(a) or s. 105.031(5)(a).

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

THE FLORIDA SENATE
Tallahassee, Florida 32399-1100

SENATOR DEBBIE MAYFIELD
19th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining, Alternating *Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

January 27, 2026

Senator Kathleen Passidomo, Chair
Committee on Rules
Room 400, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Passidomo,

I respectfully request that you place Senate Bill 620 – Candidate Qualifying on the agenda for your next meeting. Senate Bill 620 improves election transparency by requiring that candidates publicly disclose any foreign citizenships they hold.

Specifically, the bill requires that if a candidate holds a dual citizenship, they must file a statement with the qualifying officer disclosing what foreign country they are a citizen of. The new requirement applies to any candidate seeking to qualify for nomination or election to federal, state, county, district, schoolboard, or judicial office.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Shasta W. Kruse, Staff Director
Cynthia Futch, Committee Administrative Assistant
Sheri Green, Legislative Aide

REPLY TO:
❒ 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
❒ 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

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

3-26		SB 620
Meeting Date		Bill Number or Topic
Committee		Amendment Barcode (if applicable)

Name Larry Downs Jr. Phone 8504576157

Address 1215 G Harbourview dr Email

Street

Pen 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.

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 796
INTRODUCER:	Rules Committee; Regulated Industries Committee; and Senators Bradley and Jones
SUBJECT:	Veterinary Medicine
DATE:	March 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Favorable**
3.	Baird	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 796 creates the Veterinary Workforce and Innovation Act and amends the regulatory framework for veterinary medicine in Florida. The bill creates a new level of veterinary professional, a "veterinary professional associate," that must be registered with the Department of Business and Professional Regulation (DBPR) and is allowed to work under a licensed veterinarian.

The bill defines the new position, specifies a formal registration process, and provides prohibitions, duties and actions, for the newly created "veterinary professional associate."

The bill increases the duration for prescriptions based solely on telehealth evaluations from one month to six months for flea and tick medication and from 14 days to 30 days for other animal drugs. Additionally, the bill amends the exemptions in ch. 474, F.S., to include the newly created position.

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

The bill takes effect January 1, 2027.

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]

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:[5]
- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine); and
- Other branches or specialties of veterinary medicine.

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.

[1] Section 474.201, F.S.
[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.

- 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]

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]

Veterinary Telehealth

In 2024, the Legislature created and passed the Providing Equity in Telehealth Services Act (PETS act), establishing a framework for the practice of veterinary telehealth.[10] The PETS act allows veterinarians who hold current licenses to practice veterinary telehealth.[11]

Limitations

The PETS act puts certain limitations on what veterinarians are able to do via telehealth. The PETS act requires a veterinarian:

- Provide certain information to the client, including the veterinarian's name, license number and contact information.
- Must prescribe all drugs and medications in accordance with federal and state laws.
- May not order or prescribe medicinal drugs or drugs as defined in s. 465.003, F.S., approved by the United States Food and Drug Administration for human use, or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.
- May not use veterinary telehealth to prescribe a controlled substance as defined in ch. 893, F.S. (Drug Abuse Preventions and Control), unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.
- May not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse, as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C., ss. 3051 et seq.

[8] Section 474.2185, F.S.
[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 14, 2026).
[10] Chapter 2024-260, Laws of Fla. (codified at section 474.2021, F.S., effective July 1, 2024).
[11] *Id.* Florida law requires the practice of telehealth to be consistent with a veterinarian's scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in Florida, and who must employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient.

Telehealth Prescriptions

Prescriptions based solely on a telehealth evaluation may be issued for up to one month for products labeled solely for flea and tick control and up to 14 days of treatment for other animal drugs.[12] Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.[13]

Immediate Supervision

Currently, certain individuals that are not licensed doctors of veterinary medicine (employees, veterinary nurses, students, preceptors, interns, post-exam graduates) can provide some level of care to animals if they are under immediate supervision.[14] The practice act defines "immediate supervision" to mean that a "licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided."[15]

Veterinary tasks requiring immediate supervision include:[16]

- Administering anesthesia and tranquilization by a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian.
- Administering certain vaccinations by a veterinary aide, nurse, technician, intern, or other employee of a licensed veterinarian which is not specifically prohibited.

Responsible Supervision

The term "responsible supervision" is defined in s. 474.202(10), F.S., as the "control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services" delegated to unlicensed personnel. Under the DBPR rules the following tasks may be performed (under responsible supervision) without the licensed veterinarian on the premises:[17]

- Administering medication and treatment, excluding vaccinations, as directed by the licensed veterinarian; and
- Obtaining samples and the performance of those diagnostic tests, including radiographs, as directed by the licensed veterinarian.

Exemptions

Ten categories of persons are exempt from complying with ch. 474, F.S.:[18]

- Faculty veterinarians with assigned teaching duties at accredited[19] institutions.

[12] Section 474.2021, F.S.
[13] *Id*.
[14] Section 474.207(5), F.S.
[15] Section 474.202(5), F.S.
[16] Fla. Admin. Code R. 61G18-17.005, provides that all tasks that may be delegated to a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian shall be performed only under the "immediate supervision" of a licensed veterinarian as that phrase is defined in s. 474.202(5), F.S., with the exception of the following tasks which may be performed without the licensed veterinarian on the premises.
[17] *Id*.
[18] Section 474.203, F.S.
[19] Section 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

- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until the intern or resident completes or terminates his or her 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[20] (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 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[21] 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 treatment of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine.
- 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

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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 14, 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 14, 2026). In turn, the Council for Higher Education Accreditation, 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 14, 2026).

[20] 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 14, 2026).

[21] *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 . . . ."

frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S. [22]

- Paramedics or emergency medical technicians providing emergency medical care to a police canine[23] 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.

The Board of Veterinary Medicine

The board consists of seven members that are appointed by the Governor and confirmed by the Senate.[24] Five members of the board must be licensed veterinarians, and two members of the board must be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation.[25]

The board is required, like all boards regulated under ch. 455, F.S., to meet at least once annually and may meet as often as is necessary.[26] There is currently one vacancy on the board.[27]

Veterinary Schools in Florida

Currently the University of Florida is the only school in Florida to offer a Doctor of Veterinary Medicine program that is accredited by the American Veterinary Medical Associaton (AVMA).[28]

The following institutions offered through Florida's state college system offer an accredited veterinary technology program:

- Eastern Florida State College,
- Florida A&M University,
- Hillsborough Community College,
- Miami-Dade College,
- Pensacola State College, and
- St. Petersburg College.[29]

[22] Section 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.
[23] 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.
[24] Section 474.204(1), F.S.
[25] Section 474.204(2), F.S.
[26] Section 455.207(3), F.S.
[27] Department of Business & Professional Regulation Board Member Appointments, Updated March 2025, https://www2.myfloridalicense.com/pro/vetm/documents/vet_board.pdf (last visited January 14, 2026).
[28] American Veterinary Medical Association, *Accredited Veterinary Colleges*, https://www.avma.org/education/center-for-veterinary-accreditation/accredited-veterinary-colleges (last visited January 14, 2026).
[29] American Veterinary Medical Association, *Accredited Veterinary Technology Programs*, https://www.avma.org/education/center-for-veterinary-accreditation/veterinary-technology-programs-accredited-avma-cvtea#florida (last visited January 14, 2026).

Veterinarian Shortage

According to a survey conducted by the American Pet Products Association (APPA), 70 percent of U.S. households, or about 90.5 million families, own a pet. This is an increase from 56 percent of U.S. households in 1988, and 67 percent in 2019.[30] As a result, experts say there is a shortage of veterinarians in the U.S., which is expected to result in the need for approximately 15,000 veterinarians by the year 2030.[31] A study from Banfield Pet Hospital reveals an estimated 75 million pets in the U.S. may not have access to the veterinary care they need by 2030, with an important factor being a critical shortage of veterinarians.[32]

The University of Florida's Dean of the College of Veterinary Medicine, Dana Zimmel, has indicated that there is a shortage of veterinarians in Florida, which in addition to pets has "1.7 million beef cattle and dairy cows, more horses than Kentucky and an alarming decline of manatee." The state's only veterinary medical college, the University of Florida, also reports that due to limited capacity, it must turn away 1,500 qualified candidates a year.[33]

According to the AVMA:

> Conditions have pushed the idea of a midlevel practitioner to the fore as veterinary practices have struggled to meet service demands. This issue has been compounded by continued inefficiencies in practices as pandemic disruptions persist and client expectations for availability and convenience. Inflation has also increased costs for labor and for products such as medical equipment and medications, creating additional concern around clients' ability to afford needed care. Additionally, retention of veterinary practice staff members and attrition from the profession are ongoing and increasing concerns.[34]

The AVMA found that a midlevel practitioner may not be the best option to address these concerns, and that time and effort should be spent on resources, tools, and programs designed to retain veterinarians and credentialed veterinary technicians; further develop veterinary technician specialties; help veterinary practices operate at optimum efficiency; and effectively collaborate—

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[30] Insurance Information Institute, *Facts + Statistics: Pet Ownership and Insurance*, https://www.iii.org/fact-statistic/facts-statistics-pet-ownership-and-insurance#:~:text=Seventy%20percent%20of%20U.S.%20households,and%2067%20percent%20in%202019. (last visited January 14, 2026).

[31] Spectrum News 13, *Mobile 'ElleVet' clinic helps relieve veterinarian shortage*, https://www.mynews13.com/fl/orlando/news/2023/02/03/the-ellevet-project-#:~:text=%E2%80%94%20Experts%20say%20there's%20a%20shortage,States%20may%20not%20get%20care. (last visited January 14, 2026).

[32] Banfield Pet Hospital, *75 million pets may not have access to veterinary care by 2030, New Banfield® study finds*, https://www.banfield.com/en/about-banfield/newsroom/press-releases/2020/75-million-pets-may-not-have-access-to-veterinary (last visited January 14, 2026).

[33] Dana Zimmel, *Florida needs more veterinarians | Column*, Tampa Bay Times (January 3, 2022), https://www.tampabay.com/opinion/2022/01/03/florida-needs-more-veterinarians-column/ (last visited January 14, 2026).

[34] American Veterinary Medical Association, AVMA News, *Idea of midlevel practitioner rejected in favor of better support, engagement of credentialed veterinary technicians* (Jan. 10, 2023), https://www.avma.org/news/idea-midlevel-practitioner-rejected-favor-better-support-engagement-credentialed-veterinary (last visited January 14, 2026).

within practice teams and across the profession—to meet clients' needs for high-quality veterinary services.[35]

However, according to a study conducted by the National Library of Medicine:

> The projected shortage of veterinarians has created a need to explore alternatives designed to meet society's future demands. A veterinary professional health care provider, similar to the human medical profession's physician assistant (PA), is one such alternative. It is suggested that perhaps veterinary professional associates, modeled after PAs, could be employed to handle routine veterinary care and thereby allow veterinarians additional time to focus on the more demanding and challenging aspects of veterinary medicine. Perhaps a team approach, similar to the physician/PA team, could help the field of veterinary medicine to better serve both clients and patients. As veterinary medicine directs its attention toward the new challenges on the horizon, creative solutions will be needed. Perhaps some variation of a veterinary professional associate is worthy of future discussion.[36]

Human Physician Assistants

According to the Mayo Clinic, PAs are "licensed medical professionals who hold an advanced degree and are able to provide direct patient care. They work with patients of all ages in virtually all specialty and primary care areas, diagnosing and treating common illnesses and working with minor procedures. With an increasing shortage of health care providers, PAs are a critical part of today's team-based approach to health care. They increase access to quality health care for many populations and communities. The specific duties of a PA are determined by their supervising physician and state law, but they provide many of the same services as a primary care physician. They practice in every state and in a wide variety of clinical settings and specialties."[37]

In Florida, PAs are licensed medical professionals that are authorized to perform services delegated by a supervising physician.[38] PAs are regulated by the Florida Council on Physician Assistants in conjunction with either the Board of Medicine for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine for PAs licensed under ch. 459, F.S. During Fiscal Year 2023-2024, there were 11,890 actively licensed PAs in the state, and 1,339 initial PA licenses were issued by the Florida Department of Health.[39]

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[35] *Id.*
[36] Lori Kogan, Sherry Stewart, *Veterinary professional associates: does the profession's foresight include a mid-tier professional similar to physician assistants?,* National Library of Medicine (2009), https://pubmed.ncbi.nlm.nih.gov/19625672/ (last visited January 14, 2026).
[37] Mayo Clinic College of Medicine and Science, *Physician Assistant*, https://college.mayo.edu/academics/explore-health-care-careers/careers-a-z/physician-assistant/ (last visited January 14, 2026).
[38] Sections 458.347(2)(e) and 459.022(2)(e), F.S.
[39] Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long-Range Plan, Fiscal Year 2023-2024, https://flhealthsource.gov/pdf/reports/2024.10.28.FY23-24AR-FINAL.pdf (last visited January 14, 2026).

Veterinary Professional Associates in Other Jurisdictions

States

In 2024, voters of the state of Colorado approved a ballot measure to create a new, state-regulated veterinary position (Veterinary Professional Associate) that was to address, in part, the shortage of care, especially in rural areas, for pets.[40] Colorado's proposition empowered the state to create a regulatory scheme to license and regulate these Veterinary Professional Associates.

Similarly to what is being proposed in the bill, Colorado would provide this Veterinary Professional Associate with a pathway for those who complete a master's degree in veterinary clinical care, or an equivalent degree determined by the state board.[41] This new Colorado law went into effect on January 1, 2026.[42]

Universities

In 2022, The Lincoln Memorial University-College of Veterinary Medicine created the first-of-its-kind Master of Veterinary Clinical Care degree.[43] Students can obtain this degree fully online and in as little as three semesters (30 credit hours).[44]

In June of 2025, Lincoln Memorial University announced plans to expand its medical and veterinary education programs into Orange Park, Florida.[45]

In 2025, Colorado State University developed a similar program that is now admitting students.[46]

III. Effect of Proposed Changes:

Section 1 establishes the title of the bill as the "Veterinary Workforce Innovation Act."

Section 2 amends s. 474.201, F.S., to update the state's legislative findings and intent, stating that the "practice of educated, trained and experienced veterinary professional associates will increase consumer access to high-quality medical services at reasonable cost to consumers, while also increasing the efficiency of the practice of veterinary medicine in this state."

Section 3 amends s. 474.202, F.S., to define the new role of "veterinary professional associate" to mean an individual who has graduated with a master's degree or the equivalent in veterinary

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[40] Colorado Department of Regulatory Agencies, *State Board of Veterinary Medicine: Proposition 129*, https://dpo.colorado.gov/Veterinary/Proposition129, (last visited January 14, 2026),
[41] *Id*.
[42] *Id*.
[43] Lincoln Memorial University, *Master of Veterinary Clinical Care*, https://www.lmunet.edu/academics/programs/graduate-professional/master-of-veterinary-clinical-care, (last visited January 14, 2026).
[44] *Id*.
[45] Lincoln Memorial University, *LMU Grows Its Footprint with Major Medical and Veterinary Expansion in Orange Park, Florida*, December 9, 2025, https://www.lmunet.edu/news/2025/12/Major-Medical-and-Veterinary-Expansion-in-Orange-Park (last visited January 14, 2026).
[46] Colorado State University, *About the Master of Science in Veterinary Clinical Care*, https://vetmedbiosci.colostate.edu/vpa/, (last visited January 14, 2026).

clinical care from an accredited institution and who meets the requirements to be registered by the DPBR.

Section 4 amends s. 474.2021, F.S., to change the duration of time medications can be prescribed via telehealth from one month to six months for flea and tick medication and from 14 days to 30 days for other animal drugs.

Section 5 amends s. 474.203, F.S., to provide that a veterinary professional associate is exempt from ch. 474, F.S., while under the supervision of a licensed veterinarian. The bill clarifies that licensed veterinarians will be responsible for all such acts performed by persons under her or his supervision, including veterinary professional associates.

Section 6 creates s. 474.2426, F.S., to lay out the regulatory framework for the newly created position of "veterinary professional associate." The bill requires the Department of Business and Professional Regulation (DBPR) to:

- Issue a certificate of registration to each veterinary professional associate or applicant whom the DBPR verifies has applied, graduated from the relevant accredited program, and received a passing score on the relevant professional national competency examination approved by the board.
- Make a list of registrants available to the public on its website.

The bill authorizes the DBPR to suspend the registration of any veterinary professional associate whom the board determines has caused serious harm to an animal due to negligence, incompetence, or misconduct related to duties performed under this section and in a manner inconsistent with the supervising veterinarian's specific direction, until which time as the registrant has completed remedial training or education directed by the board.

The bill allows for the DBPR to rescind the registration of any veterinary professional associate who is convicted of animal cruelty or animal fighting.

The bill prohibits any individual from holding themselves out as a registered veterinary professional associate or in any other way represent themselves as a veterinary professional associate unless he or she has a valid certificate of registration from the DBPR.

Duties and Actions of a Registered Veterinary Professional Associate

The bill authorizes a registered veterinary professional associate to engage in the practice of veterinary medicine as delegated under the immediate supervision, as defined in s. 474.202, F.S., of a licensed veterinarian, unless prohibited by other state or federal law, to the extent that he or she is competent and has the necessary training, current knowledge, and experience to provide such care.

Immediate supervision means a licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.

A registered veterinary professional associate may not do any of the following:

- Prescribe a controlled substance listed in s. 893.03, F.S.,

  - With the exception that a registered veterinary professional associate may perform humane euthanasia and prepare, log, and administer controlled substances for the purpose of analgesia, anesthesia, or humane euthanasia, as delegated by a licensed veterinarian and performed under responsible supervision.
- Perform a surgical procedure,
  - With the exception that a veterinary professional associate may perform an orchiectomy,[47] veterinary dental surgery, or veterinary suturing or stapling of skin lacerations, gingival incisions, or existing surgical incisions.

Section 7 amends s. 828.30, F.S., to allow registered veterinary professional associates to administer rabies vaccinations.

Section 8 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.

[47] This procedure is for reproductive sterilization (spay/neuter). It is used to reduce the incidence of the most common canine prostatic diseases, tumors, and unwanted behaviors. Today's Veterinary Practice, *Update on Orchiectomy*, https://todaysveterinarypractice.com/wp-content/uploads/sites/4/2022/10/TVP-2022-1112_Orchiectomy.pdf (last visited January 14, 2026).

B. Private Sector Impact:

The bill may have an indeterminate positive economic impact on the private sector. The bill allows a new class of mid-level practitioners in veterinary medicine. This may lead to additional jobs, and cost savings related to improved veterinary care.

C. Government Sector Impact:

The Department of Business and Professional Regulation (DBPR) may incur an indeterminate increase in costs related to creating and administering the registration program for veterinary professional associates. It is unknown how many people may apply for a certificate of registration. To date, no analysis by the DBPR of the impact of the bill on its operations, revenues, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 474.201, 474.202, 474.2021, 474.203, and 828.30.

This bill creates section 474.2126 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 March 3, 2026:
The committee substitute replaces "responsible supervision" with "immediate supervision." Immediate supervision as defined in s. 474.202(5), F.S. requires a veterinarian to be on the premises when veterinary services are being provided.

CS by Regulated Industries on January 12, 2026:
The Committee Substitute removed from the bill the following:

- Definitions for the terms "veterinary technician" or "veterinary technologist" and "veterinary technology."
- References to "veterinary technology," "program for veterinary technology," "veterinary technician" and "veterinary technologist" from the exemptions section of ch. 474, F.S.
- Provision altering the composition of the Board of Veterinary Medicine.
- Regulatory mechanism including registration, prohibitions, and duties and actions for "veterinary technicians" or "veterinary technologists."

- Provisions regarding administration of medication by veterinary professional associates, veterinary technicians, and veterinary technologists.
- Provisions regarding delegation of tasks by the supervising licensed veterinarian to veterinary technicians and veterinary technologists.
- Provisions regarding liability of the supervising licensed veterinarian for acts or omissions of registered veterinary professional associates, veterinary technicians, or veterinary technologists.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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The Committee on Rules (Bradley) recommended the following:

Senate Amendment

Delete line 217
and insert:
under the immediate supervision, as defined in s. 474.202, of

By the Committee on Regulated Industries; and Senator Bradley

580-01897-26 2026796c1

A bill to be entitled

An act relating to veterinary medicine; providing a short title; amending s. 474.201, F.S.; revising legislative findings, intent, and purpose; amending s. 474.202, F.S.; defining the term "veterinary professional associate"; amending s. 474.2021, F.S.; increasing the amount of time for which prescriptions based solely on a veterinary telehealth evaluation may be issued for certain drugs; amending s. 474.203, F.S.; revising the applicability of certain exemptions; creating s. 474.2126, F.S.; providing requirements for veterinary professional associates to receive certificates of registration from the Department of Business and Professional Regulation; requiring the department to make a list of veterinary professional associate registrants publicly available on its website; authorizing the department to suspend the registration of a veterinary professional associate upon a certain determination by the Board of Veterinary Medicine; authorizing the department to rescind the registration of a veterinary professional associate under certain circumstances; prohibiting a person from holding himself or herself out as a veterinary professional associate under certain circumstances; authorizing a registered veterinary professional associate to engage in the practice of veterinary medicine under certain circumstances; prohibiting a registered veterinary professional associate from taking certain actions; providing

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exceptions; amending s. 828.30, 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. This act may be cited as the "Veterinary Workforce Innovation Act."

Section 2. Section 474.201, Florida Statutes, is amended to read:

474.201 Legislative findings, intent, and purpose.—

(1) The Legislature finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners. The legislative purpose in enacting this chapter is to ensure that every veterinarian practicing in this state meet minimum requirements for safe practice. It is the legislative intent that veterinarians who are not normally competent or who otherwise present a danger to the public ~~shall~~ be disciplined or prohibited from practicing in this state.

(2) The Legislature finds that the practice of educated, trained, and experienced veterinary professional associates will increase consumer access to high-quality veterinary medical services at a reasonable cost to consumers, while also increasing the efficiency of the practice of veterinary medicine in this state.

Section 3. Present subsection (14) of section 474.202, Florida Statutes, is redesignated as subsection (15), and a new subsection (14) is added to that section, to read:

474.202 Definitions.—As used in this chapter:

(14) "Veterinary professional associate" means an individual who has graduated with a master's degree or the equivalent in veterinary clinical care from an accredited institution and who meets the requirements to be registered by the department.

Section 4. Subsection (4) of section 474.2021, Florida Statutes, is amended to read:

474.2021 Veterinary telehealth.—

(4) A veterinarian practicing veterinary telehealth:

(a) May not engage in the practice of veterinary telehealth unless it is within the context of a veterinarian/client/patient relationship;

(b) Shall practice in a manner consistent with his or her scope of practice and the prevailing professional standard of practice for a veterinarian who provides in-person veterinary services to patients in this state and shall employ sound, professional judgment to determine whether using veterinary telehealth is an appropriate method for delivering medical advice or treatment to the patient;

(c) May use veterinary telehealth to perform an initial patient evaluation to establish the veterinarian/client/patient relationship if the evaluation is conducted using synchronous, audiovisual communication. The evaluation may not be performed using audio-only communications, text messaging, questionnaires, chatbots, or other similar means. If a veterinarian practicing telehealth conducts a patient evaluation sufficient to diagnose and treat the patient, the veterinarian is not required to research a patient's medical history or conduct a physical

examination of the patient before using veterinary telehealth to provide a veterinary health care service to the patient;

(d) If the initial patient evaluation is performed using veterinary telehealth, must provide the client with a statement containing the veterinarian's name, license number, and contact information and the contact information for at least one physical veterinary clinic in the vicinity of the patient's location and instructions for how to receive patient follow-up care or assistance if the veterinarian and client are unable to communicate because of a technological or equipment failure or if there is an adverse reaction to treatment, and inform the client that, if medication is prescribed, the client may obtain a prescription that may be filled at the pharmacy of his or her choice. The veterinarian shall obtain from the client a signed and dated statement indicating the client has received the required information before practicing veterinary telehealth;

(e) Shall prescribe all drugs and medications in accordance with all federal and state laws and the following requirements:

1. A veterinarian practicing veterinary telehealth may order, prescribe, or make available medicinal drugs or drugs specifically approved for use in animals by the United States Food and Drug Administration, the use of which conforms to the approved labeling. Prescriptions based solely on a telehealth evaluation may be issued for up to 6 months ~~1 month~~ for products labeled solely for flea and tick control and up to 30 ~~14~~ days of treatment for other animal drugs. Prescriptions based solely on a telehealth evaluation may not be renewed without an in-person examination.

2. A veterinarian practicing veterinary telehealth may not

order, prescribe, or make available medicinal drugs or drugs as defined in s. 465.003 approved by the United States Food and Drug Administration for human use or compounded antibacterial, antifungal, antiviral, or antiparasitic medications, unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits to the premises where the animal is kept.

3. A veterinarian may not use veterinary telehealth to prescribe a controlled substance as defined in chapter 893 unless the veterinarian has conducted an in-person physical examination of the animal or made medically appropriate and timely visits within the past year to the premises where the animal is kept.

4. A veterinarian practicing veterinary telehealth may not prescribe a drug or other medication for use on a horse engaged in racing or training at a facility under the jurisdiction of the Florida Gaming Control Commission or on a horse that is a covered horse as defined in the federal Horseracing Integrity and Safety Act, 15 U.S.C. ss. 3051 et seq.;

(f) Shall be familiar with available veterinary resources, including emergency resources, near the patient's location and be able to provide the client with a list of nearby veterinarians who may be able to see the patient in person upon the request of the client;

(g) Shall keep, maintain, and make available a summary of the patient record as provided in s. 474.2165; and

(h) May not use veterinary telehealth to issue an international or interstate travel certificate or a certificate of veterinary inspection.

Section 5. Paragraph (a) of subsection (5) and subsection (7) of section 474.203, Florida Statutes, are amended to read:

474.203 Exemptions.—This chapter does not apply to:

(5)(a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, except as provided in s. 474.2126 or s. 828.30, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.

(7) Any veterinary aide, nurse, laboratory technician, preceptor, person registered pursuant to s. 474.2126, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision, provided that a registered veterinary professional associate is subject to s. 474.2126. However, the licensed veterinarian is responsible for all such acts performed under this subsection by persons under her or his supervision.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 6. Section 474.2126, Florida Statutes, is created to read:

474.2126 Veterinary professional associates; registration.—

(1) REGISTRATION.—

(a) A veterinary professional associate may apply to the department for registration by submitting a form prescribed by the board. The department shall consider for registration each qualified veterinary professional associate whom the department verifies has submitted a completed application and meets the applicable requirements of this subsection.

(b) The department shall issue a certificate of registration to each veterinary professional associate applicant whom the department verifies has graduated from the relevant accredited program and received a passing score on the relevant professional national competency examination approved by the board.

(c) The department shall make a list of registrants available to the public on the department's website.

(d) The department may suspend the registration of any veterinary professional associate whom the board determines has caused serious harm to an animal due to negligence, incompetence, or misconduct related to duties performed under this section and in a manner inconsistent with the supervising veterinarian's specific direction, until such time as the registrant has completed remedial training or education directed by the board.

(e) The department may rescind the registration of any veterinary professional associate who is convicted of animal cruelty under s. 828.12 or animal fighting under s. 828.122.

(2) PROHIBITION.—An individual may not hold himself or herself out as a registered veterinary professional associate or in any other way represent himself or herself as a veterinary professional associate unless he or she has a valid certificate of registration from the department.

(3) DUTIES AND ACTIONS OF A REGISTERED VETERINARY PROFESSIONAL ASSOCIATE.—

(a) Unless otherwise prohibited by federal law, a registered veterinary professional associate may engage in the practice of veterinary medicine as defined in s. 474.202 or veterinary medicine as defined in s. 474.202, to the extent that he or she is competent and has the necessary training, current knowledge, and experience to provide such care, as delegated under the responsible supervision, as defined in s. 474.202, of a licensed veterinarian.

(b) A registered veterinary professional associate may not do any of the following:

1. Prescribe a controlled substance listed in s. 893.03, except that a registered veterinary professional associate may perform humane euthanasia and prepare, log, and administer controlled substances for the purpose of analgesia, anesthesia, or humane euthanasia, as delegated by a licensed veterinarian and performed under responsible supervision.

2. Perform a surgical procedure, except that a veterinary professional associate may perform the following surgical procedures:

a. Orchiectomy;

b. Veterinary dental surgery; or

c. Veterinary suturing or stapling of skin lacerations,

gingival incisions, or existing surgical incisions.

Section 7. Paragraph (a) of subsection (1) and subsection (3) of section 828.30, Florida Statutes, are amended to read:

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(1)(a) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian or a person authorized under paragraph (b) or s. 474.2126 against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccination or who supervises the administration of the rabies vaccination as provided in paragraph (1)(b) or s. 474.2126 to an animal as authorized under this section may affix his or her signature stamp in lieu of an actual signature.

Section 8. This act shall take effect January 1, 2027.

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 5, 2026

Senator Kathleen Passidomo, Chair
Senate Committee on Rules
400 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Passidomo:

I respectfully request that CS/SB 796 be placed on the committee's agenda at your earliest convenience. The bill seeks to expand access to pet care and enhance patient care opportunities for veterinary practices by creating veterinary professional associates (VPA) who would serve under the supervision of, and at the discretion of, licensed veterinarians.

Thank you for your consideration and please reach out if I can provide additional information.

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

The Florida Senate

APPEARANCE RECORD

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

3-3-26
Meeting Date

SB 796
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Downs Jr. Phone 850-554-6414

Address 12156 Haubu-s dr Email

Street

Pen FL 32506

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

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March 3, 2026
Meeting Date

Rules
Committee

SB 796
Bill Number or Topic

Amendment Barcode (if applicable)

Name Eleanor Green

Phone 979-676-0844

Address 975 N. Plum St
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Email dreleanorgreen@gmail.com

Millsap, TX 76066
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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March 3, 2026
Meeting Date

Rules
Committee

796
Bill Number or Topic

Amendment Barcode (if applicable)

Name Stacy Anderson

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Street

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Speedwell TN 37870
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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3/3/2026
Meeting Date

Rules
Committee

796
Bill Number or Topic

Amendment Barcode (if applicable)

Name Emily Stewart

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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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3/3/26
Meeting Date

Rules
Committee

796
Bill Number or Topic

Amendment Barcode (if applicable)

Name Wayne Jensen, DVM

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Street

Email wjensendvm@gmail.com

Vernon FL 32462
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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3-3-26
Meeting Date

Rules
Committee

796
Bill Number or Topic

Amendment Barcode (if applicable)

Name Travis Moore Phone 727.421.6902

Address P.O. Box 2020 Email travis@moore-relations.com
Street

St. Petersburg FL 33731
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Animal Legal Defense Fund

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

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

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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 934
INTRODUCER:	Community Affairs Committee and Senator Rodriguez
SUBJECT:	Areas of Critical State Concern
DATE:	March 2, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Fav/CS**
2.	Reagan	Betta	AEG	**Favorable**
3.	Shuler	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 934 exempts from payment or performance bond requirements, a person entering into a construction contract for work done on property in an area of critical state concern that is subject to a long-term ground lease with Habitat for Humanity International, Inc. or its affiliates, provided that the leasehold interest is subject to any claims by claimants who qualify as lienors.

The bill extends funding from the Florida Forever Trust Fund for land acquisition within the Florida Keys Area of Critical State Concern to fiscal year 2035-2036.

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

II. Present Situation:

Areas of Critical State Concern (ACSC)

The Administration Commission[1] may designate an ACSC for the following areas:

- An area that contains or has a significant impact on environmental or natural resources of regional or statewide importance, where uncontrolled private or public development would cause substantial deterioration of the area's resources.[2] This includes state or federal parks,

[1] The Administration Commission consists of the Governor and the Cabinet. The commission acts on simple majority. Section 380.031(1), F.S.

[2] Section 380.05(2)(a), F.S.

forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas.[3]
- An area that contains or has a significant impact on historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, where private or public development would cause substantial deterioration or complete loss of the area's resources, sites, or districts.[4]
- An area that has a significant impact on, or is significantly affected by, an existing or proposed major public facility or other area of major public investment, including highways, ports, airports, energy facilities, and water management projects.[5]

The Florida Department of Commerce, which is the state land planning agency,[6] may recommend an area for designation as an area of critical state concern.[7] In its recommendations, the department must include:[8]
- Recommendations for the purchase of land within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Program;
- Any report or recommendation of a resource planning and management committee;[9]
- The dangers that would result from uncontrolled or inadequate development of the area and the advantages of developing the area in a coordinated manner;
- A detailed boundary description of the proposed area;
- Specific principles for guiding development within the area;[10]
- An inventory of lands owned by the federal, state, and local governments within the proposed area; and
- A list of the state agencies with programs that affect the purpose of the designation.

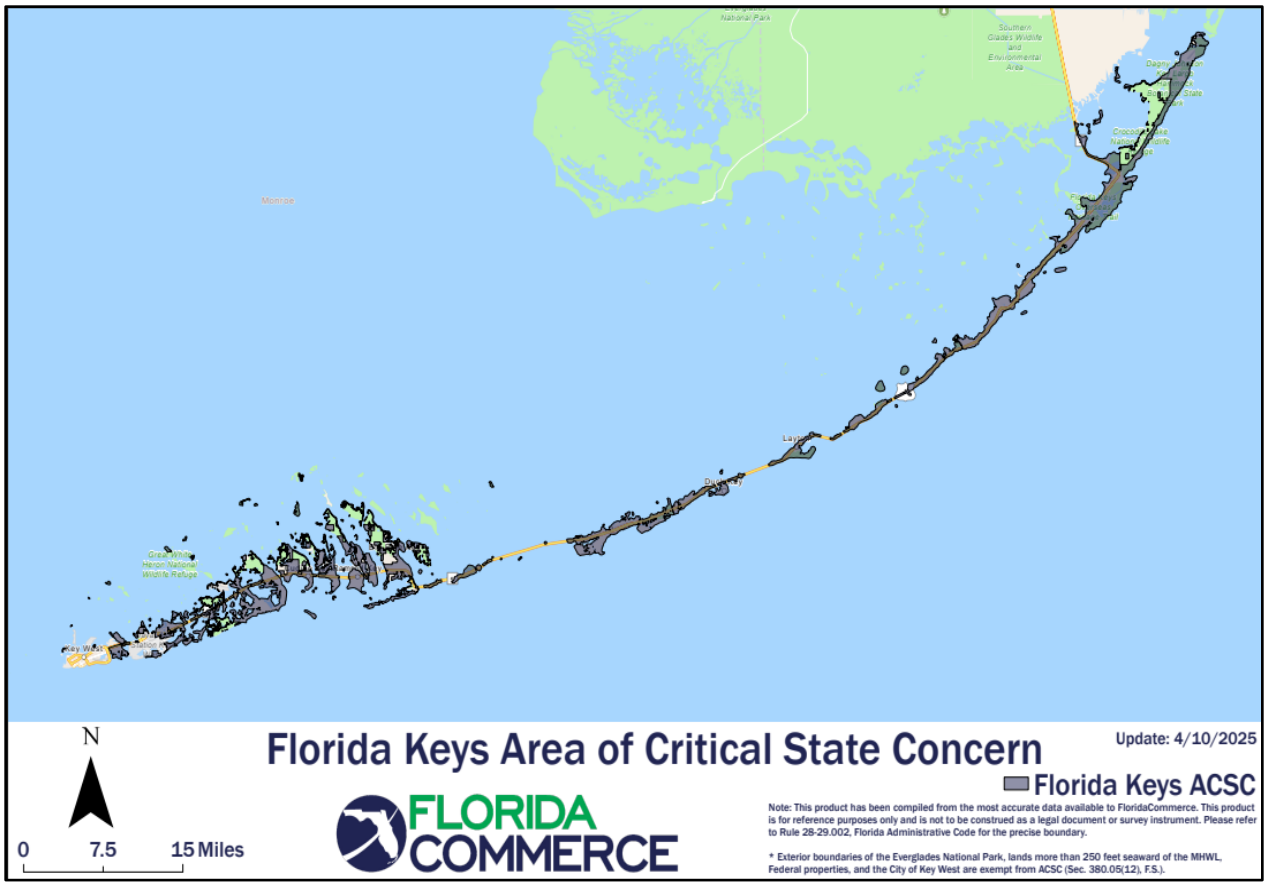
Following the designation of the ACSC, any local government that is wholly or partially located within the area must conform its previously adopted comprehensive plan to the principles for guiding development of the area of critical state concern.[11]

[3] *Id*.
[4] Section 380.05(2)(b), F.S.
[5] Section 380.05(2)(c), F.S.
[6] Section 380.031(18), F.S.
[7] Section 380.05, F.S.
[8] Section 380.05(1)(a), F.S.
[9] Prior to recommending the designation of an area of critical state concern, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee for the area under study by the Florida Department of Commerce (DOC). The committee must organize a voluntary, cooperative resource planning and management program to resolve any problems that might endanger the area's resources and facilities. Section 380.045(1), F.S.
[10] Regarding the principles for guiding development, DOC must recommend actions which state and regional agencies and local governments must accomplish to implement these principles. These actions may include, but are not limited to, revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements. Section 380.05(1)(a), F.S.
[11] Section 380.05(14), F.S.

There are currently six ACSC designated in Florida: The Big Cypress ACSC, the Green Swamp ACSC, the Florida Keys ACSC, the City of Key West ACSC, the Brevard Barrier Island ACSC, and the Apalachicola Bay ACSC.[12]

Florida Keys ACSC

The Florida Keys ACSC was designated in 1975 and currently includes the municipalities of Islamorada, Marathon, Layton, and Key Colony Beach, as well as unincorporated Monroe County.[13]



State, regional, and local governments in the Florida Keys ACSC are required to coordinate their development plans and conduct program and regulatory activities to be consistent with the principles for guiding development.[14] The principles for guiding development include managing

[12] DOC, *Areas of Critical State Concern Program*, https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern (last visited Feb. 9, 2026); *see* sections 380.055, 380.0551, 380.0552, 380.0553, and 380.0555, F.S.

[13] DOC, *Florida Keys Area of Critical State Concern Annual Report: Fiscal Year 2023-2024*, page 3 of Tab 1 , *available at* https://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2024-florida-keys-annual-report.pdf?sfvrsn=75c93ab0_1 (last visited Feb. 9, 2026). In 1984, the City of Key West was removed from the Florida Keys Area of Critical State Concern and was designated a separate area of critical state concern. *Id*. For the map on this page, see DOC, *Florida Keys Area of Critical State Concern*, (2025), *available at* https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/areas-of-critical-state-concern-program/maps/floridakeysmap.pdf?sfvrsn=f9f639b0_1 (last visited Feb. 9, 2026).

[14] Section 380.0552(7), F.S.

and limiting the adverse impacts of development, and protecting the environmental resources, historical heritage, and water quality of the Florida Keys to maintain its status as a unique Florida resource.[15]

A land development regulation or element of a local comprehensive plan in the Florida Keys ACSC may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce.[16] Amendments to local comprehensive plans must be reviewed for compliance with the principles for guiding development.[17]

Construction Liens

Florida law seeks to ensure that people working on construction projects are paid for their work. Any person who provides services, labor, or materials for improving, repairing, or maintaining real property (except public property) may place a construction lien[18] on the property, provided the person complies with statutory procedures.[19] A lienor is a contractor; subcontractor; sub-subcontractor, laborer, or materialman who furnishes materials under contract; or a professional lienor.[20]

A construction lien extends to the right, title, and interest of the person who contracts for the improvement to the extent that such right, title, and interest exists at the improvement's commencement or is acquired in the real property.[21] However, when a lessee makes an improvement under an agreement between the lessee and his or her lessor, the lien also extends to the lessor's interest unless:[22]

- The lease, or a short form or a memorandum of the lease, is recorded in the official records of the county where the property is located before the recording of a notice of commencement for improvements to the property and the lease's terms expressly prohibit such liability; or
- The lease's terms expressly prohibit such liability, and a notice advising that leases for the rental of premises on a property prohibit such liability has been recorded in the official records of the county in which the property is located before the recording of a notice of commencement for improvements to the premises and the notice includes specified information.[23]

If a lease expressly provides that the lessor's interest will not be subject to the construction liens relating to improvements made by the lessee, the lessee must notify the contractor making any such improvements of the lease provision, and the knowing and willful failure of the lessee to provide such notice renders the contract voidable at the contractor's option.[24]

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[15] *Id.* For a full list of required considerations, see section 380.0552(7)(a)-(n), F.S.
[16] Section 380.0552(9)(a), F.S.
[17] *Id.*
[18] A lien is a claim against property that evidences a debt, obligation, or duty. *See* 34 FLA. JUR. 2D, *Liens* s. 1 (describing a lien as a charge on property for the payment or discharge of a debt or duty which may be created only by a contract of the parties or by operation of law).
[19] Chapter 713, F.S.
[20] Section 713.01(19), (21), F.S.
[21] Section 713.10(1), F.S.
[22] *Id.*
[23] Section 713.10(2)(b), F.S.
[24] Section 713.10(2)(a), F.S.

Payment and Performance Bonds

A contractor who contracts with the state or any local government or other public authority or private entity for the construction of, or repairs to, a public building or public work must execute and record[25] a payment and performance bond with a surety insurer authorized to do business in Florida as a surety, if the contract is above a certain threshold.[26] A payment bond is a type of surety that generally guarantees that all subcontractors, laborers, and material suppliers will be promptly paid for their labor, services, and materials contributed to a construction project.[27]

The bond forms a three-part contract between the owner, the contractor, and the surety insurer where the bond substitutes for the property as the security for payment in lieu of the typical right to claim a lien.[28] The payment bond must be furnished in at least the amount of the original contract price before beginning the construction project, and a certified copy of the recorded bond must be provided to the public entity before commencing work.[29]

Habitat for Humanity

Habitat for Humanity is a nonprofit organization working across the United States and over 70 countries to increase access to housing through constructing, renovating, and repairing homes; innovating new building and financing methods; and advocating for policies to enhance housing construction and access.[30] Families in need of decent, affordable housing apply for homeownership with their local Habitat for Humanity affiliate.[31] Habitat for Humanity affiliates are independent local nonprofit organizations that coordinate all aspects of Habitat home building in their local areas.[32] Three affiliates operate in the Florida Keys: Habitat for Humanity of the Upper Keys, Habitat for Humanity of the Middle Keys, and Habitat for Humanity of Key West and Lower Florida Keys.[33]

To keep properties affordable, Habitat for Humanity structures its home ownership model by first leasing land from a local government or community land trust subject to a ground lease of

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[25] The payment and performance bond must be executed and recorded before the work is begun, and the recording must be in the public records of the county where the improvement is located. Section 255.05(1), F.S.
[26] Section 255.05(1), F.S. No bond is required for work done for the state where the contract is $100,000 or less. A county, city, political subdivision, or public authority may choose to exempt contracts for $200,000 or less. S. 255.05(1)(d), F.S.
[27] *See generally* sections 255.05, and 713.23, F.S. ("The bond shall be conditioned upon the contractor's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in s. 713.01 who furnish labor, services, or materials for the prosecution of the work provided for in the contract." S. 255.05(1)(c), F.S.
[28] *See* Daniel R. Vega, *"Here Comes the Money": A Subcontractor's and Material Supplier's Guide to Perfecting Construction Lien and Bond Rights Under Florida Law*,76 Fla. Bar. J. 9 (Oct 2002), *available at* https://www.floridabar.org/the-florida-bar-journal/here-comes-the-money-a-subcontractors-and-material-suppliers-guide-to-perfecting-construction-lien-and-bond-rights-under-florida-law/ (last visited Feb. 9, 2026).
[29] Section 255.05(1), F.S. For a contract in excess of $250 million, if the state, county, municipality, political subdivision, or other public entity finds that a bond in the amount of the contract price is not reasonably available, the public owner shall set the amount of the bond at the largest amount reasonably available, but not less than $250 million. S. 255.05(1)(g), F.S.
[30] Habitat for Humanity, *Frequently asked questions*, https://www.habitat.org/about/faq (last accessed Feb. 9, 2026).
[31] *Id.*
[32] *Id.*
[33] Habitat for Humanity, https://www.habitat.org/local/affiliate-by-state?state=FL (last accessed Feb. 9, 2026).

99 years.[34] An eligible family will then purchase the home from Habitat from Humanity without purchasing the land.[35] The 99-year ground lease places limitations on resale, such as setting income limits for future purchasers and providing a formula to keep the resale price affordable.[36]

Florida Forever Trust Fund

The Florida Forever Program is the state's main conservation and recreation lands acquisition program.[37] The Florida Forever Act prescribes the uses and distribution of funds to the Florida Forever Program.[38]

Thirty-five percent of Florida Forever funds must be distributed to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures described in the Florida Forever Act.[39] Of this distribution:

- Increased priority must be given to acquisition that would achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge.
- Between three and ten percent must be spent on capital project expenditures that meet land management planning activities necessary for public access.[40]

Beginning in fiscal year 2017-2018 and continuing through fiscal year 2026-2027, at least $5 million must be spent on land acquisition within the Florida Keys Area of Critical State Concern.[41]

III. Effect of Proposed Changes:

Section 1 amends s. 255.05, F.S., to exempt a person entering into a contract with the state, a county, city, or political subdivision for construction of or repairs to a public building or public work or repairs from being required to execute a payment and performance bond, if the person meets the following conditions:

- The work is done on property located within an ACSC subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its affiliates, at the discretion of the official or board that owns the underlying property in fee simple, and
- The leasehold interest created by the 99-year ground lease is subject to any claims by claimants who qualify as lienors.

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[34] Natalia Jaramillo, *Facing land shortage in Osceola County, nonprofits struggle to build affordable housing*, ORLANDO SENTINEL, Mar. 20, 2023, *available at* https://www.orlandosentinel.com/2023/03/20/facing-land-shortage-in-osceola-county-nonprofits-struggle-to-build-affordable-housing/ (last visited Feb. 9, 2026).
[35] Pensacola Habitat for Humanity, *Northwest Florida Community Land Trust*, https://pensacolahabitat.org/nfclt (last visited Feb. 9, 2026).
[36] *Id. See also* Florida Community Land Trust Institute, *CLT Primer*, (2018), *available at* https://flhousing.org/wp-content/uploads/2018/09/CLT-Primer-FINAL-2018-02-Web-PJH-update.pdf (last visited Feb. 9, 2026).
[37] The Florida Department of Environmental Protection, *Florida Forever*, https://floridadep.gov/lands/environmental-services/content/florida-forever (last visited Feb. 9, 2026).
[38] Section 259.105, F.S.
[39] Section 259.105(3)(b), F.S.
[40] *Id.*
[41] *Id.*

The underlying real property owned by the state or any county, city, or political subdivision thereof, or by any other public authority, may not be subject to any lien rights created under chapter 713, F.S., relating to liens, generally.

Section 2 amends s. 259.105, F.S., to extend the date through which at least $5 million of the funds allocated from the Florida Forever Act to the Florida Department of Environmental Protection for the acquisition of lands and capital project expenditures must be spent on land acquisition within the Florida Keys ACSC. The funding requirement currently extends through the 2026-2027 fiscal year and the bill extends it through the 2035-2037 fiscal year.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By providing an exemption from payment and performance bonds for those performing construction work on property subject to long-term ground leases with Habitat for Humanity International, Inc., or any of its affiliates in the Florida Keys ACSC, the bill may have an indeterminate positive impact on those involved with construction in that area.

C. Government Sector Impact:

This bill has no net impact on state funds; however, the extension of dedicated funding from Florida Forever specifically for Florida Keys ACSC projects would impact the availability of funds for other Florida Forever land acquisition projects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 255.05 and 259.105 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on February 10, 2026:
The committee substitute removes the section of the bill amending s. 196.1978, F.S., which would have revised eligibility criteria for the Live Local property tax exemption for affordable housing properties in the Florida Keys Area of Critical State Concern.

B. Amendments:

None.

By the Committee on Community Affairs; and Senator Rodriguez

578-02728-26 2026934c1

A bill to be entitled

An act relating to areas of critical state concern; amending s. 255.05, F.S.; providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; amending s. 259.105, F.S.; extending the time period specific Florida Forever appropriations must be spent on land acquisition in the Florida Keys Area of Critical State Concern; providing an effective date.

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

Section 1. Paragraph (h) is added to subsection (1) of section 255.05, Florida Statutes, to read:

255.05 Bond of contractor constructing public buildings; form; action by claimants.—

(1) A person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

(h) A person may be exempted from executing the payment and

578-02728-26 2026934c1

performance bond required under this subsection if the following conditions are met:

1. The work is done on property located within an area of critical state concern which is subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its local affiliates, at the discretion of the official or board that owns the subject underlying property in fee simple.

2. The leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who are lienors as defined in s. 713.01 and applicable lien provisions in chapter 713. The underlying real property owned by the state, or any county, city, or political subdivision thereof, or other public authority is not subject to any lien rights created under chapter 713.

Section 2. Paragraph (b) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those

acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in the 2017-2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~ fiscal year, at least $5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized pursuant to s. 259.045.

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 25, 2026

I respectfully request that **Senate Bill CS/SB 934**, relating to Areas of Critical State Concern, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ana Maria Rodriguez
Florida Senate, District 40

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/CS/SB 1080
INTRODUCER:	Rules Committee; Transportation Committee; and Senator DiCeglie
SUBJECT:	Transportation
DATE:	March 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	**Fav/CS**
2.	McMillan	McKay	CM	**Favorable**
3.	Johnson	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1080 addresses a range of issues related to transportation. As it relates to the automated (camera) enforcement of traffic infractions the bill:

- Defines the term "careful and prudent manner" as it relates to right turns on red enforced using traffic infraction detectors.
- Clarifies that flashing beacons must be installed and activated to enforce the school zone speed limits and provides until January 1, 2028, for the installation of new beacons in applicable school zones.
- Provides that after January 1, 2028, photographic evidence of school zone speed violations must include the beacon status.
- Provides that a speed detection system may be placed outside of a school zone, provided it only captures violations occurring within the school zone.
- Authorizes the withholding of motor vehicle registrations for the nonpayment of a camera enforced traffic violation.
- Restarts the statute of limitations for a camera enforced traffic infraction if an affidavit is submitted documenting that another person was driving the vehicle at the time of the violation.

The bill also includes the following provisions:

- Requires the Florida Department of Transportation (FDOT) and local governments to increase yellow light times at intersections with traffic infraction detectors.

- Authorizes the use of automated license plate recognition systems by private entities on private property, provides limits on the use of data from such systems, and establishes data security requirements.
- Authorizes counties and municipalities to reduce speed limits in residential areas.
- Clarifies that a license plate frame is permissible provided law enforcement can identify the plate number, validation sticker, and the state that issued the plate.
- Specifies that expectant mothers who meet the requirements for a disabled parking permit are eligible to obtain such a permit and repeals the statutory authorization for expectant mother parking permits.
- Authorizes the use of driver license photos for identity verification purposes by state agencies but prohibits the sale or sharing of such data.
- Authorizes the FDOT to fund up to 100 percent of airport projects at certain rural airports.
- Authorizes the FDOT to directly pay first-tier subcontractors if certain conditions are met.
- Requires takeover contracts between the FDOT and a surety to provide certain procedures regarding payments to subcontractors.
- Establishes the Next Generation Traffic Signal Modernization Grant Program and provides a $20 million annual appropriation.
- Requires the FDOT to study the use of advanced detection and monitoring systems at railroad crossings.

The bill has a fiscal impact on both the private and governmental sectors. See Section V., Fiscal Impact section for details.

Except as otherwise expressly provided, this bill takes effect July 1, 2026.

II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

III. Effect of Proposed Changes:

Automated Enforcement of Traffic Infractions (Sections 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, 15, and 25)

Background

Prior to 2010, some counties and municipalities enacted local ordinances authorizing the use of cameras to enforce red light running. While these ordinances were broadly similar, they varied in the amount of the fine, the nature of the required signage, the notice requirements to a motor vehicle owner for an alleged violation, and the process for a motor vehicle owner to challenge a violation.[1]

[1] Florida House of Representatives, Finance & Tax Council, Post Meeting Staff Analysis of CS/CS/HB 325 (2010), April 19, 2010, pp. 2-5., available at: https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=h0325e.FTC.doc&DocumentType=Analysis&BillNumber=325&Session=2010 (last visited January 14, 2026).

In 2010, the Legislature preempted the state the regulation of the use of cameras to enforce the Florida Uniform Traffic Control Law,[2] and authorized the use of traffic infraction detectors, commonly known as red light cameras, to enforce red light running.[3]

In 2023, the Legislature authorized the use of speed detection systems to enforce unlawful speed in school zones,[4] and the use of school bus infraction detection systems to enforce the unlawful passing of a stopped school bus.[5]

The table below summarizes the current penalties and the associated distribution schedule for each of the camera-based enforcement programs:

Camera Program	Penalty	Penalty Distribution
Traffic Infraction Detectors (Red Light Cameras)[6]	$158	$70 – General Revenue Fund $10 – Emergency Medical Services Trust Fund $3 – Brain and Spinal Cord Injury Trust Find $75 – County or Municipality
Speed Detection Systems in School Zones (School Zone Cameras)[7]	$100	$20 – General Revenue Fund $60 – County or Municipality $3 – Criminal Justice Standards and Training Trust Fund $12 – County School District $5-County or municipality's School Crossing Guard Recruitment and Retention Program
School Bus Infraction Detection Systems (School Bus Cameras)[8]	$225 ($200 +$25 to the school district)	Paid to school district student transportation safety initiatives, bus driver recruitment and retention, and administration and enforcement costs for the program.

The table below summarizes key data regarding the deployment of camera-based traffic infraction systems for the state fiscal year 2024-2025:[9]

Camera Program	Number of Jurisdictions	Number of Cameras	Notices of Violation Issued
Traffic Infraction Detectors (Red Light Cameras)	42	302	923,133

[2] Chapter 316, F.S. This preemption is codified in s. 316.0776, F.S.
[3] Chapter 2010-80, Laws of Fla.
[4] Chapter 2023-174, Laws of Fla.
[5] Chapter 2023-171, Laws of Fla.
[6] Sections 316.0083(1)(c) and 318.18(16), F.S.
[7] Sections 316.1896(5) and 318.18(3), F.S.
[8] Sections 316.173(8) and 318.18(5), F.S.
[9] Department of Highway Safety and Motor Vehicles (DHSMV), *Red Light Camera Programs, Fiscal Year 2024-2025 Summary Report,* December 2025, p. 2-3, available at: https://www.flhsmv.gov/pdf/cabinetreports/redlightcameraanalysis2025.pdf (last visited January 9, 2026), and *School Bus & School Zone Cameras Summary Report, December 2025,* p. 2-3, available at: https://www.flhsmv.gov/pdf/cabinetreports/school-bus-school-zone_summary_fy24-25.pdf (last visited January 9, 2026).

Speed Detection Systems in School Zones (School Zone Cameras)	7	101	645,104
School Bus Infraction Detection Systems (School Bus Cameras)	5	2635	304,220

Program Authorization

Present Situation

Traffic Infraction Detectors – Right Turns on Red (Section 3)

The Department of Highway Safety and Motor Vehicles (DHSMV),[10] counties, and municipalities may use traffic infraction enforcement officers to issue notices of violation and traffic citations for red light running[11] when enforced by traffic infraction detectors.[12]

However, a traffic infraction enforcement officer may not issue a notice of violation and a traffic citation for failing to stop at a red light while making a right-turn on red, if the driver makes such a turn in a careful and prudent manner at an intersection where right-hand turns are permissible.[13] A notice of violation and a traffic citation may not be issued if the driver came to a complete stop after crossing the stop line and before turning right if permissible at a red light but failed to stop before crossing over the stop line or other point at which a stop is required.[14]

Speed Detection Systems in School Zones (Sections 2 and 10)

Florida law requires permanent signs designating school zones and school zone speed limits to be uniform in size and color and have the times during which the restrictive speed school zone limit is enforced clearly designated. Flashing beacons may be used as an alternative to posting the times during which the restrictive school speed limit is enforced. The Florida Department of Transportation (FDOT) must establish standards for the flashing beacons.[15]

Counties and municipalities may use traffic infraction enforcement officers to issue notices of violation and uniform traffic citations for speed violations evidenced by a speed detection system,[16] in excess of 10 miles per hour over the speed limit in a school zone as follows:

- For unlawful speed in a school zone[17] within 30 minutes before, through 30 minutes after the start of a regularly scheduled breakfast program.
- For unlawful speed in a school zone which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.

[10] The Department of Highway Safety and Motor Vehicles has never used its authority.
[11] Running a red light is a violation of s. 316.074(1), F.S., or s. 317.075(1)(c)1., F.S.
[12] Section 316.003(101), F.S., defines the term "traffic infraction detector" to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.
[13] Sections 316.0083(1)(a) and (2), F.S.
[14] Section 316.0083(1)(a), F.S.
[15] Section 316.1895(6), F.S.
[16] Section 316.003(84), F.S., defines the term "speed detection system" to mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.
[17] Unlawful speed in a school zone is a violation of s. 316.1895, F.S.

- For an unlawful speed[18] during the entirety of a regularly scheduled school session.
- For unlawful speed in a school zone within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.[19]

School Bus Infraction Detection Systems (Section 6)

A school district may contract with a private vendor or manufacturer to install school bus infraction detection systems[20] on any of its school buses.[21] District school boards, after considering recommendations from the district school superintendent, may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system.[22]

In order to operate school bus infraction detection systems, a school district must enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce school bus passing violations[23] within the school district. This agreement jointly establishes enforcement responsibilities and the reimbursement of costs.[24]

Effect of Proposed Changes

Traffic Infraction Detectors – Right turns on Red (Section 3)

As it relates to right turns on red enforced by traffic infraction detectors, the bill amends s. 316.0083, F.S., to define the term "careful and prudent manner" to mean that the driver made a right-hand turn after coming to a complete stop and, in the traffic enforcement officer's determination, yielded to a pedestrian or bicyclist and did not a pedestrian or bicyclist in danger of injury as a result of the right-hand turn, yielded to any other vehicle, and substantially reduced the speed of the motor vehicle before making the right-hand turn.

The bill also repeals a provision regarding vehicles coming to a complete stop after passing the stop line or other point where a stop is required.

Speed Detection Systems in School Zones (Sections 2, 9, and 10)

The bill amends ss. 316.008 and 316.1896, F.S., to provide that the restrictive school zone speed limit may only be enforced through the use of a speed detection system when any flashing beacon used to provide the notice of the restricted school speed limit is activated. For speed detection systems installed before July 1, 2026, the capturing of the beacon status in photographic, video, or by other evidence is not required for proof of the beacon status until January 1, 2028. An area maintained as a school zone that does not have a beacon installed before July 1, 2026, has until January 1, 2028, to place and install such a beacon and until the

[18] Unlawful speed is a violation of s. 316.183, F.S.
[19] Sections 316.008(9)(a) and 316.1896(1)(a), F.S.
[20] Sections 316.003(79), F.S., defines the term "school bus infraction detection system" to mean a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. 316.172(1)(a) or (b), F.S., relating to the unlawful passing of a school bus.
[21] Section 316.173(1), F.S.
[22] Section 1006.21(3)(h), F.S.
[23] School bus passing violations are codified in ss. 316.172(1)(a) and (b), F.S.
[24] Section 316.173(1)(d), F.S.

beacon is installed, the county or municipality may provide proof of the school zone speed limit in force at the time of the violation without evidence of the beacon status.

The bill amends s. 316.1895, F.S., to provide that if a restrictive school zone speed limit is enforced using a speed detection system, the school zone and the restrictive school zone speed limit to be designated using flashing beacons. An area maintained as a school zone that has no flashing beacon installed before July 1, 2026, has until January 1, 2028, to place and install such a beacon.

Placement and Testing Requirements – Speed Detection Systems (Sections 2, 4, and 11)

Present Situation

Counties and municipalities may install and operate and speed detection systems on streets and highways under their jurisdictions.[25] When permitted by the FDOT, a county, or a municipality may install and operate such systems on state roads.[26] All speed detection systems must meet the FDOT's placement, installation, and testing specifications.[27] The FDOT was required to establish such specifications by December 31, 2023.[28]

Speed detection systems are exempt from DHSMV-established design requirements for radar or LiDAR units. Speed detection systems must perform a self-test at least once every 30 days and must have an independent calibration test at least once every 12 months.[29]

Effect of Proposed Changes

The bill amends ss. 316.008, and 316.0776, F.S., to provide that the physical placement of a speed detection system may be outside the boundaries of the school zone, but within the roadway maintained as a school zone. Any notice of violation or uniform traffic citation issued using a speed detection system must be based solely on a violation occurring within the boundaries of the school zone and during the authorized times.

The bill amends s. 316.1906, F.S., to provide that radar and LiDAR units used in speed detection systems are not required to be on any DHSMV-approved list.

Notices of Violation – Speed Detection Systems (Section 10)

Present Situation

Within 30 days after a violation is detected by a speed detection system, notice must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available and that the violator must:

- Pay the $100 penalty to the county or municipality; or
- Furnish an affidavit claiming an exemption.[30]

[25] Sections 316.008(8)(a), and 316.0773(3), F.S. F.S.
[26] Sections 316.008(8)(c), 316.07456, 316.0776(1) and (3), and 321.50, F.S.
[27] Sections 316.07456 and 316.0776(3)(a), F.S.
[28] Section 316.0776(3)(a), F.S.
[29] Section 316.1906(3), F.S.
[30] Section 316.1896(6), F.S.

This must be done within 30 days after the date of the notice of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation.[31]

For violations detected by traffic infraction detectors or school bus infraction detection system, Florida law provides an alleged violator 60 days to address a notice of violation from a traffic infraction detector or a school bus infraction detection system.[32]

Effect of Proposed Changes

The bill amends s. 316.1896, F.S., to extend the length of time from 30 days to 60 days for an alleged violation to address a notice of violation from a speed detection system. This conforms to provisions related to other camera enforcement programs.

Hearing Procedures and Requirements – School Bus infraction Detection Systems (Section 6)

Present Situation

For school bus infraction detection systems, a school district or county appointed local hearing officer administers an administrative hearing process for a contested notice of violation.[33] The school district or its designee or the county must mail a notice of hearing, which must include a hearing date to the petitioner by first-class mail. Mailing of the notice of hearing constitutes notification. Upon receiving the notice, the petitioner may reschedule the hearing once by submitting a written request to the local hearing officer at least five calendar days before the date of the originally scheduled hearing. The petitioner may cancel his or her hearing by paying the penalty assessed in the notice of violation.[34]

At the hearing, the local hearing officer determines whether or not a violation has occurred. If the local hearing officer finds that a violation has occurred, the local hearing officer must uphold the notice of violation and require the petitioner to pay the $225 penalty. The local hearing officer must also require the petitioner to pay $250 in administrative costs.[35]

Effect of Proposed Changes

The bill amends s. 316.173, F.S., related to the hearing process for school bus infraction detection systems to provide consistency with other camera enforcement programs. The bill requires the school district to assign existing staff to service as the clerk to the local hearing officer. The bill also authorizes the petitioner to reschedule his or her hearing up to two times before the day of the hearing. The bill clarifies that a representative of the relevant law enforcement agency must testify at the hearing. The bill also makes the local costs permissive, instead of mandatory, if a notice of violation is upheld.

[31] Section 316.1896(2), F.S.
[32] Sections 316.0083(1)(b)1.a. and 316.173(5), F.S.
[33] Section 316.173(6)(a), F.S.
[34] Section 316.173(6)(b)3., F.S.
[35] Section 316.173(6)(a), F.S. These are the costs assessed in s. 316.0083(5), F.S., associated with red light camera costs.

Privacy Protections (Sections 6 and 10)

Present Situation

School bus infraction detection system and speed detection system statutes contain provisions regarding the use of data from such systems. Data from such systems may not be used for remote surveillance. The collection of evidence by such systems to enforce specific traffic violations does not constitute remote surveillance.[36]

Video and images recorded as part of such systems may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by such systems incidental to the permissible use of such systems.[37]

Effect of Proposed Changes

The bill amends ss. 316.173 and 316.1896, F.S., to notwithstand any other provision of law regarding the of images from these cameras. The bill also removes the term "for incidents" as it relates to the use of cameras to determine criminal or civil liability that may be captured by such cameras. This allows camera data to be used to determine criminal or civil liability captured by such systems.

Local Reports to DHSMV and Data Retention (Section 2, 6, and 10)

Present Situation

Each camera enforcement statute requires counties, municipalities, or school districts that operate such programs to submit reports to DHSMV. These reports are annually counties and municipalities operating traffic infraction detectors or school bus infraction detectors. Such reports submitted by school districts for school bus infraction detections are submitted quarterly.[38]

The reporting requirements for speed detection systems and school bus infraction detection systems contain a two year record retention requirement, which is not in the traffic infraction detector statute.[39]

Effect of Proposed Changes

The bill amends s. 316.0083, F.S., to require each county or municipality operating a traffic infraction detector to be responsible for and maintain its data for the DHSMV reporting purposes for at least two years after the data is reported to the DHSMV.

The bill amends s. 316.1896, F.S., to require reports regarding the use of speed detection systems to include the number of notices of violation issued outside of the authorized enforcement periods and to require the DHSMV to publish on its website the reports from counties and

[36] Sections 316.173(17)(a)1., and 316.1896(15)(a), F.S.
[37] Sections 316.173(17)(a)2., F.S.
[38] Sections 316.0083(4)(b), 316.173(18)(a), and 316.1896, F.S., Copies of these reports are available at: https://www.flhsmv.gov/resources/cabinet-and-legislature-reports/red-light-camera-program-analysis/ (last visited November 7, 2025).
[39] Sections 316.173 and 316.1896, F.S.

municipalities. The bill clarifies that each county or municipality's annual report to the DHSMV is for the preceding state fiscal year.

The bill also amends the school district report to the DHSMV to make it annually by October 1, and to align the reporting period to the preceding state fiscal year. The bill also requires the DHSMV to place the reports it receives from school districts on its website.

Finally, the bill repeals obsolete dates regarding reporting requirements.

Courts - Traffic Citations – School Bus Infraction Detection Systems (Section 12)

Present Situation

Except for camera-enforced traffic violations,[40] each traffic enforcement officer, upon issuing a traffic citation, must deposit the original citation or an electronic replica of the citation data to the court with jurisdiction over the alleged offense or with its traffic violations bureau within five business days after the citation is issued to the violator.[41]

If a traffic citation is issued pursuant to provisions relating to traffic infraction detectors and speed detection systems, the traffic infraction enforcement officer must electronically transmit a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 business days after the date of issuance of the traffic citation. If a hearing is requested, the traffic infraction enforcement officer must provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.[42]

Effect of Proposed Changes

The bill amends s. 316.650, F.S., to include violations detected by school bus infraction detection systems to the requirement that certain data be supplied to the clerk for the local hearing officer within 14 days.

Failure to Comply or Failure to Appear - Civil Penalties (Section 13)

Present Situation

For violations enforced by traffic infraction detectors, the clerk of court must notify the DHSMV of persons who were mailed a notice of violation and who failed to enter into or comply with the terms of a penalty payment plan, order with the clerk to the local hearing officer, or failed to appear at a scheduled hearing. This notification must take place within 10 days after such failure and reference the person's driver's license number, or in the case of a business entity, vehicle registration number.[43]

[40] This also includes toll violations.
[41] Section 316.650(3)(a), F.S.
[42] Section 316.650(3)(c), F.s.
[43] Section 318.15(3), F.S.

Upon receiving such notice, the DHSMV, or its authorized agent, may not issue a license plate or revalidation sticker for any motor vehicle owned or co-owned by that person until that person has fully paid the assessed amounts.[44]

Effect of Proposed Changes

The bill amends s. 318.15, F.S., to require the clerk of court or clerk to the local hearing officer to notify the DHSMV of persons who were mailed notices of violation related to school bus and school zone camera violations, failed to comply with certain orders, or failed to appear at the hearing. After such notification, the bill prohibits the DHSMV, or its authorized agent, from issuing a license plate or validation sticker for any motor vehicle owned by such person.

Processing of Penalty - School Bus (Section 14)

Present Situation

For traffic violations enforced by a school bus infraction detection system, the penalty is $200. If after an administrative hearing, the violation is upheld, notwithstanding any other provision of law, the assessed civil penalties assessed is remitted to the school district.[45] In addition to that penalty, an additional amount of $25 is imposed on a notice of violation, on a uniform traffic citation, or by the court. These penalties must be remitted to the participating school district.[46]

Under Florida law, 10 percent of all court-related fines collected by the clerks of court are deposited into the fine and forfeiture fund to be used for the clerk's court-related functions. The only exception is for penalties or fines distributed to counties or municipalities from violations enforced by traffic infraction detectors.[47]

Florida law requires the $200 penalty for a notice of violation or uniform traffic citation for school bus passing violation detected using school bus infraction detection system to be remitted to the school district at least monthly. This penalty must be used to administer the program, student transportation safety initiatives, and school bus driver recruitment and retention stipends. This is notwithstanding any other provision of law.[48]

Effect of Proposed Changes

The bill provides that the $200 penalty remitted to the school district for violations detected using school bus infraction detection system, while notwithstanding any other provision of law, this does not include s. 28.37(6), F.S., distributing 10 percent of court-related fines to the clerk's fine and forfeiture fund.

[44] Section 318.15(3)(a), F.S.
[45] Section 318.18(5)(a)2 and (b)2.
[46] Section 318.18(5)(c)2., F.S.
[47] Section 28.37(6), F.S.
[48] Section 318.18(5)(a)2., and (b)2., F.S.

Local Hearing Costs (Section 14)

Present Situation

Section 318.18(23), F.S., provides that in addition to the penalty prescribed for a red light camera violation which is upheld, the local hearing officer may also order the payment of county or municipal costs not to exceed $250. While hearing provisions for school bus and school zone violations authorize the assessment of up to $250 in local costs by referring to s. 316.0083(5), F.S.,[49] those hearing provisions are not mentioned in s. 318.18(23), F.S.

Effect of Proposed Changes

The bill amends s. 318.18(23), F.S., relating to hearing costs for traffic infraction detectors to incorporate speed detection systems and school bus infraction detection systems. The bill also reenacts 318.121, F.S., preempting the assessment of additional municipal or county fees related to traffic violations to incorporate this change.

Withholding Motor Vehicle Registrations (Section 15)

Present Situation

Except as otherwise provided by law, every motor vehicle operated or driven on Florida's roads must be registered.[50] The DHSMV is authorized to withhold any motor vehicle registration or re-registration if the vehicle's owner, or one of its co-owners, has a suspended driver license for failure to pay any traffic fine or driver license-related fines.[51]

Effect of Proposed Changes

The bill amends s. 320.02, F.S, to authorize the DHSMV to withhold a motor vehicle's registration or reregistration if the vehicle's owner or co-owner received a camera-enforced uniform traffic citation and did not request a hearing, submit an affidavit claiming an exemption, or pay the citation as provided in each camera enforcement program authorizing statute.

Time Limitations for Noncriminal Traffic Infractions (Section 25)

Present Situation

Among the exemptions from liability for a camera-enforced traffic infraction is that the vehicle was in the care, custody, and control of another person at the time of the violation. This can be established by submitting an affidavit providing specified information to the entity that issued the notice of violation or uniform traffic citation.[52]

Section 775.15, F.S., provides time limitations for the prosecution of various offenses. Except as otherwise provided, the prosecution of a noncriminal violation must commence within one year

[49] *See* ss. 316.173(6)(b)5., and 316.1896(14)(e), F.S.
[50] Section 322.02(1), F.S.
[51] Section 320.02(12), F.S. Traffic fines are administered pursuant to ch. 318, F.S., and driver licenses are administered pursuant to ch. 322, F.S.
[52] Sections 316.0083(1)(d), 316.173(11), and 316.173(8), F.S.

after the offense is committed.[53] This one year limitation starts to run on the day after the offense is committed.[54]

Effect of Proposed Changes

The bill amends s. 775.15, F.S., to provide that for camera enforced traffic violations, the one year period of limitation for noncriminal violations resets upon receipt by the appropriate county, municipality, or law enforcement agency of an affidavit indicating that the motor vehicle was in the care, custody, and control of another person at the time of the violation, as authorized in the statutes providing exemptions from liability related to each camera enforcement program.

Steady Yellow Traffic Signals (Section 1)

Present Situation

The FDOT is required to adopt a uniform system of traffic control devices for use on the state's streets and highways.[55] To meet this requirement, FDOT has adopted the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).[56]

The MUTCD provides that the duration of yellow change intervals should be determined using engineering practices, with a minimum duration of three seconds and a maximum duration of six seconds.[57] The FDOT uses an engineering formula to determine the appropriate yellow change intervals for a particular traffic signal. This formula is based on various inputs, including perception reaction time, approach speed (speed limit), and the grade (slope) of the road.[58]

The term "perception-reaction time" (PRT) is defined to mean the total time it takes a driver to begin an appropriate response to an impending obstacle or hazard.[59] Historically, the FDOT calculated its yellow light intervals using a PRT of 1.0 seconds in accordance with accepted industry standards. In 2013, the FDOT increased the PRT in its calculation to 1.4 seconds, based on research showing that the 85th percentile PRT value in the driver population was 1.33 seconds.[60]

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[53] Section 775.15(2)(d), F.S.
[54] Section 775.15(3), F.S.
[55] Section 316.0745(1), F.S.
[56] Rule 14-15.010, F.A.C. (adopting the Dec. 2023 version of the MUTCD); *see also* U.S. Department of Transportation, Federal Highway Administration (FHWA), *Manual on Uniform Control Devices (MUTCD)* 11th ed. (Dec. 2023), available at https://mutcd.fhwa.dot.gov/kno_11th_Edition.htm (last visited February 3, 2026).
[57] FHWA, *MUTCD*, section 4F.17, "Yellow Change and Red Clearance Intervals," 11th ed. (Dec. 2026), available at https://mutcd.fhwa.dot.gov/pdfs/11th_Edition/part4.pdf (February 3, 2026).
[58] FDOT, *Traffic Engineering Manual*, section 3.6.2. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/trafficservices/studies/tem/tem-2026/2026-tem---chapter-3---signals.pdf?sfvrsn=38939043_2 (last visited February 3, 2026).
[59] Marc Green, Ph.D., *Let's Get Real About Perception-Response Time*, available at https://www.visualexpert.com/Resources/realprt.html (last visited February 3, 2026).
[60] FDOT, Traffic Operations Bulletin 02-13, Standardization of Yellow Change Intervals for Signalized Intersections, May 31, 2013, available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/traffic/doc_library/pdf/traffic-operations-bulletin-02-13.pdf?sfvrsn=ba1d34f0_0 (last visited February 3, 2026).

Effect of Proposed Changes

The bill requires the FDOT and any impacted local government to increase the minimum perception reaction time by 0.4 seconds for each yellow signal located at an intersection equipped with a traffic infraction detector.

Automated License Plate Recognition Systems (Section 5)

Present Situation

An automatic license plate recognition system (ALPRS) uses one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.[61] ALPRS scan and capture optical license plate information, and can store the digital image of the license plate, the time, date, location of the image capture, and the capturing camera information.[62] Stored ALPR data does not include any personal identifying information of individuals associated with the license plate.[63] Obtaining personal information associated with license plate information requires a separate, legally authorized, inquiry to another restricted-access database.[64]

Historically, law enforcement has used ALPRS to compare and identify vehicles for law enforcement purposes such as detection, identification, and recovery of stolen vehicles, wanted persons, missing or endangered persons, and persons wanted for crimes.[65]

Florida law authorizes ALPRS to be installed within the FDOT's right-of-way at the request of a law enforcement agency and for the purpose of collecting active criminal intelligence information or active criminal investigative information.[66] However, an ALPR cannot be used to issue a notice of violation for a traffic infraction or a uniform traffic citation.[67]

Some private ALPRS companies compile data into a private database, sometimes in combination with AI-powered recognition technology, and partner with local governments and law enforcement agencies to install and gain access to their private database.[68]

Florida law provides that records gathered by law enforcement agencies that contains images and data generated through the use of an ALPRS is subject to the retention schedule established by the Florida Department of State.[69] The retention period for such information is prescribed by rule

[61] Section 316.0777, F.S.
[62] Criminal and Juvenile Justice Information System, *Guidelines for the Use of Automated License Plate Readers*, Nov. 13, 2024, at page 1, available at https://www.fdle.state.fl.us/getContentAsset/dcdfae6a-0ec7-45e8-9112-b21f0d3415bb/73aabf56-e6e5-4330-95a3-5f2a270a1d2b/CJJIS-Council-ALPR-Guidelines-Revised-Approved-on-11-13-2024.pdf?language=en (last visited February 2, 2026).
[63] *Id.*
[64] *Id.*
[65] *Id.*
[66] Section 316.0777(2)(b), F.S. FDOT's must consent to the installation of a reader on the State Highway System.
[67] *Id.*
[68] Jeff Burlow, *TPD confirms use of controversial Flock cameras amid commission concerns*, Tallahassee Democrat, (Dec. 12, 2025), https://www.tallahassee.com/story/news/local/2025/12/12/tallahassee-police-department-confirms-use-of-flock-cameras-license-plate-readers/87721042007/ (last visited February 3, 2026).
[69] Section 316.0778(2), F.S. The Department of State must establish a retention schedule for records containing images and data generated through the use of an automated license plate recognition system.

and requires license plate recognition records to be retained until obsolete, superseded, or their administrative value is lost, but for no longer than three years unless retention is otherwise required.[70]

Motor Vehicle Registration Data

The DHSMV maintains the Driver and Vehicle Information Database (DAVID), a multifaceted database that affords immediate retrieval of driver and motor vehicle information.[71] Personal information stored in DAVID is protected by the federal Driver's Privacy Protection Act (DPPA),[72] which restricts access to such records with specified exceptions, such as a law enforcement agency acting in its official capacity to carry out its duties.[73] Other authorized uses of such data are:

- In connection with matters of motor vehicle or driver safety and theft.
- In the normal course of business by a legitimate business to verify the accuracy of personal information submitted by the individual or to obtain the correct information, but only for certain purposes.
- In connection with any civil, criminal, administrative, or arbitral proceeding in any court or agency or before any self-regulatory body.
- In research activities, and for use in producing statistical reports.
- For certain insurance-related purposes.
- In providing notice to the owners of towed or impounded vehicles.
- By any licensed private investigative agency or licensed security service.
- By an employer or its agent or insurer to obtain or verify information relating to a commercial driver's license.
- In connection with the operation of private toll transportation facilities.
- With the consent of the person to whom such personal information pertains.
- For any other use specifically authorized under a state law, if such use is related to the operation of a motor vehicle or public safety.[74]

Parking on Private Property

Section 715.075, F.S., authorizes the owner or operator of a private property used for motor vehicle parking to establish rules and rates governing private persons parking motor vehicles on such private property, including changes for violating the owner or operators rules. This statute provides notice and invoice requirements and a method to dispute and appeal the invoice.[75]

[70] Rule 1B-24.003, F.A.C.
[71] DHSMV, *Driver and Vehicle Information Database (DAVID)*, https://www.flhsmv.gov/courts-enforcement/david/ (last visited February 3, 2026).
[72] 18 U.S.C. § 2721.
[73] DHSMV, *Driver Privacy Protection Act*, https://www.flhsmv.gov/privacy-statement/driver-privacy-protection-act/ (last visited January 3, 2026).
[74] 18 USC 2721(b)
[75] Certain portions of s. 705.075, F.S., do not apply to theme parks or entertainment complexes. If certain conditions are met, s. 705.075, F.S., does not apply to lodging parks, mobile home parks, or recreational vehicle parks.

Effect of Proposed Changes

Effective October 1, 2026, the bill amends s. 316.0777, F.S., to authorize a private property owner to install an automated license plate recognition system solely for use on and within the property it owns or controls. A private property owner that installs or directs the installation of such a system:

- May not access vehicle registration or title data for vehicles identified by the system, except to the extent permitted by the federal DPPA or for the limited purpose of providing notice to vehicle owners that they failed to pay for parking and that such failure has resulted in a parking charge pursuant to s. 715.015, F.S.
- May not share or sell images, personal identifying information, VIN or license plate numbers, or any data that could be reasonably connected to an individual collected or generated by the system, except:
  - To the extent required to respond to a lawful request from a criminal justice agency;
  - To the extent required to control or enforce access to the property or for parking enforcement;
  - To the extent sharing such information is necessary to report suspicious activity or suspected criminal activity to a criminal justice agency; or
  - To the extent permitted by the federal DPPA.
- Must contractually obligate any third party that installs, maintains, or operates the system or receives information to protect the images or data collected by the system from disclosure, including a prohibition on sharing or selling such images or data, except to the extent authorized above.
- Must implement, and must contractually obligate any third-party that installs, maintains, or operates the system or receives information to implement:
  - Industry-recognized encryption protocols to ensure that images and associated data collected or generated by the system are encrypted in transmission and at rest.
  - An auditable access control system that recorded access to images and associated data.
  - A data retention schedule that provides for deletion of images and data no later than 30 days after the images or data is collected or generated by the system, except to the extent needed to comply with a court order, subpoena, or comply with the appeal process in s. 715.075(1)(c) and (d), F.S., related to parking on private property, or to collect an unpaid invoice for parking enforcements. Records detailing disclosure logs or transactions may be retained longer in accordance with federal law.
- May not offer or provide as payment or other consideration any portion of the proceeds derived from a fine or charge imposed based on images or data generated by the system to any third party that installs, operates, or maintains the system, except to the extent the system is used in connection with enforcing access such property or for parking enforcement.

The bill also provides that an individual who uses or releases such information for a purpose that is not specifically authorized commits a noncriminal infraction, punishable by a fine not exceeding $2,000.

Residential Speed Limits (Sections 7 and 8)

Present Situation

Florida law prescribes maximum speed limits for all streets and highways and provides that the maximum speed limit for all vehicles in residence districts must be 30 miles per hour in counties and municipalities.[76] However, for vehicles in residence districts, counties and municipalities may set a lower maximum speed limit of 20 or 25 miles per hour after an investigation determines that a lower speed limit is reasonable.[77]

Effect of Proposed Changes

The bill amends ss. 316.183 and 316.189, F.S., to authorize counties and municipalities to set lower speed limits at any level below the maximum speed limit prescribed by law for local streets and highways in a residence district. The county or municipality must conduct an investigation to determine that the lower speed limit is reasonable.

License Plate Frames (Section 16)

Present Situation

Florida law requires license plates to be displayed in such a way that certain identifying information is plainly visible and legible.[78] Florida law also prohibits a person from applying or attaching something onto or around a license plate which interferes with the legibility, angular visibility, or detectability, or interferes with the ability to record, any feature or detail on the license plate.[79]

As of October 1, 2025, Florida law provides that it is a criminal offense to purchase, possess, manufacture, sell, distribute, or use to assist in committing a crime a license plate obscuring device.[80] The purchase or possession of such a device is a misdemeanor of the second degree punishable of a term of imprisonment not exceeding 60 days[81] or a fine not to exceed $500.[82]

For this purpose, the term "license plate obscuring device" is defined to mean a device designed or adapted to be installed on a motor vehicle for the purpose of:

- Switching between two or more license plates to permit a motor vehicle operator to change the license plate displayed on the motor vehicle;
- Hiding a license plate from view by flipping the license plate so that the license plate number is not visible;
- Covering, obscuring, or otherwise interfering with the legibility, angular visibility, or detectability of the primary features or details, including the license plate number or validation sticker, on the license plate; or

[76] Sections 316.183(2) and 316.189(1), F.S.
[77] *Id.*
[78] Section 316.605(1), F.S.
[79] Section 320.061, F.S.
[80] Section 320.262, F.S.
[81] Section 775.082(4)(b), F.S.
[82] Section 775.083(1)(e), F.S.

- Interfering with the ability to record the primary features or details, including the license plate number or validation sticker, on the license plate.[83]

After the 2025 law went into effect, there was some confusion regarding the legality of certain license plate frames.[84] In December 2025, the DHSMV issued guidance regarding license plate frames. That guidance indicated that it does not prohibit such license plate frame as long as the frame does not obscure visibility of the following:

- The alpha numeric plate identifier;
- The decal in the top right hand corner of the license plate.[85]

Effect of Proposed Changes

The bill amends s. 320.061, F.S., to provide that a person may not apply or attach anything over or around any license plate which interferes with the legibility, angular visibility, or detectability of the license plate's primary features or details, including the license plate number or validation sticker or interferes with the ability to record the primary features or details, including the license plate number or validation sicker on the license plate. The bill provides that a license plate frame that impinges on the information on the top or bottom of the license plate is permissible, as long as law enforcement can identify the state that issued the license plate.

Disabled Parking Permits/Expectant Mother Parking Permits (Sections 17 and 18)

Present Situation

Disabled Parking Permits

Florida law authorizes the DHSMV and its agents to issue disabled parking permits to persons with impaired mobility. Upon application and receipt of the fee,[86] a person with a long-term mobility impairment is issued a disabled parking permit for a period of up to four years. Similarly, a person with a temporary mobility impairment is issued a temporary disabled parking permit for a period of up to six months.[87]

Disabled parking permits are available to persons currently certified as being legally blind or as having any of the following disabilities that render him or her unable to walk 200 feet without stopping to rest:

- Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person.
- The need to permanently use a wheelchair.
- Restriction by lung disease.
- Use of portable oxygen.

[83] Section 320.262(1), F.S.
[84] See e.g., Tim Wronka, *Is your license plate frame illegal? Florida clarifies new plate law.* https://baynews9.com/fl/tampa/news/2025/12/22/is-your-license-plate-frame-illegal--florida-clarifies-new-plate-law- (last visited February 9, 2026).
[85] Memorandum from Dave Kerner, Executive Director, DHSMV, to all Florida Law Enforcement Agencies, Obscured License Plates, December 12, 2026. (On file with Senate Committee on Transportation).
[86] There is no charge for a "permanent" disabled parking permit. A temporary parking permit is $15; however, no person will be required to pay a fee for a disabled parking permit more than once in a 12-month period. *See* s. 320.0848(1)(a), F.S.
[87] Section 320.0848(1)(a), F.S.

- Restriction by cardiac condition.
- Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.[88]

A certificate of disability is required to obtain a disabled parking permit. This certificate must be provided by a licensed physician, podiatrist, optometrist, advanced registered nurse practitioner, physician's assistant, or a similarly licensed physician from another state.[89]

Expectant Mother Parking Permits

In 2025, the Legislature required the DHSMV to issue expectant mother parking permits to expectant mothers who submit an application. Such parking permits authorize an expectant mother to park a motor vehicle in parking spaces designated for persons with disabilities.[90]

Disability rights advocates challenged these permits in federal court alleging that the issuance of these permits violates the Americans with Disabilities Act[91] and other protections for persons with disabilities.[92] That case was dismissed for lack of standing and the court has not addressed the underlying merits of the case.[93]

Effect of Proposed Changes

The bill amends s. 320.0848, F.S., to specify that if a pregnancy-related condition constitutes a severe limitation on the individual's ability to walk as provided for in s. 320.0848(1)(b)2., F.S., the expectant mother is eligible to receive a disabled parking permit.

The bill repeals s. 320.0849, F.S., to repeal the DHSMV's authority to issue expectant mother parking permits.

Use of Driver License Photographs (Section 19)

Present Situation

The DHSMV is required to maintain a record of the digital image and signature of licensees, together with other data required identification and retrieval. Reproductions from the file or digital record are exempt from public records law[94] and may be made and issued only for specified purposes. These purposes include for the DHSMV's administrative purposes, to issue duplicate licenses, in response to law enforcement requests, or to identify a person as part of an

[88] Section 320.0848(1)(b)1., F.S.
[89] Section 320.0848(1)(b)2., F.S.
[90] Chapter 2025-149, Laws of Fla., codified in s. 320.0849, F.S.
[91] 42 U.S.C. § 12101
[92] CBS News, *Florida disability-rights advocates challenging new law that allows "expectant mother parking permit"*, November 5, 2025. https://www.cbsnews.com/miami/news/disability-rights-advocates-florida-law-expectant-mother-parking-permit-lawsuit/ (last visited February 24, 2026).
[93] Dara Cam, *Federal judge nixes challenge to Florida's pregnant parking law,* January 27, 2026, https://www.wusf.org/courts-law/2026-01-27/federal-judge-nixes-challenge-florida-pregnant-parking-law (last visited February 24, 2026).
[94] Section 119.07(1), F.S.

official work of a court. The DHSMV is authorized provide such information to various state agencies, pursuant to interagency agreements, for agency-specific purposes.[95]

Effect of Proposed Changes

The bill amends s. 322.142(4), F.S., to authorize the use of driver license photographs for identity verification by a state agency pursuant to an interagency agreement and subject to the licensee's consent.

The bill authorizes an identity verification service provider to use the DHSMV's data for the DHSMV's or another agency's identity verification purposes in a manner consistent with s. 322.142, F.S., only if such data remains in the DHSMV's possession. The bill prohibits an identity verification service provider from selling, sharing, or retaining any such information.

The bill prohibits the DHSMV from allowing the use of digital imaged licenses for a private entity's business purposes.

FDOT Funding for Rural Airports (Section 20)

Present Situation

FDOT Aviation Funding

Florida law authorizes the FDOT to, subject to appropriation, to fund up to 100 percent of eligible project costs of all of the following at a public-use airport[96] located in a rural community which does not have any scheduled commercial service:

- The capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds.
- Economic development transportation projects.[97]

The FDOT must allocate any remaining funds for projects specified in s. 332.007(6), F.S., relating to aviation development projects.[98]

Rural Communities

Florida law defines the term "rural community" to mean:

- A county with a population of 75,000 or fewer.
- A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
- A municipality within a county described above.
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or

[95] Section 322.142(4), F.S.
[96] Section 332.004(14), F.S., defines the term "public-use airport" to mean any publicly owned airport which is used or to be used for public purposes.
[97] Economic development transportation projects are administered pursuant to s. 339.2821, F.S.
[98] Section 332.007(10), F.S.

resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors and verified by the Florida Department of Commerce.[99]

Florida law defines the term "rural area of opportunity" (RAO) to mean a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.[100] Florida has three RAOs, the Northwest RAO, the North Central RAO, and the South Central RAO.[101]

Effect of Proposed Changes

The bill amends s. 332.007. F.S., to authorize the FDOT to fund up to 100 percent of eligible project costs of projects at public-use airports located in a rural community which does not have any scheduled commercial service. The bill prohibits the FDOT from requiring matching funds for any eligible project at such airports located in RAOs. These funds may be provided as matching funds for eligible projects funded by the Federal Government or any state agency.

FDOT Contracting Authority (Section 21)

Present Situation

Florida Prompt Payment Act

Florida law has several "Prompt Payment Acts" regulating various aspects of payments connected to construction projects and services. Part VII of ch. 218, F.S., addresses payment for local government construction projects. Chapter 255, F.S., governs payments connected to state agency construction projects, and payments for private construction projects are regulated in chs. 713 and 715, F.S.

Prompt Payment Act for State Construction Projects

Sections 255.0705 - 255.078, F.S., are known as the Florida Prompt Payment Act. This act governs the timely payment for construction services by the state or any agency thereof (public entity).[102] This act also governs payments made by contractors to subcontractors and suppliers when the construction services are in connection with a public entity construction project.

Payment Deadline for Public Entity to Contractor

For public entities contracting with a prime contractor, the public entity must submit the contractor's request to the Chief Financial Officer within 14 days of receiving the payment application.[103] If a public entity disputes a portion of a payment request, the undisputed portion

[99] Section 288.0656(2)(e), F.S. Population is determine based on the state's official population estimate pursuant to s. 186.901, F.S.
[100] Section 288.0656(2)(d), F.S.
[101] Florida Department of Commerce, Office of Rural Initiatives, https://www.floridajobs.org/community-planning-and-development/office-of-rural-initiatives (last visited February 9, 2026).
[102] Section 255.072, F.S., defines "public entity" to mean the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, but does not include a local governmental entity as defined in s. 218.72, F.S.
[103] Section 255.074, F.S.

must be paid by the date required under the contract or by 20 business days after receipt of the request, whichever is earlier.[104]

When a contractor receives payment from a public entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor is required to remit payment due to those subcontractors and suppliers within 10 days after the contractor's receipt of payment.[105] When a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor is required to remit payment due to those subcontractors and suppliers within 7 days after the subcontractor's receipt of payment.[106]

Penalties for Late Payment

All payments due for the purchase of construction services under the Florida Prompt Payment Act and wrongfully withheld by a public entity or prime contractor bear statutorily imposed interest at the rate of 2 percent per month.[107]

FDOT Contracting Authority

Section 337.11, F.S., authorizes the FDOT to enter into contracts for the construction and maintenance of roads and related facilities under its jurisdiction.[108]

Every contract let by the FDOT for the performance of work must require the prime contractor, before receiving any progress payment under such contract, to certify that the prime contractor has disbursed to all of its subcontractors and suppliers their pro rata shares of the payment out of previous progress payments received by the prime contractor for all work completed and materials furnished in the previous period,[109] as approved by the FDOT for payment.[110] The FDOT may not make any such progress payment before receiving such certification, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any such good cause to both the FDOT and the affected subcontractors and suppliers.[111]

Every contract let by the FDOT for the performance of work must require the prime contractor, within 30 days of receipt of the final progress payment or any other payments received thereafter except the final payment, to pay all of its subcontractors and suppliers their pro rata shares of the payment for all work completed and materials furnished, unless the contractor demonstrates good cause for not making any such required payment and furnishes written notification of any

[104] Section 255.073(2), F.S.
[105] Section 255.073(3), F.S.
[106] *Id.* A contractor or subcontractor is still permitted to dispute, pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party if the contractor or subcontractor notifies the party whose payment is disputed, in writing, of the amount in dispute and the actions required to cure the dispute. The contractor or subcontractor must pay all undisputed amounts due within the time limits imposed by this subsection.
[107] Section 255.073(4), F.S.
[108] Section 337.11(1), F.S.
[109] Section 337.11(11)(a), F.S. This is less any retainage withheld by the prime contractor pursuant to an agreement with a subcontractor.
[110] *Id*.
[111] *Id*.

such good cause to both the FDOT and the affected subcontractors or suppliers within such 30-day period.[112]

Effect of Proposed Changes

The bill amends s. 337.11, F.S. to authorize the FDOT to make direct payments to first-tier subcontractors. Such payments do not create any enforceable third-party beneficiary rights. The bill requires the FDOT to adopt, by rule, procedures to implement this provision. Such procedures must establish circumstances under which such payments may be made and must include, at a minimum, all of the following:

- The contractor has not requested payment from the FDOT for at least six months.
- There is a binding, written subcontract between the contractor and the subcontractor, and the FDOT is in possession of a complete copy of the subcontract.
- The subcontractor has performed work that is unpaid by the subcontractor, and the FDOT has sufficient documentation of such unpaid work.
- There is legitimate dispute between the contractor and the subcontractor.
- The FDOT has provided written notice to the payment and performance bond surety at least 30 days before releasing such payment, and the surety has not objected in writing within the 30 day period based on a documented dispute or claim regarding the unpaid work or payment.

The amounts the FDOT pays to the subcontractor must be deducted from amounts otherwise due to the contractor.

FDOT Takeover Contracts (Section 21)

Present Situation

Section 337.18, F.S., requires the successful bidder of a FDOT construction contract to submit a surety bond in an amount equal to the awarded contract price. However, in limited circumstances, the FDOT has the discretion to authorize phased bonding or waive all or a portion of the bond requirement.[113]

The FDOT's contracts must provide for the determination of default on the part of any contractor for cause attributable to such contractor. The FDOT is not liable for anticipated profits for unfinished work on a contract which it has determined to be in default.[114]

Effect of Proposed Changes

The bill amends s. 337.18, F.S., to provide that if the FDOT and the surety enter into a takeover agreement, such agreement must set forth procedures regarding the surety's certification of disbursement of payment to subcontractors.

[112] Section 337.11(11)(b), F.S.
[113] Section 337.18(1)(a), F.S.
[114] Section 337.18(2), F.S.

MPO Consolidation (Section 23)

Present Situation

Metropolitan Planning Organizations (MPOs) are federally-required transportation planning entities in urbanized areas with populations of 50,000 or more.[115] Florida currently has 27 MPOs.[116] Florida law regarding MPOs is codified in s. 339.175, F.S., and includes provisions regarding designation, voting membership, apportionment, and responsibilities.

Florida law requires each MPO, in cooperation with the state and affected public transportation operators, to develop a transportation improvement program for the area within its jurisdiction. Each MPOs program includes a list of project priorities which is submitted to FDOT for potential funding.[117]

In 2023, the Legislature required the MPOs serving Hillsborough, Pasco, and Pinellas counties to, by December 31, 2023, submit a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, the goal of which would be to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.[118]

Effect of Proposed Changes

The bill amends s. 339.175, F.S., to require, the MPOs serving Charlotte, Collier, and Lee counties to, by December 31, 2026, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, a feasibility report exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, the goal of which is to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.

[115] Federal Transit Administration, *Metropolitan Planning Organization*, https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo (last visited March 2, 2026).
[116] Metropolitan Planning Organization Advisory Council (MPOAC), https://www.mpoac.org/mpos-4/ (last visited March 1, 2026)
[117] Section 339.175(8), F.S.
[118] Chapter 2023-197, Laws of Fla. At that time this was codified in s. 339.175(6)(i), F.S.

Next-generation Traffic Signal Modernization Grant Program (Section 24)

Present Situation

In 2025, the Legislature created the Next-generation Traffic Signal Modernization Program. The program's purpose is to increase traffic signal interconnectivity and provide real-time traffic optimization to improve traffic flow and enhance safety. The program must:

- Provide for retrofitting existing traffic signals and controllers and providing a communication backbone for remote and automated operations and management of such signals on the State Highway System and the nonstate highway system.
- Prioritize signal upgrades based on average annual daily traffic and the impact of adding to an existing interconnected system.
- Use at least one advanced traffic management platform that uses state-of-the-art technology and that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.[119]

Effect of Proposed Changes

The bill substantially rewrites s. 339.85, F.S., to create a Next-generation Traffic Signal Modernization Grant Program, replacing the existing program.

The bill requires the FDOT to implement a Next-generation Traffic Signalization Modernization Grant Program to assist counties and municipalities in upgrading eligible signalized intersections with artificial intelligence-and machine learning-enabled detection, controllers, communications, and software that prioritizes modernization in key corridors across the state.

The bill requires the FDOT to implement a state-local partnership through a cost-sharing arrangement to authorizes the FDOT to fund:

- Up to 80 percent of eligible costs for first-year pilot corridors, with a minimum 20 percent contribution.
- Fifty percent of ensuing year research, development, and installation.

The bill provides that after signal modernization, the local government and the vendor are responsible for the ongoing maintenance of the signal.

The bill authorizes the FDOT to waive any local match requirement for state-owned or state-operated intersections.

The bill requires the FDOT to prioritize grant applications for intersections at which a signal modernization will measurably:

- Reduce average control delay and corridor travel times.
- Improve surrogate safety measures[120] and support emergency vehicle preemption.
- Provide transit signal priority and multimodal benefits to pedestrians and cyclists.

[119] *See* ch. 2025-149, Laws of Fla., codified at s. 338.95, F.S.
[120] Surrogate safety measures include failures to stop at red lights and hard-braking events.

The bill requires the FDOT to use competitive procurement[121] to find a vendor or vendors that use state-of-the-art technology that complies with leading cybersecurity standards[122] ensuring robust data protection. The program must also:

- Require open, interoperable, and secure systems that avoid vendor lock in and protect cybersecurity.
- Ensure data transparency through standardized performance dashboards and annual public reports demonstrating benefits relative to cost.
- Coordinate with metropolitan planning organizations, regional traffic management centers, law enforcement, fire rescue, and transit agencies to maximize systemwide benefits.
- Encourage use of state-based pilots, sandboxes, and independent evaluations to validate performance before large-scale rollout.
- Support workforce development and local operations staff training so upgrades remain effective over the life of the equipment.

Beginning in fiscal year 2026-2027, the bill annually appropriates $20 million from the State Transportation Trust Fund to the FDOT to fund the Next-generation Traffic Signal Modernization Grant Program.

Railroad Crossing Safety Technology Study (Section 26)

Present Situation

In 2025, based on preliminary Federal Railroad Administration data, Florida ranked third nationally in highway-rail grade crossing collisions with 120 collisions, 22 deaths, and 48 injuries.[123] Florida also ranked fourth nationally in the total railroad trespassing casualties with 66 casualties, 51 of which were deaths.[124]

According to the FDOT, 88 percent of Highway-Rail Grade Crossing accidents that occurred between 2013-2022 involved stopping on the crossing, going around gates, not stopping, stopping then proceeding, or going through gates.[125]

Regulation of Railroad Crossings

Florida law defines the term "public railroad-highway grade crossing" to mean a location at which a railroad track is crossed at grade by a public road.[126] As of 2025, Florida has 3,565

[121] This is as provided in ch. 287, F.S.
[122] These security standards include SOC 2 and ISO 27001.
[123] Operation Lifesaver, *Collisions & Fatalities by State, Highway-Rail Grade Crossing Collisions - Top 25 States*, https://oli.org/track-statistics/collisions-fatalities-state (last visited February 4, 2026).
[124] Operation Lifesaver, *Trespassing Casualties by State, Top 25 States Ranked by Total Trespass Casualties*, https://oli.org/track-statistics/trespassing-casualties-state (last visited February 4, 2026).
[125] FDOT, Florida Rail Safety Coalition, https://www.fdot.gov/rail/programs/florida-rail-safety-coalition (last visited February 3, 2026).
[126] Section 335.141(1)(b), FS..

public at-grade rail crossings.[127] The FDOT regulates public railroad-highway grade crossings, including the issuance permits to open or close such crossings.[128]

Railroad companies must exercise reasonable care for the safety of motorists whenever its track crosses a highway. The railroad company is responsible for erecting and maintaining crossbuck grade-crossing warning signs at all public or private railroad-highway grade crossings.[129]

Upon reasonable notice from the FDOT, every railroad company maintaining a public railroad-highway grade crossing must install, maintain, and operate traffic control devices at such crossing to warn motorists of approaching trains.[130]

The governmental entity with jurisdiction over the highway or street that crosses the railroad must install and maintain advance railroad warning signs and pavement markings.[131]

Persons approaching a railroad-highway grade crossing must exercise reasonable care for their own safety, the safety of railroad crews, and the safety of train or vehicle passengers.[132]

FDOT Rail Safety Initiatives

In 2024, the FDOT established the Florida Rail Safety Coalition (FRSC) to enhance public rail safety. The FRSC consists of rail industry partners at local, state, and federal levels, including but not limited to subject matter experts and FDOT team members.[133]

The FRSC has determined that driver and pedestrian behavior is the most critical and urgent rail safety issue.[134] In response, the FRSC and the FDOT have launched various safety-related campaigns such as the Be Rail Smart initiative, which focuses on accident prevention and educating the public about rail crossing safety awareness and proper procedure when approaching a rail crossing.[135]

Effect of Proposed Changes

The bill requires the FDOT to conduct a railroad crossing safety technology study. The bill provides legislative findings and intent that improving safety at railroad crossings is critical to protecting the lives of pedestrians, motorists, railway workers, and the general public. Advanced detection and monitoring systems using technologies such as sensors, high-resolution camera,

[127] FDOT, Office of Freight and Rail, *Opening – Closure Program.* https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/programs/openclose/fro-rail-crossing-opening-and-closure-program-gameboard.pdf (last visited February 3, 2026).
[128] Section 335.141(1)(a), F.S.
[129] Section 351.03(1). F.S. Such warning signs must comply with FDOT's uniform system of traffic control devices.
[130] Section 335.141(2)(b), FS.
[131] Section 351.03(2), F.S.
[132] *Id.*
[133] FDOT, Florida Rail Safety Coalition, https://www.fdot.gov/rail/programs/florida-rail-safety-coalition (last visited February 3, 2026).
[134] FDOT, *Florida Rail Safety Coalition Presentation*, November 14, 2024, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/rail/programs/florida-rail-safety-coalition/frsc-presentation_2024-11-14.pdf?sfvrsn=d9e88546_1 (last visited February 3. 2026).
[135] FDOT, *Be Rail Smart*, https://www.fdot.gov/agencyresources/be-rail-smart/ (last visited February 3, 2026).

and data analytics may provide a reliable means to enhance situational awareness and reduce collisions at railroad crossings.

The bill also provides legislative intent to direct the FDOT to study the technologies referenced above before considering any statewide requirements for their deployment.

The bill defines the term "advanced detection monitoring system" to mean a system capable of detecting and classifying objects, such as pedestrians, vehicles, or other obstructions at or approaching a railroad crossing, using technologies including, but not limited to, sensors, cameras, and data analytics.

The bill defines the term "public railroad-highway grade crossing" to have the same meaning as provided in s. 335.141(1)(b), F.S., defined above.

The bill requires the FDOT to conduct a statewide study on the use of advanced detection and monitoring systems at public railroad-highway grade crossings. The bill requires the study to include, but is not limited to, an analysis of all of the following:

- Available and emerging advanced detection and monitoring technologies applicable to railroad crossings.
- The effectiveness of such technologies in improving safety outcomes, including collision prevention and hazard mitigation, based on available data from pilot programs, deployments in other jurisdictions, or academic research.
- Technological and operational considerations, including interoperability with existing railroad safety systems and operating protocols.
- Costs associated with the deployment of advanced detection and monitoring systems, including installation, operation, maintenance, and long-term lifecycle costs.
- Potential funding mechanisms, including federal funds, state funds, grants, or public-private partnerships.
- Criteria for identifying higher-risk railroad crossings where technologies may provide the greatest safety benefit.
- Legal, regulatory, and operational considerations related to the deployment and oversight of advanced detection and monitoring systems.
- The respective roles of the state, local governments, and railroad owners in the implementation of such systems.

In conducting the study, the bill authorizes the FDOT to consult with, as appropriate, any of the following:

- Railroad owners and railroad industry representatives.
- Local governments with jurisdiction over public railroad-highway grade crossings.
- Transportation safety experts and academic institutions.
- Federal agencies or national organizations with expertise in railroad safety.

The bill requires the FDOT, by December 1, 2026, to submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The FDOT's report may include policy recommendations for legislative

consideration but may not recommend or require the mandatory installation or upgrade of railroad crossings.

Effective Date (Section 28)

Except as otherwise expressly provided, this bill takes 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.

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:

While the bill does not change the fundamental parameters of the various camera enforcement programs, changes made by the bill may have an indeterminate fiscal impact on the program vendors and contractors.

Authorizing private property owners to install automated license plate recognition systems on their property may have a positive indeterminate fiscal impact on vendors and operators of such systems. (Section 5)

The FDOT's rules specifying circumstances under which it may directly pay subcontractors may have a positive fiscal impact on such subcontractors. However, the fiscal impact is indeterminate. (Section 21)

C. Government Sector Impact:

The FDOT and local governments will incur costs associated with adjusting the length of yellow lights at each intersection with a traffic infraction detector. However, this cost is indeterminate. (Section 1)

Eligible rural public use airports may find it easier to fund projects due to the changes in the FDOT's funding authority regarding those airports. (Section 20)

The MPOs for Charlottee, Collier, and Lee counties will incur indeterminate costs to conduct the required consolidation study. (Section 23)

Beginning in fiscal year 2026-2027, the bill annually appropriates $20 million from the State Transportation Trust Fund to FDOT to fund the Next Generation Traffic Signal Modernization Grant Program. (Section 24)

The FDOT will incur indeterminate costs in conducting railroad crossing safety technology study required by the bill. However, this study should be accomplished using existing resources. (Section 26)

VI. Technical Deficiencies:

In sections 15 and 25 there appear to be extra references to the unlawful speed statutes.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.008, 316.0083, 316.0776, 316.0777, 316.173, 316.183, 316.189, 316.1895, 316.1896, 316.1906, 316.650, 318.15, 318.18, 320.02, 320.061, 320.0848, 322.142, 332.007, 337.11, 337.18, 339.175, 339.85, 775.15.

This bill repeals section 320.0849 of the Florida Statutes.

This bill reenacts section 318.121 of the Florida Statutes.

This bill creates two undesignated sections 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 March 3, 2026:

The committee substitute:

As it relates to the automated enforcement of traffic infractions, the committee substitute:

- Defines the term "careful and prudent manner" as it relates to right turns on red enforced using traffic infraction detectors.
- Clarifies that flashing beacons must be activated to enforce the school zone speed limits and provides until January 1, 2028, for the installation of beacons in applicable school zones.
- Provides that after January 1, 2028, photographic evidence of school zone speed violations must include beacon status.
- Provides that a speed detection system may be placed outside of a school zone, provided it only captures violations occurring within the school zone.
- Authorizes the withholding of motor vehicle registrations for the nonpayment of a camera enforced traffic violation.
- Restarts the statute of limitations for a camera enforced traffic infraction if an affidavit is submitted documenting that another person was driving the vehicle at the time of the violation.
- Makes additional technical changes related to the automated enforcement of traffic infractions.

The committee substitute also includes the following provisions:

- Requires FDOT and local governments to increase yellow light times at intersections with traffic infraction detectors.
- Authorizes the use of automated license plate recognition systems by private property owners, provides limits on the use of data from such systems, and establishes data security requirements.
- Authorizes counties and municipalities to reduce speed limits in residential areas.
- Clarifies that a license plate frame is permissible provided law enforcement can identify the plate number, validation sticker, and the state that issued the plate.
- Clarifies that expectant mothers who meet the requirements for a disabled parking permit are eligible to obtain such a permit and repeals the statutory authorization for expectant mother parking permits.
- Authorizes the use of driver license photos for identity verification purposes by state agencies but prohibits the sale or sharing of such data.
- Authorizes the FDOT to fund up to 100 percent of airport projects at certain rural airports.
- Authorizes the FDOT to directly pay first-tier subcontractors if certain conditions are met.
- Requires takeover contracts between the FDOT and a surety to provide certain procedures regarding payments to subcontractors.

- Establishes the Next Generation Traffic Signal Modernization Grant Program and provides a $20 million annual appropriation.
- Requires the FDOT to study the use of advanced detection and monitoring systems at railroad crossings.

CS by Transportation on January 20, 2026:
The committee substitute:
- Requires the FDOT to adopt rules regarding the circumstances under which it may directly pay first-tier subcontractors; and
- Requires the completion contractor in a takeover agreement to meet the same certification of qualification requirements as in the original contract's bid solicitation.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/02/2026	.	
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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) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

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(d)1. The department may make direct payments to a first-tier subcontractor. Such payments do not create any enforceable third-party beneficiary rights. The department shall adopt by rule procedures to implement this paragraph. Such procedures must establish the circumstances under which such payments may be made and must include, at a minimum, all of the following:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no legitimate dispute between the contractor and the subcontractor.

e. The department has provided written notice to the payment and performance bond surety at least 30 days before releasing a payment under this paragraph, and the surety has not objected in writing within the 30-day period based on a documented dispute or claim regarding the unpaid work or payment.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance

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contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department and the surety enter into a takeover agreement, such agreement must set forth procedures regarding the surety's certification of disbursement of payment to subcontractors.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; authorizing the Department of Transportation to make direct payments to a first-tier subcontractor; providing construction; requiring the department to adopt rules establishing certain procedures; providing requirements for such procedures; requiring that amounts paid to a first-tier subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety set forth certain procedures; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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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. The Department of Transportation and any impacted local government shall increase the minimum perception-reaction time for each steady yellow signal located at an intersection equipped with a traffic infraction detector by 0.4 seconds.

Section 2. Paragraphs (a) and (b) of subsection (9) of section 316.008, Florida Statutes, are amended to read:

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316.008 Powers of local authorities.—

(9)(a) A county or municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to s. 316.1895:

1. Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;

2. Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;

3. During the entirety of a regularly scheduled school session; and

4. Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session

through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force in the school zone at the time of the violation. A school zone's compliance with s. 316.1895 creates a rebuttable presumption that the school zone is properly maintained. The restrictive school zone speed limit may only be enforced through the use of a speed detection system when any flashing beacon used to provide notice of the restrictive school zone speed limit is activated. For speed detection systems installed before July 1, 2026, capturing the beacon status in photographic or video evidence or by other evidence is not required for proof of the beacon status until January 1, 2028. An area maintained as a school zone which has no beacon installed before July 1, 2026, has until January 1, 2028, to place and install a beacon, and, until a beacon is installed, the county or municipality may

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provide proof of the school zone speed limit in force at the time of violation without evidence of the beacon status.

(b) A county or municipality may place or install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in s. 316.1895 to enforce unlawful speed limit violations in the school zone, as specified in s. 316.1895 ~~s. 316.1895(10)~~ or s. 316.183, which are in excess of 10 miles per hour over the school zone speed limit in force at the time of violation, on that roadway. The physical placement of a speed detection system may be outside the boundaries of the school zone but within the roadway maintained as a school zone. Any notice of violation or uniform traffic citation issued using a speed detection system must be based solely on a violation occurring within the boundaries of the school zone and during the times authorized under this subsection.

Section 3. Present paragraph (c) of subsection (4) of section 316.0083, Florida Statutes, is redesignated as paragraph (d), a new paragraph (c) is added to that subsection, and paragraph (a) of subsection (1), subsection (2), and paragraph (b) of subsection (4) of that section are amended, to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. ~~A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver~~

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~~is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. A notice of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.~~ This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. For purposes of this subsection, the term "careful and prudent manner" means that the driver made a right-hand turn after coming to a complete stop and, in the traffic enforcement officer's determination, yielded to any pedestrian or bicyclist and did not place a pedestrian or bicyclist in danger of injury as a result of the right-hand turn, yielded to any other vehicle, and substantially reduced the speed of the motor vehicle before making the right-hand turn.

(4)

(b) Each county or municipality that operates a traffic

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infraction detector shall submit a report by October 1, annually, to the department which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities must include:

1. The number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, the number that were paid, and the number in each of the preceding categories for which the notice of violation was issued for a right-hand turn violation.

2. A description of alternative safety countermeasures taken before and after the placement or installation of a traffic infraction detector.

3. Statistical data and information required by the department to complete the summary report required under paragraph (d) ~~(c)~~.

The department must publish each report submitted by a county or municipality pursuant to this paragraph on its website.

(c) Each county or municipality that operates a traffic infraction detector is responsible for and shall maintain its respective data for reporting purposes under this subsection for at least 2 years after such data is reported to the department.

Section 4. Subsection (3) of section 316.0776, Florida Statutes, is amended to read:

316.0776 Traffic infraction detectors; speed detection systems; placement and installation.—

(3) A speed detection system authorized by s. 316.008(9)

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may be placed or installed anywhere in an area maintained, as defined in s. 316.1895(3)(d), as a school zone on a state road when permitted by the Department of Transportation and in accordance with placement and installation specifications developed by the Department of Transportation. The speed detection system may be placed or installed anywhere in an area maintained, as defined in s. 316.1895(3)(d), as a school zone on a street or highway under the jurisdiction of a county or a municipality in accordance with placement and installation specifications established by the Department of Transportation. The placement and installation specifications must allow the placement of a speed detection system or components thereof outside the boundaries of the school zone but within the area maintained as a school zone. The speed detection system may only capture violations occurring within the school zone and during the times authorized under s. 316.008(9), regardless of the placement of the speed detection system or its components ~~The Department of Transportation must establish such placement and installation specifications by December 31, 2023~~.

(a) If a county or municipality places or installs a speed detection system as authorized by s. 316.008(9), the county or municipality must notify the public that a speed detection system may be in use by posting signage indicating photographic or video enforcement of the school zone speed limits. Such signage shall clearly designate the time period during which the school zone speed limits are enforced using a speed detection system and must meet the placement and installation specifications established by the Department of Transportation. For a speed detection system enforcing violations of s. 316.1895

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or s. 316.183 on a roadway maintained as a school zone, this paragraph governs the signage notifying the public of the use of a speed detection system.

(b) If a county or municipality begins a school zone speed detection system program in a county or municipality that has never conducted such a program, the respective county or municipality must make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program and must notify the public of the specific date on which the program will commence. During the 30-day public awareness campaign, only a warning may be issued to the registered owner of a motor vehicle for a violation of s. 316.1895 or s. 316.183 enforced by a speed detection system, and liability may not be imposed for the civil penalty under s. 318.18(3)(d).

(c) A county or municipality that operates one or more school zone speed detection systems must annually report the results of all systems within the county's or municipality's jurisdiction by placing the report required under s. 316.1896(16)(a) as a single reporting item on the agenda of a regular or special meeting of the county's or municipality's governing body. Before a county or municipality contracts or renews a contract to place or install a speed detection system in a school zone pursuant to s. 316.008(9), the county or municipality must approve the contract or contract renewal at a regular or special meeting of the county's or municipality's governing body.

1. Interested members of the public must be allowed to

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comment regarding the report, contract, or contract renewal under the county's or municipality's public comment policies or formats, and the report, contract, or contract renewal may not be considered as part of a consent agenda.

2. The report required under this paragraph must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same time period pertaining to the annual report to the department under s. 316.1896(16)(a), the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The county or municipality must report to the department that the county's or municipality's annual report was considered in accordance with this paragraph, including the date of the regular or special meeting at which the annual report was considered.

3. The compliance or sufficiency of compliance with this paragraph may not be raised in a proceeding challenging a violation of s. 316.1895 or s. 316.183 enforced by a speed detection system in a school zone.

Section 5. Effective October 1, 2026, present subsections (3), (4), and (5) of section 316.0777, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) and subsection (7) are added to that section, to read:

316.0777 Automated license plate recognition systems; installation within rights-of-way of State Highway System and on and within property owned or controlled by private entity;

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public records exemption.—

(3) A private property owner may install an automated license plate recognition system solely for use on and within the property owned or controlled by the property owner. A private property owner that installs or directs the installation of such a system:

(a) May not access vehicle registration or title data for vehicles identified by the system, unless the private property owner is acting to the extent permitted by the Driver's Privacy Protection Act, 18 U.S.C. ss. 2721-2725, or for the limited purpose of providing notice to vehicle owners that they failed to pay for parking and that such failure has resulted in a parking charge pursuant to s. 715.075.

(b) May not share or sell images, personal identifying information, vehicle identification numbers or license plate numbers, or any data that could be reasonably connected to an individual collected or generated by the system, except:

1. To the extent required to respond to a lawful request from a criminal justice agency;

2. To the extent required to control or enforce access to the property or for parking enforcement;

3. To the extent sharing such information is necessary to report suspicious activity or suspected criminal activity to a criminal justice agency; or

4. To the extent permitted by the Driver's Privacy Protection Act, 18 U.S.C. ss. 2721-2725.

(c) Must contractually obligate any third party that installs, maintains, or operates the system or receives information pursuant to subparagraph (b)2. to protect the images

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or data collected or generated by the system from disclosure, including a prohibition on sharing or selling such images or data, except to the extent authorized under paragraph (b).

(d) Must implement, and must contractually obligate any third party that installs, maintains, or operates the system or receives information pursuant to subparagraph (b)2. to implement, all of the following:

1. Industry-recognized encryption protocols to ensure that images and associated data collected or generated by the system are encrypted in transmission and at rest.

2. An auditable access control system that records access to images and associated data.

3. A data retention schedule that provides for deletion of images and data no later than 30 days after the images or data is collected or generated by the system, except to the extent needed to comply with a court order or subpoena, comply with the appeal process provided in s. 715.075(1)(c) and (d), or collect an unpaid invoice for parking enforcement. Records detailing disclosure logs or transaction information may be retained longer in accordance with federal law.

(e) May not offer or provide as payment or other consideration any portion of the proceeds derived from a fine or charge imposed based on images or data collected or generated by the system to any third party that installs, maintains, or operates the system, except to the extent that the fine or violation is issued in connection with controlling or enforcing access to such property or for parking enforcement.

(7) A person who uses or releases information in violation of this section commits a noncriminal infraction, punishable by

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a fine not exceeding $2,000.

Section 6. Paragraph (b) of subsection (6), paragraph (a) of subsection (17), and paragraph (a) of subsection (18) of section 316.173, Florida Statutes, are amended to read:

316.173 School bus infraction detection systems.—

(6)

(b) Procedures for an administrative hearing conducted under this subsection are as follows:

1. The department shall make available electronically to the school district or its designee or the county a Request for Hearing form to assist each district or county with administering this subsection.

2. The school district shall assign existing staff to serve as the clerk to the local hearing officer. A person, referred to in this paragraph as the petitioner, who elects to request a hearing under this subsection shall be scheduled for a hearing by the clerk to the local hearing officer. The hearing may be conducted either virtually via live video conferencing or in person.

3. Within 120 days after receipt of a timely request for a hearing, the law enforcement agency or its designee shall provide a replica of the notice of violation data to the school district or county by manual or electronic transmission, and thereafter the school district or its designee or the county shall mail a notice of hearing, which shall include a hearing date and may at the discretion of the district or county include virtual and in-person hearing options, to the petitioner by first-class mail. Mailing of the notice of hearing constitutes notification. Upon receipt of the notice of hearing, the

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petitioner may reschedule the hearing up to two times ~~once~~ by submitting a written request to the local hearing officer at least 5 calendar days before the day of the ~~originally~~ scheduled hearing. The petitioner may cancel his or her hearing by paying the penalty assessed in the notice of violation.

4. All testimony at the hearing shall be under oath. The local hearing officer shall take testimony from a representative of the law enforcement agency and the petitioner, and may take testimony from others. The local hearing officer shall review the video and images recorded by a school bus infraction detection system. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

5. At the conclusion of the hearing, the local hearing officer shall determine by a preponderance of the evidence whether a violation has occurred and shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the civil penalty previously assessed in the notice of violation, and may ~~shall~~ also require the petitioner to pay costs, not to exceed those established in s. 316.0083(5)(e), to be used by the county for operational costs relating to the hearing process or by the school district for technology and operational costs relating to the hearing process as well as school transportation safety-related initiatives. The final administrative order shall be mailed to the petitioner by first-class mail.

6. An aggrieved party may appeal a final administrative order consistent with the process provided in s. 162.11.

(17)(a)1. A school bus infraction detection system may not

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be used for remote surveillance. The collection of evidence by a school bus infraction detection system to enforce violations of s. 316.172 does not constitute remote surveillance.

2. Notwithstanding any other provision of law, video and images recorded as part of a school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability ~~for incidents~~ captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system.

3. To the extent practicable, a school bus infraction detection system must use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

4. A notice of a violation or uniform traffic citation issued under this section may not be dismissed solely because a recorded video or still images reveal personal identifying information as provided in subparagraph 3. as long as a reasonable effort has been made to comply with this subsection.

(18)(a) By October 1, annually ~~2023, and quarterly thereafter~~, each school district operating a school bus infraction detection system must submit, in consultation with

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the law enforcement agencies with which it has interlocal agreements pursuant to this section, a report to the department which details the results of the school bus infraction detection systems in the school district in the preceding state fiscal year. The department shall publish each report on its website ~~quarter~~. The information from the school districts must be submitted in a form and manner determined by the department~~,~~ ~~which the department must make available to the school districts by August 1, 2023,~~ and must include at least the following:

1. The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.

2. The number of notices of violations issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.

3. Data for each infraction to determine locations in need of safety improvements. Such data may include, but is not limited to, global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.

4. Any other statistical data and information required by the department to complete the report required by paragraph (c).

Section 7. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits

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for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a lower maximum speed limit ~~of 20 or 25 miles per hour~~ on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour.

Section 8. Paragraph (a) of subsection (2) of section 316.189, Florida Statutes, is amended to read:

316.189 Establishment of municipal and county speed zones.—

(2) SPEED ON COUNTY ROADS.—The maximum speed on any county-maintained road is:

(a) In any business or residence district, 30 miles per hour in the daytime or nighttime; provided that with respect to residence districts a county may set a lower maximum speed limit ~~of 25 miles per hour~~ after an investigation determines that such a limit is reasonable; and it shall not be necessary to conduct a separate investigation in each residence district.

However, the board of county commissioners may set speed zones altering such speeds, both as to maximum and minimum, after investigation determines such a change is reasonable and in conformity to criteria promulgated by the Department of Transportation, except that no such speed zone shall permit a

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speed of more than 60 miles per hour.

Section 9. Subsection (6) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(6) Permanent signs designating school zones and school zone speed limits shall be uniform in size and color, and shall have the times during which the restrictive school zone speed limit is enforced clearly designated thereon. Flashing beacons activated by a time clock, or other automatic device, or manually activated may be used as an alternative to posting the times during which the restrictive school zone speed limit is enforced. However, if a restrictive school zone speed limit is enforced through a speed detection system as provided in s. 316.1896, the school zone and restrictive school zone speed limit must be designated using flashing beacons. An area maintained as a school zone that has no flashing beacon installed before July 1, 2026, has until January 1, 2028, to place and install a beacon. Beginning July 1, 2008, for any newly established school zone or any school zone in which the signing has been replaced, a sign stating "Speeding Fines Doubled" shall be installed within the school zone. The Department of Transportation shall establish adequate standards for the signs and flashing beacons.

Section 10. Subsections (1), (2), (3), (6), and (8), paragraph (a) of subsection (15), and paragraph (a) of subsection (16) of section 316.1896, Florida Statutes, are amended to read:

316.1896 Roadways maintained as school zones; speed

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detection system enforcement; penalties; appeal procedure; privacy; reports.—

(1) For purposes of administering this section, a county or municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue uniform traffic citations for violations of ss. 316.1895 and 316.183 as authorized by s. 316.008(9), as follows:

(a) For a violation of s. 316.1895 in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.

(b) For a violation of s. 316.1895 in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.

(c) For a violation of s. 316.183 in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.

(d) For a violation of s. 316.1895 in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.

Such violation must be evidenced by a speed detection system described in ss. 316.008(9) and 316.0776(3). This subsection does not prohibit a review of information from a speed detection system by an authorized employee or agent of a county or municipality before issuance of the uniform traffic citation by the traffic infraction enforcement officer. This subsection does

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not prohibit a county or municipality from issuing notices as provided in subsection (2) to the registered owner of the motor vehicle for a violation of s. 316.1895 or s. 316.183. The restrictive school zone speed limit may only be enforced through the use of a speed detection system when any flashing beacon used to provide notice of the restrictive school zone speed limit is activated. For speed detection systems installed before July 1, 2026, capturing the beacon status in photographic or video evidence or by other evidence is not required for proof of the beacon status until January 1, 2028. An area maintained as a school zone which has no beacon installed before July 1, 2026, has until January 1, 2028, to place and install a beacon, and, until the beacon is installed, the county or municipality may provide proof of the school zone speed limit in force at the time of violation without evidence of the beacon status.

(2) Within 30 days after a violation, notice must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(3)(d) to the county or municipality, or furnish an affidavit in accordance with subsection (8), within 60 ~~30~~ days after the date of the notice of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must:

(a) Be sent by first-class mail.

(b) Include a photograph or other recorded image showing the license plate of the motor vehicle; the date, time, and location of the violation; the maximum speed at which the motor vehicle was traveling within the school zone; and the speed

limit within the school zone at the time of the violation.

(c) Include a notice that the owner has the right to review, in person or remotely, the photograph or video captured by the speed detection system and the evidence of the speed of the motor vehicle detected by the speed detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.1895 or s. 316.183.

(d) State the time when, and the place or website at which, the photograph or video captured and evidence of speed detected may be examined and observed.

(3) Notwithstanding any other law, a person who receives a notice of violation under this section may request a hearing within 60 ~~30~~ days after the notice of violation or may pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all costs related thereto and a form used for requesting a hearing. As used in this subsection, the term "person" includes a natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of the violation.

(6) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 60 ~~30~~ days after notification under subsection (2), if the registered owner has

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not requested a hearing as authorized under subsection (3), and if the registered owner has not submitted an affidavit in accordance with subsection (8).

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

(b) In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

(c) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the infraction must be accompanied by the information described in paragraphs (2)(b)-(d).

(8) To establish such facts under subsection (7), the registered owner of the motor vehicle must, within 60 ~~30~~ days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the appropriate governmental entity an affidavit setting forth information supporting an exception under subsection (7).

(a) An affidavit supporting the exception under paragraph

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(7)(a) must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.

(b) If a uniform traffic citation for a violation of s. 316.1895 or s. 316.183 was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

(c) If the motor vehicle's owner to whom a notice of violation or a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:

1. A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.

2. Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation.

3. A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 60 ~~30~~ days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the county or municipality must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date of a notice of violation sent to a person under subsection (9), the county or municipality receives an affidavit under subsection (10) from the person sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

(15)(a) A speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce violations of ss. 316.1895 and 316.183, or user-controlled pan or tilt adjustments of speed detection system components, do not constitute remote surveillance. Notwithstanding any other law, recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document violations of ss. 316.1895 and 316.183 and for purposes of determining criminal or civil liability ~~for incidents~~ captured by the speed detection system incidental to the permissible use of the speed detection system.

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(16)(a) Each county or municipality that operates one or more speed detection systems shall ~~must~~ submit a report by October 1, ~~2024, and~~ annually ~~thereafter~~, to the department which identifies the public safety objectives used to identify a school zone for enforcement under this section, reports compliance with s. 316.0776(3)(c), and details the results of the speed detection system in the school zone during the preceding state fiscal year and the procedures for enforcement. The information from counties and municipalities must be submitted in a form and manner determined by the department~~,~~ ~~which the department must make available to the counties and municipalities by August 1, 2023, and the department may require data components to be submitted quarterly~~. The report must include at least the following:

1. Information related to the location of each speed detection system, including the geocoordinates of the school zone, the directional approach of the speed detection system, the school name, the school level, the times the speed detection system was active, the restrictive ~~restricted~~ school zone speed limit enforced pursuant to s. 316.1895(5), the posted speed limit enforced at times other than those authorized by s. 316.1895(5), the date the systems were activated to enforce violations of ss. 316.1895 and 316.183, and, if applicable, the date the systems were deactivated.

2. The number of notices of violation issued, the number, if any, that were issued outside of the enforcement periods authorized in subsection (1), the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the

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number that were paid.

3. Any other statistical data and information related to the procedures for enforcement which is required by the department to complete the report required under paragraph (c).

The department must publish each report submitted by a county or municipality pursuant to this paragraph on its website.

Section 11. Subsection (3) of section 316.1906, Florida Statutes, is amended to read:

316.1906 Radar speed-measuring devices; speed detection systems; evidence, admissibility.—

(3) A speed detection system is exempt from the design requirements for radar or LiDAR units established by the department, and the radar or LiDAR units used in the speed detection system are not required to be on any approved list of the department. A speed detection system must have the ability to perform self-tests as to its detection accuracy. The system must perform a self-test at least once every 30 days. The law enforcement agency, or an agent acting on behalf of the law enforcement agency, operating a speed detection system must maintain a log of the results of the system's self-tests. The law enforcement agency, or an agent acting on behalf of the law enforcement agency, operating a speed detection system must also perform an independent calibration test on the speed detection system at least once every 12 months. The self-test logs, as well as the results of the annual calibration test, are admissible in any court proceeding for a uniform traffic citation issued for a violation of s. 316.1895 or s. 316.183 enforced pursuant to s. 316.1896. Notwithstanding subsection

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(2), evidence of the speed of a motor vehicle detected by a speed detection system compliant with this subsection and the determination by a traffic enforcement officer that a motor vehicle is operating in excess of the applicable speed limit is admissible in any proceeding with respect to an alleged violation of law regulating the speed of motor vehicles in school zones.

Section 12. Paragraph (c) of subsection (3) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(3)

(c) If a traffic citation is issued under s. 316.0083 or s. 316.1896, the traffic infraction enforcement officer, or, if the citation is issued under s. 316.173, the law enforcement officer, must ~~shall~~ provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 business days after the date of issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer or law enforcement officer, as applicable, must ~~shall~~ provide a replica of the traffic notice of violation data to the clerk to ~~for~~ the local hearing officer having jurisdiction over the alleged offense within 14 days.

Section 13. Subsection (3) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(3) The clerk of the court or the clerk to the local hearing officer shall notify the department of persons who were

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mailed a notice of violation of s. 316.074(1) or s. 316.075(1)(c)1. pursuant to s. 316.0083, s. 316.172(1)(a) or (b) pursuant to s. 316.173, or s. 316.183 or s. 316.1895(10) pursuant to s. 316.1896 and who failed to enter into, or comply with the terms of, a penalty payment plan, or order with the clerk to the local hearing officer or failed to appear at a scheduled hearing within 10 days after such failure, and shall reference the person's driver license number, or in the case of a business entity, vehicle registration number.

(a) Upon receipt of such notice, the department, or authorized agent thereof, may not issue a license plate or revalidation sticker for any motor vehicle owned or co-owned by that person pursuant to s. 320.03(8) until the amounts assessed have been fully paid.

(b) After the issuance of the person's license plate or revalidation sticker is withheld pursuant to paragraph (a), the person may challenge the withholding of the license plate or revalidation sticker only on the basis that the outstanding fines and civil penalties have been paid pursuant to s. 320.03(8).

Section 14. Paragraphs (a), (b), and (c) of subsection (5) and subsection (23) of section 318.18, Florida Statutes, are amended to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(5)(a)1. Except as provided in subparagraph 2., $200 for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a hearing, the alleged offender is found to have

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committed this offense, the court shall impose a minimum civil penalty of $200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.

2. If a violation of s. 316.172(1)(a) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty of $200 shall be imposed. If, at an administrative hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, a minimum civil penalty of $200 shall be imposed. Notwithstanding any other provision of law except s. 28.37(6), the civil penalties assessed under this subparagraph resulting from a notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

(b)1. Except as provided in subparagraph 2., $400 for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $400.

2. If a violation of s. 316.172(1)(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty under this subparagraph is a minimum of $200. If, at a hearing contesting a notice of violation or uniform traffic citation, the alleged offender is found to have committed this offense, the court shall impose a minimum civil penalty of $200. Notwithstanding any other provision of law except s. 28.37(6),

the civil penalties assessed under this subparagraph resulting from notice of violation or uniform traffic citation shall be remitted to the school district at least monthly and used pursuant to s. 316.173(8).

3. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 360 days and not more than 2 years.

(c)1. In addition to the penalty under subparagraph (a)2. or subparagraph (b)2., if, at an administrative hearing contesting a notice of violation, the alleged offender is found to have committed this offense, costs shall be imposed, not to exceed those established in s. 316.0083(5)(e), to be paid by the petitioner and to be used by the county for the operational costs related to the hearing or the school district for technology and operational costs relating to the hearing as well as school transportation safety-related initiatives. Notwithstanding any other provision of law, if a county's local hearing officer administers the administrative hearing process for a contested notice of violation, the costs imposed under this subparagraph resulting from notice of violation shall be remitted to the county at least monthly.

2. In addition to the penalty under paragraph (a) or paragraph (b), $65 for a violation of s. 316.172(1)(a) or (b). If the alleged offender is found to have committed the offense, the court shall impose the civil penalty under paragraph (a) or paragraph (b) plus an additional $65. The additional $65 collected under this subparagraph shall be remitted to the Department of Revenue for deposit into the Emergency Medical

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Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or (b) is enforced by a school bus infraction detection system pursuant to s. 316.173, an ~~the~~ additional civil penalty ~~amount~~ imposed on a notice of violation, on a uniform traffic citation, or by the court under this paragraph must be $25, in lieu of the additional $65, and, notwithstanding any other provision of law, the additional civil penalties and ~~additional~~ costs must be remitted to the participating school district at least monthly and used pursuant to s. 316.173(8).

(23) In addition to the penalty prescribed under s. 316.0083, s. 316.173, s. 316.183, s. 316.1895, or s. 316.1896 for violations enforced under those sections ~~s. 316.0083~~ which are upheld by the local hearing officer, the local hearing officer may also order the payment of county, ~~or~~ municipal, or school district costs, not to exceed $250.

Section 15. Subsection (12) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(12) The department is authorized to withhold registration or reregistration of any motor vehicle if the owner, or one of the co-owners of the vehicle:~~,~~

(a) Has a driver license which is under suspension for the failure to remit payment of any fines levied in this state pursuant to chapter 318 or chapter 322; or

(b) Received a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. as enforced by s. 316.0083, s. 316.172(1)(a) or (b) as enforced by s. 316.173, or s. 316.183 or

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s. 316.1895(10) as enforced by s. 316.1896 and did not request a hearing, submit an affidavit claiming an exception, or pay the traffic citation.

Section 16. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, license plates, temporary license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—A person may not alter the original appearance of a vehicle registration certificate, license plate, temporary license plate, mobile home sticker, or validation sticker issued for and assigned to a motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. A person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of the primary features or details, including the license plate number or validation sticker, ~~any feature or detail~~ on the license plate or interferes with the ability to record the primary features or details, including the license plate number or validation sticker, ~~any feature or detail~~ on the license plate. A license plate frame that impinges upon information located on the top or bottom of the license plate is permissible, as long as law enforcement can identify the state issuing the license plate. A person who knowingly violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Paragraph (b) of subsection (1) of section

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320.0848, Florida Statutes, is amended, and paragraph (a) of subsection (1) of that section, as amended by section 5 of chapter 2025-125, Laws of Florida, is republished, to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee:

1. Issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant’s birthday, to any person who has long-term mobility impairment;

2. Issue a temporary disabled parking permit for up to 6 months to a person who has a temporary mobility impairment; or

3. Issue a lifetime disabled parking permit to a person who is certified as permanently disabled due to permanent dismemberment or an amputation and is in need of the disabled parking permit due to that permanent dismemberment or amputation. A lifetime disabled parking permit is valid from the date of issuance until the person’s death and is not subject to renewal under paragraph (d).

A person is not required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.

(b)1. The person must be currently certified as being legally blind or as having any of the following disabilities that render him or her unable to walk 200 feet without stopping

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to rest:

a. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.

b. The need to permanently use a wheelchair.

c. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.

d. Use of portable oxygen.

e. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

f. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition, including any pregnancy-related condition.

2. The certification of disability which is required under subparagraph 1. must be provided by a physician licensed under chapter 458, chapter 459, or chapter 460, by a podiatric physician licensed under chapter 461, by an optometrist licensed under chapter 463, by an advanced practice registered nurse licensed under chapter 464 under the protocol of a licensed physician as stated in this subparagraph, by a physician

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assistant licensed under chapter 458 or chapter 459, or by a similarly licensed physician from another state if the application is accompanied by documentation of the physician's licensure in the other state and a form signed by the out-of-state physician verifying his or her knowledge of this state's eligibility guidelines.

Section 18. Section 320.0849, Florida Statutes, is repealed.

Section 19. Subsection (4) of section 322.142, Florida Statutes, is amended, and subsections (5), (6), and (7) are added to that section, to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and may be made and issued only:

(a) For departmental administrative purposes;

(b) For the issuance of duplicate licenses;

(c) For identity verification by a state agency pursuant to an interagency agreement, subject to the licensee's consent;

(d) In response to law enforcement agency requests;

(e) ~~(d)~~ To the Department of Business and Professional Regulation and the Department of Health pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or the Department of Health;

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(f) ~~(e)~~ To the Department of State or a supervisor of elections pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075;

(g) ~~(f)~~ To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases;

(h) ~~(g)~~ To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415;

(i) ~~(h)~~ To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations;

(j) ~~(i)~~ To the Agency for Health Care Administration pursuant to an interagency agreement for the purpose of authorized agencies verifying photographs in the Care Provider Background Screening Clearinghouse authorized under s. 435.12;

(k) ~~(j)~~ To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, the identification of fraudulent or false claims, and the investigation of allegations of violations of the insurance code by licensees and unlicensed persons;

(l) ~~(k)~~ To the Department of Commerce pursuant to an interagency agreement to facilitate the validation of

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reemployment assistance claims and the identification of fraudulent or false reemployment assistance claims;

(m) ~~(l)~~ To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11;

(n) ~~(m)~~ To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;

2. An employee of the state courts system who works in a position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee; or

(o) ~~(n)~~ To the Agency for Health Care Administration pursuant to an interagency agreement to prevent health care fraud. If the Agency for Health Care Administration enters into an agreement with a private entity to carry out duties relating to health care fraud prevention, such contracts shall include, but need not be limited to:

1. Provisions requiring internal controls and audit processes to identify access, use, and unauthorized access of information.

2. A requirement to report unauthorized access or use to the Agency for Health Care Administration within 1 business day

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after the discovery of the unauthorized access or use.

3. Provisions for liquidated damages for unauthorized access or use of no less than $5,000 per occurrence.

(5) An identify verification service provider may use department data for the department's or another agency's internal identity verification purposes in a manner consistent with this section only if such data remains in the possession of the department.

(6) An identity verification service provider may not sell, share, or retain any information outside of the purposes of this section.

(7) The department may not allow the use of digital imaged licenses for a private entity's business purposes.

Section 20. Subsection (10) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) ~~Subject to the availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act,~~ The department may fund up to 100 percent of eligible project costs of projects under this section ~~all of the following~~ at a public-use airport located in a rural community as defined in s. 288.0656 which does not have any scheduled commercial service. The department may not require matching funds for any eligible project at such airports located in rural areas of opportunity designated under s. 288.0656. Funds provided pursuant to this section may be provided as matching funds for eligible projects funded by the Federal Government or

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any state agency~~:~~

~~(a) The capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds~~.

~~(b) Economic development transportation projects pursuant to s. 339.2821.~~

~~Any remaining funds must be allocated for projects specified in subsection (6).~~

Section 21. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department may make direct payments to a first-tier subcontractor. Such payments do not create any enforceable third-party beneficiary rights. The department shall adopt by rule procedures to implement this paragraph. Such procedures must establish the circumstances under which such payments may be made and must include, at a minimum, all of the following:

a. The contractor has not requested payment from the department for at least 6 months.

b. There is a binding, written subcontract between the contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation

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of such unpaid work.

d. There is no legitimate dispute between the contractor and the subcontractor.

e. The department has provided written notice to the payment and performance bond surety at least 30 days before releasing a payment under this paragraph, and the surety has not objected in writing within the 30-day period based on a documented dispute or claim regarding the unpaid work or payment.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 22. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If the department and the surety enter into a takeover agreement, such agreement must set forth procedures regarding the surety's certification of disbursement of payment to subcontractors.

Section 23. Paragraph (j) is added to subsection (6) of section 339.175, Florida Statutes, to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts

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required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law. An M.P.O. may not perform project production or delivery for capital improvement projects on the State Highway System.

(j) By December 31, 2026, the M.P.O.'s serving Charlotte, Collier, and Lee Counties must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a feasibility report exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which is to:

1. Coordinate transportation projects deemed to be regionally significant.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the transportation improvement programs.

Section 24. Section 339.85, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 339.85, F.S., for present text.)

339.85 Next-generation Traffic Signal Modernization Grant Program.—

(1) The department shall implement a Next-generation

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Traffic Signal Modernization Grant Program. The purpose of the program is to assist counties and municipalities in upgrading eligible signalized intersections with artificial intelligence- and machine learning-enabled detection, controllers, communications, and software that prioritize modernization in key corridors across this state.

(2)(a) The department shall implement a state-local partnership through a cost-sharing arrangement as follows:

1. Authorize the department to fund first-year pilot corridors at up to 80 percent of eligible costs, with a minimum 20 percent local contribution.

2. Authorize the department to fund 50 percent of ensuing year research and development and installation.

(b) Ongoing maintenance after signal modernization shall be the responsibility of the local government and the vendor.

(3) The department may waive any local match requirement for state-owned or state-operated intersections.

(4) The department shall prioritize grant applications for intersections at which a signal modernization will measurably:

(a) Reduce average control delay and corridor travel times.

(b) Improve surrogate safety measures, such as failures to stop at red lights and hard-braking events, and support emergency vehicle preemption.

(c) Provide transit signal priority and multimodal benefits to pedestrians and cyclists.

(5) The department shall use competitive procurement as provided in chapter 287 to find a vendor or vendors that use state-of-the-art technology that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring

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robust data protection. Additionally, the program shall:

(a) Require open, interoperable, and secure systems that avoid vendor lock-in and protect cybersecurity.

(b) Ensure data transparency through standardized performance dashboards and annual public reports demonstrating benefits relative to cost.

(c) Coordinate with metropolitan planning organizations, regional traffic management centers, and law enforcement, fire rescue, and transit agencies to maximize systemwide benefits.

(d) Encourage use of state-based pilots, sandboxes, and independent evaluations to validate performance before large-scale rollout.

(e) Support workforce development and local operations staff training so upgrades remain effective over the life of the equipment.

(6) Beginning in fiscal year 2026-2027, $20 million is appropriated annually from the State Transportation Trust Fund to the department to fund the Next-generation Traffic Signal Modernization Grant Program as described in this section.

Section 25. Subsection (23) is added to section 775.15, Florida Statutes, to read:

775.15 Time limitations; general time limitations; exceptions.—

(23) For a traffic citation enforced pursuant to s. 316.0083, s. 316.173, s. 316.183, or s. 316.1896, the 1-year period of limitation for a noncriminal violation pursuant to paragraph (2)(d) is extended for 1 year upon receipt of an affidavit indicating that the motor vehicle was in the care, custody, or control of another person at the time of the

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violation, as authorized in s. 316.0083, s. 316.173, s. 316.183, or s. 316.1896, respectively.

Section 26. Railroad crossing safety technology study.—

(1)(a) The Legislature finds that improving safety at railroad crossings is critical to protecting the lives of pedestrians, motorists, railway workers, and the general public. Advanced detection and monitoring systems using such technologies as sensors, high-resolution cameras, and data analytics may provide a reliable means to enhance situational awareness and reduce collisions at railroad crossings.

(b) The Legislature further finds that additional analysis is necessary to evaluate the effectiveness, feasibility, costs, and implementation considerations of such systems.

(c) It is the intent of the Legislature to direct the Department of Transportation to study the technologies referenced in paragraph (a) before considering any statewide requirements for their deployment.

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

(a) "Advanced detection and monitoring system" means a system capable of detecting and classifying objects, such as pedestrians, vehicles, or other obstructions at or approaching a railroad crossing, using technologies including, but not limited to, sensors, cameras, and data analytics.

(b) "Public railroad-highway grade crossing" has the same meaning as provided in s. 335.141(1)(b), Florida Statutes.

(3)(a) The Department of Transportation shall conduct a statewide study on the use of advanced detection and monitoring systems at public railroad-highway grade crossings in this state.

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(b) The study must include, but is not limited to, an analysis of all of the following:

1. Available and emerging advanced detection and monitoring technologies applicable to railroad crossings.

2. The effectiveness of such technologies in improving safety outcomes, including collision prevention and hazard mitigation, based on available data from pilot programs, deployments in other jurisdictions, or academic research.

3. Technical and operational considerations, including interoperability with existing railroad safety systems and operating protocols.

4. Costs associated with the deployment of advanced detection and monitoring systems, including installation, operation, maintenance, and long-term lifecycle costs.

5. Potential funding mechanisms, including federal funds, state funds, grants, or public-private partnerships.

6. Criteria for identifying higher-risk railroad crossings where such technologies may provide the greatest safety benefit.

7. Legal, regulatory, and operational considerations related to the deployment and oversight of advanced detection and monitoring systems.

8. The respective roles of the state, local governments, and railroad owners in the implementation of such systems.

(4) In conducting the study, the department may consult with, as appropriate, any of the following:

(a) Railroad owners and railroad industry representatives.

(b) Local governments with jurisdiction over public railroad-highway grade crossings.

(c) Transportation safety experts and academic

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institutions.

(d) Federal agencies or national organizations with expertise in railroad safety.

(5) By December 1, 2026, the department shall submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report may include policy recommendations for legislative consideration, but may not recommend or require the mandatory installation or upgrade of railroad crossings.

Section 27. For the purpose of incorporating the amendment made by this act to section 318.18, Florida Statutes, in a reference thereto, section 318.121, Florida Statutes, is reenacted to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs and surcharges assessed under s. 318.18(12), (14), (19), (20), and (23) may not be added to the civil traffic penalties assessed under this chapter.

Section 28. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to transportation; requiring the

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Department of Transportation and any impacted local government to increase the minimum perception-reaction time for steady yellow signals at certain intersections by a specified amount of time; amending s. 316.008, F.S.; authorizing enforcement of restrictive school zone speed limits through the use of speed detection systems under certain conditions; providing that certain evidence is not required for a certain timeframe for speed detection systems installed before a certain date; revising circumstances for which counties and municipalities may place or install or contract to place or install speed detection systems; providing requirements for the physical placement of such speed detection systems; amending s. 316.0083, F.S.; deleting a provision prohibiting the issuance of certain notices of violation and traffic citations for failure to stop before crossing over a stop line or other point at which a stop is required under certain circumstances; defining the term "careful and prudent manner"; providing that certain counties and municipalities are responsible for and must maintain certain data for a specified period; amending s. 316.0776, F.S.; revising provisions relating to the placement and installation of certain speed detection systems and components thereof; limiting the violations that may be captured by such speed detection systems; amending s. 316.0777, F.S.; authorizing a private property owner to install an automated license plate recognition system for use

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on certain property for a specified purpose or in connection with controlling or enforcement of access to property; prohibiting a private property owner that installs such a system from accessing certain data or sharing or selling certain images and data; providing exceptions; requiring such private property owners to contractually obligate certain third parties to protect certain images and data from disclosure; prohibiting such private property owners from offering or providing as payment or other consideration certain proceeds to a third party; providing an exception; providing noncriminal penalties for the unauthorized use or release of certain information; amending s. 316.173, F.S.; revising procedures for certain administrative hearings; revising a limitation on the use of videos and images recorded as part of a school bus infraction detection system; requiring certain school districts to submit specified reports to the Department of Highway Safety and Motor Vehicles annually, rather than quarterly; requiring the department to publish such reports on its website; amending ss. 316.183 and 316.189, F.S.; authorizing counties and municipalities to set lower maximum speed limits in residence districts under certain circumstances; amending s. 316.1895, F.S.; requiring the use of flashing beacons under certain circumstances; providing that certain areas have until a specified date to place and install such beacons; amending s. 316.1896, F.S.; authorizing the

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enforcement of restrictive school zone speed limits through the use of speed detection systems only when flashing beacons are activated; providing that certain evidence is not required for a certain timeframe for speed detection systems installed before a certain date; providing that certain areas have until a specified date to place or install such beacons; revising the timeframe within which a person who receives a notice of violation is required to take certain action; revising the timeframe within which the registered owner of a vehicle must furnish a specified affidavit under certain circumstances; revising a limitation on the use of videos and images recorded as part of a speed detection system in a school zone; revising information that must be included in a specified report; deleting a provision authorizing the department to require the quarterly submission of certain data; requiring the department to publish such reports on its website; amending s. 316.1906, F.S.; providing that certain radar and LiDAR units are not required to be on certain lists; amending s. 316.650, F.S.; revising provisions relating to traffic citations; amending s. 318.15, F.S.; revising provisions relating to penalties for certain failures to comply; amending s. 318.18, F.S.; providing exceptions to requirements that certain civil penalties be remitted to school districts; revising costs which a local hearing officer may order payment of under certain circumstances; amending s.

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320.02, F.S.; revising circumstances under which the department may withhold registration or reregistration of a motor vehicle; amending s. 320.061, F.S.; prohibiting a person from applying or attaching materials that interfere with the legibility, angular visibility, or detectability of, or that interfere with the ability to record, the primary features or details on a license plate; authorizing license plate frames that impinge upon information at certain locations under certain circumstances; amending s. 320.0848, F.S.; including certain pregnancy-related conditions in the list of disabilities that qualify a person for a disabled parking permit; repealing s. 320.0849, F.S., relating to expectant mother parking permits; amending s. 322.142, F.S.; authorizing the department to make and issue reproductions from certain files and digital records for identity verification purposes under certain circumstances; authorizing identity verification service providers to use department data for a specified purpose under certain conditions; prohibiting such providers from selling, sharing, or retaining certain information; prohibiting the department from allowing the use of digital imaged licenses for a private entity's business purposes; amending s. 332.007, F.S.; authorizing the Department of Transportation to fund certain project costs at certain airports; prohibiting the department from requiring certain matching funds; authorizing the provision of certain funds as matching

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funds for certain eligible projects; amending s. 337.11, F.S.; authorizing the department to make direct payments to a first-tier subcontractor; providing construction; requiring the department to adopt rules establishing certain procedures; providing requirements for such procedures; requiring that amounts paid to a first-tier subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety set forth certain procedures; amending s. 339.175, F.S.; requiring metropolitan planning organizations serving specified counties to submit a certain feasibility report to the Governor and Legislature by a specified date, with certain goals; amending s. 339.85, F.S.; requiring the department to implement a Next-generation Traffic Signal Modernization Grant Program; providing the program's purpose; requiring the department to implement a state-local partnership through a cost-sharing arrangement; specifying requirements for such arrangement; authorizing the department to waive local match requirements for certain intersections; requiring the department to prioritize grant applications for certain intersections and use competitive procurement to find certain vendors; specifying program requirements; providing for an annual appropriation; amending s. 775.15, F.S.; extending the period of limitation for certain traffic violations upon receipt of specified affidavits;

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providing legislative findings and intent; defining terms; requiring the department to conduct a statewide study on advanced detection and monitoring systems at public railroad-highway crossings; providing requirements for the study; authorizing the department to consult with certain entities; requiring a report to the Governor and Legislature by a specified date; reenacting s. 318.121, F.S., relating to preemption of additional fees, fines, surcharges, and costs, to incorporate the amendment made to s. 318.18, F.S., in a reference thereto; providing effective dates.

By the Committee on Transportation; and Senator DiCeglie

596-02021-26 20261080c1

A bill to be entitled

An act relating to transportation; amending s. 337.11, F.S.; requiring the Department of Transportation to adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor; requiring that amounts paid to such subcontractor be deducted from amounts otherwise due to the contractor; amending s. 337.18, F.S.; requiring that a takeover agreement between the department and a surety require the surety's completion contractor to meet certain requirements and follow certain contract procedures; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (11) of section 337.11, Florida Statutes, to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(11)

(d)1. The department shall adopt rules establishing circumstances under which it may make direct payments to a first-tier subcontractor. Such circumstances must include all of the following:

a. The contractor has not requested payment from the department in the past 6 months.

b. There is a binding, written subcontract between the

596-02021-26 20261080c1

contractor and the subcontractor, and the department is in possession of a complete copy of the subcontract.

c. The subcontractor has performed work that is unpaid by the contractor, and the department has sufficient documentation of such unpaid work.

d. There is no bona fide, documented dispute between the contractor and the subcontractor.

2. Amounts paid by the department pursuant to rules adopted under this paragraph must be deducted from amounts otherwise due to the contractor.

Section 2. Present subsection (6) of section 337.18, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(6) If, due to a default by the contractor, the department and the surety enter into a takeover agreement, such agreement must require the surety's completion contractor to meet the certification of qualification requirements of the original contract bid solicitation and follow the contract's procedures regarding certification of disbursement of payment to subcontractors.

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

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

3/3/26
Meeting Date

Rules
Committee

1080
Bill Number or Topic

494040
Amendment Barcode (if applicable)

Name LUCAS PARSONS

Phone 850-521-7754

Address 215 S Monroe St
Street

Email lparsons@ausley.com

TLH FLA 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:

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

~~MUNICA~~ MUNICIPAL PARKING SERVICES INC

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

March 3, 2026
Meeting Date

Rules
Committee

1080
Bill Number or Topic

494040
Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive
Street

Email jpritt@fpca.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:
The Florida Police Chiefs 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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03/03/26
Meeting Date

Senate Rules
Committee

SB 1080
Bill Number or Topic

Amendment Barcode (if applicable)

Name Captain Brandon Ragan

Phone 407-254-4810

Address 2520 West Colonial Drive
Street

Email Brandon.Ragan@ocso.com

Orlando FL 32818
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: Orange County 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)

3-3-26

Meeting Date

The Florida Senate

APPEARANCE RECORD

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

SB 1080

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Downs Jr. Phone 8504576157

Address 12156 Haversham dr. Email

Street

Pen FL 32507

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/SB 1096
INTRODUCER:	Rules Committee and Senator Burgess
SUBJECT:	The Florida Civil Rights Act
DATE:	March 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Favorable**
2.	White	McVaney	GO	**Favorable**
3.	Davis	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1096 establishes a statute of limitation to clarify and limit the amount of time that a person who files an employment discrimination complaint with the Equal Employment Opportunity Commission or the Florida Human Relations Commission has to file a civil action for the alleged discrimination.

The bill provides that a complainant who chooses to file a civil action must file *no later than* 1 year after the Florida Commission issues a determination of reasonable cause or the EEOC issues a Notice of Right to Sue, whichever occurs *first*. However, if a determination is not made or a notice is not issued within 180 days after a complaint is filed, a civil action may be brought by the complainant, but no later than 18 months after the complaint was filed.

The bill also deletes a requirement that the Commission send certain correspondence to the parties through registered mail. The Commission is no longer required to use registered mail to send a copy of the complaint to the person alleged to have committed the violation at issue. Additionally, the Commission is no longer required to use registered mail to notify the parties whether the Commission makes a reasonable cause determination, the date of the determination, and the options available to them.

This bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

II. Present Situation:

Background

The Florida Civil Rights Act of 1992 (the Act) provides a forum for people to seek redress if they believe they have been discriminated against on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.[1] The Florida Commission on Human Relations (Commission) is authorized to receive, investigate, hold hearings on, and act upon complaints that allege a discriminatory practice as defined in the Act.[2]

Procedure and Timelines

The Complaint Must Be Filed within 365 Days of the Alleged Violation

Anyone who believes that he or she has been discriminated against may file a complaint with the Commission, but it must be filed within 365 days after the alleged violation. The complaint must name the employer or alleged violator, describe the violation, and the relief that is sought. On the same day that the complaint is filed with the Commission, the Commission is required to clearly stamp the filing date on the complaint. In lieu of filing the complaint with the Commission, the person alleging discrimination may file a complaint with the federal Equal Employment Opportunity Commission (EEOC)[3] or a unit of state government that is a fair-employment practice agency under the federal code.[4]

The Commission, within five days of the complaint being filed, must then send *by registered mail* a copy of the complaint to the alleged violator. The alleged violator then has 25 days from the date the complaint was filed to file an answer with the Commission.[5]

180 Days to Investigate and Make a Determination

The Commission must investigate the allegations in a complaint and has 180 days after the filing date to determine if there is reasonable cause to believe that a discriminatory practice occurred in violation of the Act. When the Commission determines whether there is reasonable cause, the Commission must, *by registered mail*, promptly notify the aggrieved person and the respondent of the reasonable cause determination, the date of the determination, and the options available for them to pursue. [6]

If the Commission fails, within 180 days after the complaint is filed, to determine whether there is reasonable cause, the complainant may bring a civil action or request an administrative hearing. The Commission must notify the complainant in writing of the failure to make a determination as to whether there is reasonable cause and provide the complainant with their

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[1] Section 760.01(2), F.S.
[2] Section 760.06(5), F.S.
[3] The EEOC is authorized to investigate discrimination charges against employers who are covered under federal law. See U.S. Equal Employment Opportunity Commission, *Overview, Authority & Role*, https://www.eeoc.gov/overview (last visited Jan. 29, 2026).
[4] Section 760.11(1), F.S.
[5] *Id*.
[6] Section 760.11(3), F.S.

options. The complainant then has 1 year to file a civil action after the date the Commission certifies that the notice was mailed to the complainant. [7]

Some people choose to dual-file a complaint with the EEOC and the Commission when they believe that their rights have been violated under federal and state law. Under a work-share agreement with the EEOC, both entities act as agents for each other and only one agency investigates a claim. This avoids duplicating an investigation. If the EEOC issues a determination, that serves as a determination for both agencies.[8]

If the EEOC conducts an investigation, it generally has 180 days to resolve the charge. If the EEOC finds reasonable cause to believe a violation has occurred, it will issue a Notice of Right to Sue to the complainant and the notice serves as the determination for both the EEOC and the Commission.[9]

Statute of Limitation - A Civil Action Must Be Brought Within 1 Year

A statute of limitations is a law that bars a legal claim after a specific period of time. Its purpose is to bring finality to a legal situation. The statute also serves to ensure that claims will be resolved while evidence is available, before memories fade, and before witnesses can no longer be found.[10]

If the Commission determines that there is reasonable cause to believe that employment discrimination occurred, the aggrieved person may either bring a civil action against the employer named in the complaint or request an administrative hearing.[11] A civil action must be brought within 1 year after the date the Commission determines that reasonable cause exists.[12] However, the statute is silent on when a civil action must be filed when the EEOC conducts the investigation. This omission has led to confusion for attorneys who represent claimants as well as defense attorneys who represent business interests.[13] A plaintiff's attorney could be sued for malpractice if he or she files an action after the deadline has passed for filing a claim. A defense attorney who is not made aware of a potential lawsuit until years after the alleged violation occurred is then tasked with locating evidence and witnesses that might no longer be available.

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[7] Section 760.11(8), F.S.

[8] Florida Commission on Human Relations, *You Ask, We Answer …*, Case Status With EEOC, https://fchr.myflorida.com/faq-frequently-asked-questions (last visited Jan. 28, 2026).

[9] *Id*., and U.S. Equal Employment Opportunity Commission, *After You Have Filed a Charge*, https://www.eeoc.gov/after-you-have-filed-charge (last visited Jan. 28, 2026).

[10] BLACK'S LAW DICTIONARY (12th ed. 2024).

[11] Section 760.11(4), F.S., Pursuant to s. 760.07, F.S., if the statute prohibiting unlawful discrimination provides an administrative remedy, the plaintiff must first exhaust his or her administrative remedy.

[12] Section 760.11(5), F.S

[13] See *Davis v. Big Bend Hospice, Inc.*, 419 So. 3d 272 (Fla. 1st DCA 2025). In *Davis*, the First District Court of Appeal wrestled with the existing statutory language and prior case law to determine the limitations period for filing an employment discrimination lawsuit after the EEOC dismissed the complainant's claim and issued a right to sue letter, but the Commission did not follow through with the ministerial function of providing the complainant with its own notice dismissing the claim. The court certified conflict with other decisions issued by the Second District and Fourth District Court of Appeal.

III. Effect of Proposed Changes:

The bill clarifies and limits the amount of time a person has to file a civil action for employment discrimination after filing an employment discrimination complaint with the Florida Human Relations Commission or the Equal Employment Opportunity Commission. This will resolve confusion for litigants who are uncertain what the time constraints are for filing a civil action for discrimination.

When a Determination of Reasonable Cause or a Notice of Right to Sue is Issued

Existing law provides that a civil action must be brought "no later than 1 year" after the Commission issues a determination of reasonable cause. The bill similarly establishes that someone who chooses to file a civil action must do so no later than 1 year after the EEOC issues a Notice of Right to Sue. The 1-year time frame for filing a civil action begins when the *first* organization, whether the Commission or the EEOC, issues its decision.

When a Determination of Reasonable Cause or a Notice of Right to Sue is *Not* Issued

If, however, a determination of reasonable cause is not made by the Commission or a Notice of Right to Sue is not issued by the EEOC within 180 days after the filing of the complaint, a civil action for employment discrimination may be brought by the complainant no later than 18 months after the filing of the complaint.

Certain Correspondence Is No Longer Required to Be Sent By Registered Mail

The bill also deletes a requirement that the Commission send certain correspondence to the parties through registered mail. The Commission is no longer required to use registered mail to send a copy of the complaint to the person alleged to have committed the violation at issue. Additionally, the Commission is no longer required to use registered mail to notify the parties whether the Commission makes a reasonable cause determination, the date of the determination, and the options available to them.

The bill takes effect 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:

This bill is not expected to impact state and local government revenues and expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 760.11 and 760.07.

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 March 3, 2026:
The committee substitute deletes the existing requirement that the Commission send certain correspondence by “registered mail.”

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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The Committee on Rules (Davis) recommended the following:

Senate Amendment (with title amendment)

Delete lines 17 - 19
and insert:
Section 1. Subsections (1), (3), and (5) of section 760.11, Florida Statutes, are amended to read:
760.11 Administrative and civil remedies; construction.—
(1) Any person aggrieved by a violation of ss. 760.01-760.10 may file a complaint with the commission within 365 days <u>after</u> ~~of~~ the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee,

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or, in the case of an alleged violation of s. 760.10(5), the person responsible for the violation and describing the violation. Any person aggrieved by a violation of s. 509.092 may file a complaint with the commission within 365 days after ~~of~~ the alleged violation, naming the person responsible for the violation and describing the violation. The commission, a commissioner, or the Attorney General may in like manner file such a complaint. On the same day the complaint is filed with the commission, the commission shall clearly stamp on the face of the complaint the date the complaint was filed with the commission. In lieu of filing the complaint with the commission, a complaint under this section may be filed with the federal Equal Employment Opportunity Commission or with any unit of government of the state which is a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the complaint is filed is clearly stamped on the face of the complaint, that date is the date of filing. The date the complaint is filed with the commission for purposes of this section is the earliest date of filing with the Equal Employment Opportunity Commission, the fair-employment-practice agency, or the commission. The complaint must ~~shall~~ contain a short and plain statement of the facts describing the violation and the relief sought. The commission may require additional information to be in the complaint. The commission, within 5 days after ~~of~~ the complaint being filed, shall ~~by registered mail~~ send a copy of the complaint to the person who allegedly committed the violation. The person who allegedly committed the violation may file an answer to the complaint within 25 days after ~~of~~ the date the complaint was filed with the commission. Any answer filed

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must ~~shall~~ be mailed to the aggrieved person by the person filing the answer. Both the complaint and the answer must ~~shall~~ be verified.

(3) Except as provided in subsection (2), the commission shall investigate the allegations in the complaint. Within 180 days after ~~of~~ the filing of the complaint, the commission shall determine whether ~~if~~ there is reasonable cause to believe that discriminatory practice has occurred in violation of the Florida Civil Rights Act of 1992. When the commission determines whether ~~or not~~ there is reasonable cause, the commission ~~by registered mail~~ shall promptly notify the aggrieved person and the respondent of the reasonable cause determination, the date of such determination, and the options available under 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 2 - 6

and insert:

An act relating to the Florida Civil Rights Act; amending s. 760.11, F.S.; deleting the requirement that the Florida Commission on Human Relations send certain information to certain persons by registered mail; making technical changes; revising the timeframe when a civil action may be brought for violations of the act; providing that if the commission or the Equal

By Senator Burgess

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A bill to be entitled

An act relating to remedies for violations of the Florida Civil Rights Act; amending s. 760.11, F.S.; revising the timeframe when a civil action may be brought for violations of the act; providing that if the Florida Commission on Human Relations or the Equal Employment Opportunity Commission does not make a determination within a specified timeframe, the complainant may bring a civil action within a specified timeframe; reenacting s. 760.07, F.S., relating to remedies for unlawful discrimination, to incorporate the amendment made to s. 760.11, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (5) of section 760.11, Florida Statutes, is amended to read:

760.11 Administrative and civil remedies; construction.—

(5) In any civil action brought under this section, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, including, but not limited to, damages for mental anguish, loss of dignity, and any other intangible injuries, and punitive damages. Sections 768.72 and 768.73 ~~The provisions of ss. 768.72 and 768.73~~ do not apply to this section. The judgment for the total amount of punitive damages awarded under this section to an aggrieved person may ~~shall~~ not

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exceed $100,000. In any action or proceeding under this subsection, the court~~, in its discretion,~~ may allow the prevailing party ~~a~~ reasonable attorney fees ~~attorney's fee~~ as part of the costs. It is the intent of the Legislature that attorney ~~this provision for attorney's~~ fees be interpreted in a manner consistent with federal case law involving a Title VII action. The right to trial by jury is preserved in any such private right of action in which the aggrieved person is seeking compensatory or punitive damages, and any party may demand a trial by jury. The commission's determination of reasonable cause is not admissible into evidence in any civil proceeding, including any hearing or trial, except to establish for the court the right to maintain the private right of action. A civil action brought under this section must be filed ~~shall be commenced~~ no later than 1 year after the date of determination of reasonable cause by the commission or the issuance of a Notice of Right to Sue from the Equal Employment Opportunity Commission, whichever occurs first. If a determination is not made by the commission or a Notice of Right to Sue is not issued by the Equal Employment Opportunity Commission within 180 days after the filing of the complaint, a civil action may be brought by the complainant under this subsection no later than 18 months after the filing of the complaint. The filing ~~commencement~~ of such action divests ~~shall divest~~ the commission of jurisdiction of the complaint, except that the commission may intervene in the civil action as a matter of right. Notwithstanding this subsection ~~the above~~, the state and its agencies and subdivisions may ~~shall~~ not be liable for punitive damages. The total amount of recovery against the state and its agencies and

subdivisions may ~~shall~~ not exceed the limitation as set forth in s. 768.28(5).

Section 2. For the purpose of incorporating the amendment made by this act to section 760.11, Florida Statutes, in a reference thereto, section 760.07, Florida Statutes, is reenacted to read:

760.07 Remedies for unlawful discrimination.—Any violation of any Florida statute that makes unlawful discrimination because of race, color, religion, gender, pregnancy, national origin, age, handicap, or marital status in the areas of education, employment, or public accommodations gives rise to a cause of action for all relief and damages described in s. 760.11(5), unless greater damages are expressly provided for. If the statute prohibiting unlawful discrimination provides an administrative remedy, the action for equitable relief and damages provided for in this section may be initiated only after the plaintiff has exhausted his or her administrative remedy. The term "public accommodations" does not include lodge halls or other similar facilities of private organizations which are made available for public use occasionally or periodically. The right to trial by jury is preserved in any case in which the plaintiff is seeking actual or punitive damages.

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 12, 2026

I respectfully request that **Senate Bill # 1096**, relating to Remedies for Violations of the Florida Civil Rights Act, 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

APPEARANCE RECORD

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

3/3/26
Meeting Date

Senate Rules
Committee

1096
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jahvin Gordon (Ja-vin) Phone 786-288-1424

Address 136 South Bronough Street Email JGordon@FLchamber.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

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 1260
INTRODUCER:	Appropriations Committee on Agriculture, Environment, and General Government; Regulated Industries Committee; and Senator DiCeglie
SUBJECT:	Services During a State of Emergency
DATE:	March 2, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Fav/CS**
3.	Oxamendi	Kruse	RC	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1260 requires the Department of Management Services to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local building official in certain positions relating to building inspections for up to one year from the declaration of a state of emergency for a natural, a manmade, or a technological emergency issued by the Governor.

The bill is not expected to negatively impact state government revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The Division of Emergency Management (division) within the Executive Office of the Governor is the agency responsible for carrying out the provisions of ss. 252.31-252.90, F.S., relating to the implementation of the State Emergency Management Act (the act).

The division's duties include implementing "training programs to maintain this state's status as a national leader in emergency management."[1] These training programs may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its membership county commissioners and professional county staff (foundation). If training is provided by a foundation, the division must approve the training.[2]

Each county and municipality is required to develop a poststorm permitting plan to expedite recovery and rebuilding by providing special building permit and inspection procedures after a hurricane or tropical storm. Such plans must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.[3]

Building Code Inspectors

The Florida Building Code Administrators and Inspectors Board within the Department of Business and Professional Regulation regulates and certifies inspectors and plans examiners under part XII of ch. 468, F.S.

To qualify for certification as an inspector or plans examiner, a person must be at least 18 years of age, be of good moral character, and meet the experience and education requirements set forth in s. 468.609, F.S., which includes passing an examination.

Section 468.603(4), F.S., defines the term "building code inspector" to mean:

> …any of those employees of local governments or state agencies, or any person contracted, with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

Building code inspectors include professionals in the following categories:[4]

- "Building inspector," which means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

[1] Section 252.35(2)(n), F.S.
[2] *Id.*
[3] Section 252.381(2)(a), F.S.
[4] Section 468.603(5), F.S.

- "Coastal construction inspector," which means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.
- "Commercial electrical inspector," which means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.
- "Electrical inspector," which means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.
- "Mechanical inspector," which means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.
- "Plumbing inspector," which means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.
- "Residential electrical inspector," which means a person who is qualified to inspect and determine the electrical safety of one-family and two-family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.
- "Residential inspector," which means 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.

Section 468.603(8), F.S., defines the term "plans examiner" to mean:

> …a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes.

Plans examiners include professionals in the following categories:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

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.[5] "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.[6]

A private provider and their duly authorized representative[7] 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.[8] 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.[9] Counties, municipalities, school districts, or independent special districts are authorized to use private providers for building code inspection services.[10]

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.[11]

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.[12] 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.[13] 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.[14]

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.[15]

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

[5] Chapter 2002-293, Laws of Fla.
[6] Section 553.791(1)(n), F.S.
[7] 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.
[8] Section 553.791(3), F.S.
[9] Section 553.791(2)(a), F.S.
[10] Section 553.791(22), F.S.
[11] Section 553.791(17)(b), F.S.
[12] Section 553.791(2)(b), F.S.
[13] Section 553.791(2)(b), F.S.
[14] Section 553.791(2)(b), F.S.
[15] Section 553.791(2)(c), F.S.

time of permit application, or by 2 p.m., two business days before the first scheduled inspection by the local building official.[16] 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.[17]

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.[18]

Private providers are required to notify a building department of the approximate date and time of the inspection.[19] However, private providers may perform emergency inspections of equipment replacements and repairs in emergency situations without notifying the local building official.[20] 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.[21]

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.[22] The affidavit may bear a written or electronic signature and be submitted electronically.[23] For single-trade plans reviews, a private provider may use an automated or software-based plans review system designed to determine compliance.[24]

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 two 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 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.[25]

[16] Section 553.791(4), F.S.
[17] Section 553.791(5), F.S.
[18] Section 553.791(8), F.S.
[19] Section 553.791(9), F.S.
[20] Section 553.791(11), F.S.
[21] Section 553.791(9), F.S.
[22] Section 553.791(6), F.S.
[23] *Id*.
[24] *Id*.
[25] Section 553.791(12), F.S.

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.[26]

Upon receipt of a building permit application and the required affidavit from the private provider, a building official has 20 business days, or five 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.[27] 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.[28] If the building official provides a written notice of plan deficiencies, the time period is tolled pending resolution of the matter.[29]

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.[30] 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.[31]

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 two 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.[32]

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.[33] 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.[34]

[26] Section 553.791 (13), F.S.
[27] Section 553.791(7)(a), F.S.
[28] *Id*.
[29] Section 553.791(7)(b), F.S.
[30] Section 553.791(9), F.S.
[31] Section 553.791, F.S.
[32] Section 553.791(14), F.S.
[33] Section 553.791(15), F.S.
[34] Section 553.791(17), F.S.

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.[35]

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.[36]

Procurement of Commodities and Services

Chapter 287, F.S., regulates state agency procurement of personal property and services. The term "agency" is defined broadly to mean any unit of the executive branch of state government.[37] The Department of Management Services (DMS) is responsible for overseeing state purchasing activity, including professional and contractual services, as well as commodities needed to support agency activities.[38]

The DMS is authorized to evaluate contracts let by the federal government, another state, or a political subdivision for the provision of commodities and contract services and, when it is determined to be cost effective and in the best interest of the state, to enter into written agreement authorizing a state agency to make purchases under such contract.[39] The DMS negotiates contracts and purchasing agreements that are intended to leverage the state's buying power.

Section 287.056, F.S., requires agencies and permits eligible users[40] to purchase commodities and contractual services from purchasing agreements and state term contracts[41] procured by the DMS.

III. Effect of Proposed Changes:

The bill amends s. 287.056, F.S., which relates to state agency purchases from purchasing agreement and state term contracts, to require the DMS to enter into and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S., relating to alternative plans review and inspection.

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[35] Section 553.791(20), F.S.
[36] Section 553.791(1)(h), F.S.
[37] Section 287.012(1), F.S. The term "agency" is defined as "any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges."
[38] *See* ss. 287.032 and 287.042, F.S.
[39] Section 287.042(16), F.S.
[40] Section 287.012(11), F.S., defines "eligible user" to mean any person or entity authorized by the Department of Management Services (DMS) pursuant to rule to purchase from state term contracts or to use the online procurement system.
[41] Section 287.012(28), F.S., defines "state term contract" to mean a term contract that is competitively procured by the DMS pursuant to s. 287.057, F.S., and that is used by agencies and eligible users pursuant to s. 287.056, F.S.

The bill authorizes a person that is qualified for work in any state that has entered into a state term contract or a mutual aid agreement or who has held a valid license in any state for the five years immediately preceding the date of the declaration, to act under the direction of the local building official in the following positions for up to one year from the declaration of a state of emergency for a natural, a manmade, or a technological emergency issued by the Governor:

- Building code inspector.
- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- Residential electrical inspector.
- Residential inspector.
- Plans examiner.
- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

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 is not expected to negatively impact state government revenues and expenditures. The bill allows the DMS and other state agencies to purchase building code inspection services without additional procurements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 287.056 of the Florida Statutes**.**

The bill creates section 468.634 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 Agriculture, Environment, and General Government on February 25, 2026:
The committee substitute:
Allows persons to act in the certain positions relating to building inspections under the direction of the local building official for a period of one year from the date of a declaration of a state of emergency issued by the Governor for a natural, manmade, or technological emergency, if such person has entered into a state term contract, is qualified for such work in any state that has a mutual aid agreement, or has held a valid license for such work in any state for five years immediately before the date of the declaration.

CS by Regulated Industries on February 10, 2026:
The committee substitute (CS):

- Requires the Department of Management Services to enter and maintain one or more contracts with private providers of building code inspection services under s. 553.791, F.S.
- Changes the title of the bill from an act relating to building inspections during an emergency to an act relating to building code inspection services.

The CS deletes from the bill the provisions that:

- Amend s. 252.35(2)(n), F.S., to require the Division of Emergency Management to approve the training of the professionals listed in s. 468.634(2), F.S., if the training is provided by a foundation.
- Amend s. 252.381(2)(a), F.S., to require that the poststorm permitting plan that each county and municipality is required to develop include training programs for the professionals listed in s. 468.634(2), F.S.
- Create s. 468.634, F.S., to authorize the Governor to allow the listed professional to act in specified positions, if such persons are qualified for such work in a state that has a mutual aid agreement entered into pursuant to s. 252.40(2), F.S., and have taken a training program as described in the bill.

B. Amendments:

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senator DiCeglie

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A bill to be entitled

An act relating to services during a state of emergency; amending s. 287.056, F.S.; requiring the Department of Management Services to enter into and maintain state term contracts for building code inspection services; creating s. 468.634, F.S.; authorizing individuals to work in specified positions, for a specified timeframe, if they meet certain requirements; providing an effective date.

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

Section 1. Present subsection (4) of section 287.056, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

287.056 Purchases from purchasing agreements and state term contracts; vendor disqualification.—

(4) The department must enter into and maintain one or more state term contracts with vendors for the purpose of providing building code inspection services as defined in s. 553.791.

Section 2. Section 468.634, Florida Statutes, is created to read:

468.634 Certification by endorsement during a state of emergency.—Notwithstanding any other law, a person may act in any of the following positions under the direction of the local building official for a period of 1 year from the date of a declaration of a state of emergency issued by the Governor for a natural emergency, a manmade emergency, or a technological emergency as those terms are defined in s. 252.34, if such

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person has entered into a state term contract pursuant to s. 287.056, is qualified for such work in any state that has a mutual aid agreement pursuant to s. 252.40(2), or has held a valid license for such work in any state for 5 years immediately before the date of the declaration:

(1) Building code inspector.

(2) Building inspector.

(3) Coastal construction inspector.

(4) Commercial electrical inspector.

(5) Electrical inspector.

(6) Mechanical inspector.

(7) Plumbing inspector.

(8) Residential electrical inspector.

(9) Residential inspector.

(10) Plans examiner.

(11) Building plans examiner.

(12) Plumbing plans examiner.

(13) Mechanical plans examiner.

(14) Electrical plans examiner.

Section 3. 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 1366
INTRODUCER:	Rules Committee and Senators Brodeur and Rouson
SUBJECT:	Claims Against the Government
DATE:	March 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Cibula	JU	**Favorable**
2.	Sanders	Sadberry	AP	**Favorable**
3.	Collazo	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1366 revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the state's limited waiver of sovereign immunity statute.

Under common law, the state and its agencies and subdivisions (i.e. the "sovereign") are immune from lawsuits for the tortious conduct of their agents and employees. However, the statute modifies the common law by generally allowing for suits in tort against the state and its agencies and subdivisions but generally limits the payment of claims and the collectability of judgments absent the approval of a claim bill by the Legislature.

Specifically, the bill:

- Increases the statutory caps on payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from $200,000 per person and $300,000 per incident, to $350,000 per person and $500,000 per incident.
- Revises certain statutes of limitation and presuit procedures for certain types of claims against government entities, including claims for negligence, contribution, medical malpractice, wrongful death, and sexual battery on victims under 16 years of age.
- Provides that it applies to causes of action accruing on or after October 1, 2026.

The bill has an indeterminate, significant negative impact to state and local revenues and expenditures. *See* **Section V., Fiscal Impact Statement.**

The bill takes effect October 1, 2026.

II. Present Situation:

Civil Tort Action

One of the goals of the civil justice system is to redress tortious conduct, or "torts." A tort is a wrong for which the law provides a remedy. Torts are generally divided into two categories, as follows:

- An intentional tort, examples of which include an assault, battery, or false imprisonment.
- Negligence, which is a tort that is unintentionally committed. To prevail in a negligence lawsuit, the party seeking the remedy, the "plaintiff," must demonstrate that the:
  - Defendant had a legal duty of care requiring the defendant to conform to a certain standard of conduct for the protection of others, including the plaintiff, against unreasonable risks.
  - Defendant breached his or her duty of care by failing to conform to the required standard.
  - Defendant's breach caused the plaintiff to suffer an injury.
  - Plaintiff suffered actual damage or loss resulting from such injury.[1]

Sovereign Immunity

Sovereign immunity is a principle under which a government cannot be sued without its consent.[2] Article X, s. 13 of the Florida Constitution allows the Legislature to waive this immunity. Consistent with this provision, Florida law allows for suits in tort against the state and its agencies and subdivisions for damages resulting from the negligence of government employees acting within the scope of their employment.[3] This liability exists only where a private person would be liable for the same conduct. The waiver of sovereign immunity provided under s. 768.28, F.S., applies only to "injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment."[4]

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken within the scope of their employment, unless the damages result from the employee's acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.[5] A government entity is not liable for any damages resulting from actions by an employee outside the scope of his or her employment, and is not liable for damages resulting from actions committed by the employee in

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[1] *Barnett v. Dept. of Fin. Serv.,* 303 So. 3d 508, 513-14 (Fla. 2020).
[2] Cornell Law School, Legal Information Institute, *Sovereign immunity,* https://www.law.cornell.edu/wex/sovereign_immunity (last visited Jan. 28, 2026). Sovereign immunity is a common law doctrine under which a sovereign cannot be sued in its courts without its consent. *Id.* The doctrine had its origin with the judge-made law of England. During English feudal times, the king was the sovereign. One could not sue the king in his own courts; hence the phrase, "the king can do no wrong." *Id.; see also Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981). Today, the term "sovereign" in Florida refers to state agencies and subdivisions including local governments.
[3] Section 768.28(1), F.S.
[4] *City of Pembroke Pines v. Corrections Corp. of America, Inc.,* 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.) (internal punctuation omitted).
[5] Section 768.28(9)(a), F.S.

bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.[6]

Statutory Caps on Recovery of Damages

Section 768.28(5), F.S., caps damages recoverable in a tort action against a state or local governmental entity at $200,000 per person and $300,000 per incident.[7] Although a court may enter an excess judgment, absent a claim bill passed by the Legislature or private insurance, a claimant may not actually collect more than the caps provide.[8]

State Agency

A state agency means any department, agency, or instrumentality of a state or of a political subdivision of a state. Generally, a state agency is a government department, office, or board that operates within a state; state agencies are responsible for carrying out laws enacted by the state legislature.[9] Some examples of current state agencies include the Agency for Health Care Administration, the Department of Management Services, the Florida Department of Agriculture and Consumer Services, the Florida Department of Environmental Protection, and the University of South Florida.[10]

Subdivision

A political subdivision is a separate legal entity of the State which usually has specific governmental functions.[11] Section 218.077(1)(f), F.S., defines a political subdivision as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. Local governments are incorporated by special acts of the Florida Legislature and include counties, municipalities, school districts, and special districts.[12]

Legislative Claim Bill

A plaintiff may recover an amount greater than the caps described in s. 768.28(5), F.S., by way of a legislative claim bill. A claim bill is not an action at law, but rather is a legislative measure that directs the Chief Financial Officer, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation.[13] Such obligations typically arise from the negligence of officers or employees of the State or a local governmental entity.[14] Legislative claim bills are typically pursued after procurement of a judgment or settlement in an action at law where the full amount of damages awarded cannot be

[6] *Id.*
[7] Section 768.28(5), F.S.
[8] *Breaux v. City of Miami Beach,* 899 So. 2d 1059, 1061 fn. 2 (Fla. 2005).
[9] Sections 20.02(1) and 20.03(1), F.S.
[10] Florida Executive Office of the Governor, *Info Center: State Agencies,* https://www.flgov.com/eog/info/agencies (last visited Jan. 28, 2026).
[11] Social Security Administration, *How to Determine an Entity's Legal Status,* https://www.ssa.gov/section218training/advanced_course_9.htm#3 (last visited Jan. 28, 2026).
[12] Susan A. MacManus, et al, *Politics in Florida* (4th ed. 2015).
[13] *Wagner v. Orange Cty.,* 960 So. 2d 785, 788 (Fla. 5th DCA 2007).
[14] *Id.*

satisfied because of statutory caps.[15] The amount awarded is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable.[16] Unlike civil judgments, claim bills are not obtainable by right; rather, they are granted as a matter of legislative grace.[17]

Once a legislative claim bill is formally introduced, a special master[18] usually conducts a hearing.[19] This hearing may resemble a trial during which the claimant offers testimony as well as documentary and physical evidence necessary to establish the claim. Trial records may be substituted for witness testimony. Testifying witnesses are sworn and subject to cross-examination.[20] A respondent may present a defense to contest the claim, and the special master may then prepare a report with an advisory recommendation to the Legislature if the bill is placed on an agenda.[21]

Alternatively, a government entity may, without the need for a claim bill, settle a claim or pay a judgment against it for an amount in excess of the caps in s. 768.28, F.S., but only if that amount is within the limits of its insurance coverage.[22]

Claim Bill Attorney Fees Cap

Section 768.28(8), F.S., provides that no attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement. Fees contingent upon the outcome of any specific legislative action are generally prohibited by s. 11.047(2), F.S., except in the case of claim bills. It is considered a conflict of interest for a legislator to file a claim bill if that legislator, or the legislator's law partner, would receive a fee for services.[23]

In 2017, the Florida Supreme Court issued its opinion in *Searcy, Denney, Scarola, Barnhart & Shipley v. Florida*.[24] In that case, the Legislature passed a claim bill that authorized payment of $15 million to a child whose family obtained a $28.3 million negligence judgment against a state hospital. The law firm that had assisted the family in obtaining the judgment and claim bill petitioned for approval of a closing statement authorizing payment of $2.5 million in attorney fees.[25]

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[15] *See generally City of Miami v. Valdez,* 847 So. 2d 1005 (Fla. 3d DCA 2003).
[16] *Wagner,* 960 So. 2d at 788 (internal citation omitted).
[17] *United Servs. Auto. Ass'n v. Phillips,* 740 So. 2d 1205, 1209 (Fla. 2d DCA 1999).
[18] The "Special Master" is a role appointed by the Senate President and the Speaker of the House of Representatives, respectively. The special master oversees factfinding, which may include holding a *de novo* hearing on the claim which is administrative in nature, and may prepare a report and recommendation to the respective chamber. *See Legislative Claim Bill Manual,* 8-10 (Nov. 2024), available at https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf.
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] Section 768.28(5), F.S.
[23] *Legislative Claim Bill Manual,* 4 (Nov. 2024), available at https://www.flsenate.gov/PublishedContent/ADMINISTRATIVEPUBLICATIONS/leg-claim-manual.pdf.
[24] 209 So. 3d 1181 (Fla. 2017).
[25] *Id.* at 1184-86.

The Fifteenth Judicial Circuit Court denied the request for fees pursuant to a provision of the claim bill that limited fees to $100,000. The Fourth District Court of Appeal affirmed.[26] However, the Supreme Court majority reversed, holding that although the Legislature has complete discretion in its decision whether to grant a legislative claim bill, which is an act of grace, impairing a preexisting contract between the claimant and a law firm for attorney fees was unconstitutional.[27] The dissent disagreed, noting that the enactment of s. 768.28, F.S., did not undermine the reasoning in the Court's earlier decision in *Gamble v. Wells,* which concluded that the Legislature was in no way bound to pass legislation conforming with the provisions of a prior contingent fee contract.[28] Moreover, because the parties explicitly anticipated and agreed in the fee agreement to an award of fees as limited by Florida law and in the amount provided by law, there could be no unconstitutional impairment of contract.[29]

Accrual of a Claim

An important date for the purpose of a claim bill is the date a claim accrues. Under s. 95.031(1), F.S., a claim accrues when the last element constituting the cause of action occurs. In a negligence claim, the cause of action accrues "upon the happening of an accident and the attendant injuries."[30] Further, s. 768.28(6)(b), F.S., specifies that the requirements of notice to an agency and denial of the claim required under sovereign immunity are not deemed to be elements of the cause of action and do not affect the date on which the cause of action accrues.

Statutes of Limitations

A statute of limitations is an absolute bar to the filing of a lawsuit after a date set by law. A statute of limitations specifies when such time period begins, how long the limitation period runs, and the circumstances by which the running of the statute may be "tolled," or suspended. A statute of limitations usually begins to run when a cause of action accrues, which generally, is when the harm occurs.

Section 95.11(5)(a), F.S., currently provides that general actions against a private citizen or entity founded on negligence are subject to a two-year statute of limitations. This limitations period was recently reduced from four years to two years in ch. 2023-15, s. 3, Laws of Florida. But general actions based on negligence against the government remain subject to a four-year statute of limitations.[31]

Contribution

Section 768.31, F.S., provides for the right to contribution. Generally, contribution is a legal action that allows a tortfeasor to collect from others responsible for the same tort after the tortfeasor has paid more than his or her pro rata share of the damages. No single tortfeasor is compelled to make contribution beyond his or her own pro rata share of the entire liability.[32]

[26] *Id.* at 1186-88.
[27] *Id.* at 1188-97.
[28] *Id.* at 1197 (Canady, J., dissenting).
[29] *Id.* at 1198-99 (Polston, J., dissenting).
[30] *Dep't. of Transp. v. Soldovere,* 519 So. 2d 616, 616 (Fla. 1988).
[31] Section 768.28(14), F.S.
[32] Section 768.31(2)(b), F.S.

An action for contribution must be filed within 1 year after the judgment has become final by lapse of time for appeal or after appellate review.[33]

Medical Malpractice

Section 766.102, F.S., provides for the recovery of damages based on the death or personal injury of any person in which it is alleged the injury resulted from the negligence of a health care provider. In a medical malpractice case, the claimant has the burden of proving by a greater weight of the evidence that the alleged actions of the provider represented a breach in the prevailing professional standard of care for that healthcare provider.[34]

An action for medical malpractice must be filed within two years from the time the incident giving rise to the action occurred or within two years from the time the incident is discovered, or should have been discovered with the exercise of due diligence.[35] However, generally, no medical malpractice action may be filed more than four years after the date of the incident or occurrence out of which the cause of action accrued.[36]

Wrongful Death

Generally, an action for wrongful death may be brought when a person dies due to the wrongful act, negligence, default, or breach of contract or warranty of any person, and the event would have entitled the person injured to bring an action and recover damages if the death had not ensued.[37] An action for wrongful death must be initiated within two years after the death of the subject person.[38]

Civil Claim for Sexual Battery

Section 794.011, F.S., establishes the criminal offense of sexual battery. Pursuant to statute, sexual battery means oral, anal, or female genital penetration, by or union with, the sexual organ of another or the anal or female genital penetration of another by any other object. The definition of sexual battery, however, does not include an act done for a bona fide medical purpose. Sexual battery by an adult (18 years of age or older) upon another adult is a first-degree felony punishable, in general, by imprisonment for up to 30 years and a fine of up to $10,000.[39] The penalties for sexual battery are increased for victims under the age of 18, vulnerable victims, and habitual offenders.

Section 95.11, F.S., provides statutes of limitation for various types of civil actions. In 2010, the Legislature amended s. 95.11, F.S., to remove any statute of limitations applying to a civil action against a private entity for sexual battery if the victim was under 16 at the time of the crime.[40]

[33] Section 768.31(4)(c), F.S.
[34] Section 766.102(1), F.S.
[35] Section 95.11(5)(c), F.S.
[36] *Id.*
[37] Section 768.19, F.S.
[38] Section 95.11(5)(e), F.S.
[39] Section 794.011(4)(b), F.S. (referencing ss. 775.082, F.S. and 775.083, F.S).
[40] Chapter 2010-54, s. 1, Laws of Fla. (codifying s. 95.11(9), F.S.).

The Legislature provided, however, that this amendment would not resuscitate any civil claims that were already barred by the statute of limitations at the time.[41]

Presuit Procedures

Before a claimant files a lawsuit against a government entity, the claimant generally must present the claim in writing to the government entity within a time period prescribed by law, which is generally three years.[42] If the claim is brought against the state, the claimant must also present the claim to the Department of Financial Services. The government entity generally then has six months to review the claim. If the government entity does not dispose of the claim within that six-month period, the claimant may generally proceed with the lawsuit.[43]

Private Correctional Facility Vendor Indemnification

Pursuant to s. 944.713, F.S., a private vendor who submits a bid to contract for the construction, lease, or operation of a correctional facility to the state must provide proof of certain insurance coverage to cover liability for any claim or judgment which arises. Under current law, such private vendor must provide insurance for claims up to $100,000 for a single person or $200,000 for the total aggregate claims arising out of a single incident or occurrence.[44]

A "contractor-operated correctional facility" is defined as any facility, which is not operated by the Florida Department of Corrections, for the incarceration of adults or juveniles who have been sentenced by a court and committed to the custody of the department.[45]

III. Effect of Proposed Changes:

Amendments to the Waiver of Sovereign Immunity Statute

Section 1 of the bill revises the statutory cap, attorney fee, and filing timeframe provisions of s. 768.28, F.S., which is the waiver of sovereign immunity statute.

Statutory Caps

The bill amends s. 768.28(5), F.S., which allows for suits in tort against the state and its agencies and subdivisions subject to statutory caps.

Specifically, the bill increases the statutory caps on the payment of claims or the collectability of judgments against the state or its agencies or subdivisions, from $200,000 per person and $300,000 per incident, to $350,000 per person and $500,000 per incident.

[41] *Id.* ("This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010").
[42] *See* s. 768.28(6)(a), F.S.
[43] *See* s. 768.28(6)(d), F.S.
[44] Section 944.713, F.S.
[45] Section 944.710(3), F.S.

Claim Bill Attorney Fees

The bill revises s. 768.28(8), F.S., which caps attorney fees in actions against the state, to clarify that an attorney may not charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any *funds recovered as a result of* judgment or settlement.

Timeframes for Filing an Action

Consistent with the shortened statute of limitations for negligence enacted by ch. 2023-15, s. 3, Laws of Florida, the bill changes the current general four-year statute of limitations for filing a claim against the state or its agencies or subdivisions to the following timeframes:

- For claims based on negligence: the claim must be filed within two years.
- For claims based on contribution: the claim must be filed within the limitations established in s. 768.31(4), F.S.[46]
- For claims based on medical malpractice or wrongful death: the claim must be filed within the limitations established in s. 95.11(5), F.S.[47]
- For claims based on sexual battery on a victim under 16: the claim may be filed at any time; however, this does not resuscitate any claims that may have already been time barred by previous statutes of limitations.
- For any other claim: the claim must be filed within four years.

To accommodate these changes in the statutes of limitations, the bill decreases the allotted presuit notice period for a claimant to present the required written notice of the claim to the appropriate agency from three years to 18 months. Similarly, the bill decreases the time period in which a claimant must present written notice of a claim for wrongful death from 2 years to 18 months. However, if the claim is based on a sexual battery of a victim under the age of 16, in violation of s. 794.011, F.S., the claimant may present written notice of the claim at any time.

The bill also decreases from six months to four months, the time period in which the DFS or the appropriate agency must dispose of a presuit notice of a claim. As such, the responding agency must dispose of a claim within four months of a claim being filed or it is deemed a final denial (thus allowing the claimant to move forward with a civil suit). However, the bill does not change the time period by which an agency must dispose of a claim for medical malpractice or wrongful death. As such, a final disposition for a claim made for medical malpractice or wrongful death must still be made within 90 days from the date of filing or it is deemed a final denial of the claim.

The bill provides that the statute of limitations for all prospective defendants, not just those in medical malpractice or wrongful death actions, is tolled for the period of time taken by the agency to deny the claim.

[46] An action for contribution must be filed within 1 year after the judgment has become final by lapse of time for appeal or after appellate review. Section 768.31(4)(c), F.S.

[47] An action for medical malpractice must be filed within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence. However, generally, no medical malpractice action may be filed more than 4 years after the date of the incident or occurrence out of which the cause of action accrued. Section 95.11(5)(c), F.S. An action for wrongful death must be initiated within 2 years from the death of the subject person. Section 95.11(5)(e), F.S.

Applicability upon Accrual

Section 2 provides that it applies to causes of action accruing on or after October 1, 2026.

Private Correctional Facility Vendor Indemnification

Section 6 of the bill amends s. 944.713(2), F.S., clarifying that when a private vendor contracts to build, lease, or operate a correctional facility, it must agree to indemnify the state for certain incurred liability up to the amount of the sovereign immunity caps provided in the bill.

Cross-References and Reenactments

Sections 3 through 5 amend ss. 29.0081, 39.8297, 343.811, and 944.713, F.S., respectively, to conform cross-references to the changes made by the bill.

Sections 7 through 67 reenact ss. 45.061, 95.11, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 946.5026, 946.514, 961.06, 984.09, 1002.33, 1002.333, 1002.34, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261, respectively, to incorporate the changes made to s. 768.28, F.S., in the bill.

Effective Date

Section 68 provides that the bill takes effect October 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 revises the statutory cap on attorney fees to provide that with respect to payments made to claimants in excess of the statutory caps on claims or judgment against the state, the Legislature has the sole discretion to award attorney fees and costs in a claim bill. Accordingly, the bill is likely to reduce attorney fees and other costs payable from the proceeds of a claim bill should the Legislature exercise this authority. Historically, before the Legislature's authority over fee and cost awards was invalidated by the Florida Supreme Court, the Legislature reduced awards of fees and costs only on rare occasions.

C. Government Sector Impact:

The bill has an indeterminate impact to state and local government revenues and expenditures.

The increase in liability caps for claims against the state and its agencies and subdivisions may decrease the number of claim bills filed within the Legislature. However, local and state governments may experience an increase in expenditures due to settlements, awards, and other legal costs.

By reducing the statute of limitations for claims against the government, the bill may reduce the number of cases initiated and the potential damages sought by claimants from the government. Further, by reducing the pre-suit time period for a government entity or the Department of Financial Services (DFS) to review and dispose of a claim against the State, the bill may affect the pre-suit settlement process.

By increasing the statute of limitations for sexual battery on a victim under 16, the bill may increase the number of claims against the government for such sexual battery. The bill may reduce the workload of the Legislature by reducing the number of claim bills filed but may also reduce the legislative oversight of claims against local government entities.

The impact to the Department of Financial Services' Division of Risk Management is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 768.28, 29.0081, 39.8297, 343.811, and 944.713.

This bill reenacts the following sections of the Florida Statutes: 45.061, 95.11, 110.504, 111.071, 125.01015, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 351.03, 373.1395, 375.251, 381.0056, 393.075, 394.9085, 395.1055, 403.706, 409.175, 409.993, 420.504, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 627.7491, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.1382, 768.295, 946.5026, 946.514, 961.06, 984.09, 1002.33, 1002.333, 1002.34, 1002.37, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261.

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 March 3, 2026:
The underlying bill increased the caps on damages that are recoverable in a tort action against state or local governmental entities to $300,000 per person and $450,000 per incident. The committee substitute further increases these caps on damages to $350,000 per person and $500,000 per incident. The committee substitute also deletes language in the bill applying the caps in effect on the date the claim accrues to underlying claims; providing for periodic adjustments to the limitations of liability based on the Consumer Price Index; and giving the Legislature discretion to award attorney fees that are less than 25 percent of any recovery exceeding the statutory caps.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
	.	
	.	
	.	

The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 167 - 309

and insert:

$350,000 ~~$200,000~~ or any claim or judgment, or portions of a claim or judgment ~~thereof~~, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $500,000 ~~$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this section ~~act~~ up to

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$350,000 ~~$200,000~~ or $500,000. Any ~~$300,000, as the case may be; and that~~ portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature.

(b) Notwithstanding the limited waiver of sovereign immunity in paragraph (a) ~~provided herein~~, the state or an agency or subdivision of the state ~~thereof~~ may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision of the state may ~~thereof shall~~ not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the $350,000 ~~$200,000~~ or $500,000 ~~$300,000~~ waiver in paragraph (a) ~~provided above~~.

(c) The limitations of liability ~~set forth~~ in this subsection ~~shall~~ apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly based on the availability of adequate equipment to its municipal law enforcement officers and relevant state and federal laws. If the governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach

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of duty. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents the ~~such~~ claim in writing to the Department of Financial Services, within 18 months ~~3 years~~ after the ~~such~~ claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. The ~~Such~~ claim is for contribution pursuant to s. 768.31, it must be ~~so~~ presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no final ~~such~~ judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. The ~~Such~~ action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the time of the act, the claimant may present the claim in writing at any time. This subparagraph applies to any action other than an action that would have been time barred on or before October 1, 2026 ~~is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues~~.

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim pursuant to

paragraph (a) are conditions precedent to maintaining an action but may ~~shall~~ not be deemed to be elements of the cause of action and do ~~shall~~ not affect the date on which the cause of action accrues.

(c) The claimant shall also provide to the agency the claimant's date and place of birth and social security number if the claimant is an individual, or a federal identification number if the claimant is not an individual. The claimant shall also state the case style, tribunal, the nature and amount of all adjudicated penalties, fines, fees, victim restitution fund, and other judgments in excess of $200, whether imposed by a civil, criminal, or administrative tribunal, owed by the claimant to the state, its agency, officer or subdivision. If there exists no prior adjudicated unpaid claim in excess of $200, the claimant shall so state.

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) must ~~shall~~ occur before ~~prior to~~ settlement payment, close of discovery, or commencement of trial, whichever is earlier ~~sooner~~; provided the ability to plead setoff is not precluded by the delay. This setoff applies ~~shall apply~~ only against that part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney ~~attorney's~~ fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state, or~~,~~ its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or on behalf of, the claimant to obtain the information from public records. Unless the

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appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 ~~6~~ months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations ~~for medical malpractice actions and wrongful death actions~~ is tolled as to all prospective defendants for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. ~~The provisions of~~ This subsection does ~~do~~ not apply to ~~such~~ claims that ~~as~~ may be asserted by counterclaim pursuant to s. 768.14.

(7) In actions brought pursuant to this section, process must ~~shall~~ be served upon the head of the agency concerned and also, except as to a defendant municipality, county, or the Florida Space Authority, upon the Department of Financial Services.~~; and~~ The department or the agency served has ~~concerned shall have~~ 30 days within which to file responsive pleadings ~~plead thereto~~.

(8) An ~~No~~ attorney may not charge, demand, receive, or

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collect, for services rendered, fees in excess of 25 percent of any funds recovered as a result of judgment or settlement.

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

And the title is amended as follows:

Delete lines 5 - 23

and insert:

and subdivisions for tort claims; revising exceptions relating to instituting actions on tort claims against the state or one of its agencies or subdivisions; revising the period after which the failure of certain entities to make final disposition of a claim shall be deemed a final denial of the claim for certain purposes; revising the statute of limitations for tort

By Senator Brodeur

10-01036B-26 20261366__

A bill to be entitled

An act relating to claims against the government; amending s. 768.28, F.S.; increasing the statutory limits on the liability of the state and its agencies and subdivisions for tort claims; specifying that the limitations in effect on the date the claim accrues apply to that claim; requiring the Department of Financial Services, beginning on a specified date and every 5 years thereafter, to adjust the limitations of liability for claims; prohibiting such adjustment from exceeding a specified percentage for each adjustment; revising the period within which certain claims must be presented to certain entities; revising exceptions relating to instituting actions on tort claims against the state or one of its agencies or subdivisions; revising the period after which the failure of certain entities to make final disposition of a claim shall be deemed a final denial of the claim for certain purposes; limiting attorney fees based on the amount of funds recovered; authorizing the Legislature to limit attorney fee awards in a claim bill or reserve any portion of the proceeds of a claim bill to the claimant; revising the statute of limitations for tort claims against the state or one of its agencies or subdivisions and exceptions thereto; deleting obsolete language; making technical changes; providing applicability; amending ss. 29.0081, 39.8297, 343.811, and 944.713, F.S.; conforming cross references; conforming provisions to changes made by the act;

10-01036B-26 20261366__

reenacting ss. 45.061(5), 95.11(6)(f), 110.504(4), 111.071(1)(a), 125.01015(2)(b), 163.01(3)(h) and (15)(k), 190.043, 213.015(13), 252.51, 252.89, 252.944, 260.0125(2), 284.31, 284.38, 322.13(1)(b), 337.19(1), 341.302(17), 343.811(3), 351.03(4)(c), 373.1395(6), 375.251(3)(a), 381.0056(9), 393.075(3), 394.9085(7), 395.1055(10)(g), 403.706(17)(c), 409.175(15)(b), 409.993(1), (2)(a), and (3)(a), 420.504(8), 455.221(3), 455.32(5), 456.009(3), 456.076(15)(a), 471.038(3), 472.006(11)(b), 497.167(7), 513.118(2), 548.046(1), 556.106(8), 589.19(4)(e), 627.7491(3) and (4), 723.0611(2)(c), 760.11(5), 766.1115(4), 766.112(2), 768.1355(3), 768.1382(7), 768.295(4), 946.5026, 946.514(3), 961.06(8), 984.09(3), 1002.33(12)(h), 1002.333(6)(b), 1002.34(17), 1002.37(2), 1002.55(3)(l), 1002.83(10), 1002.88(1)(p), 1006.24(1), and 1006.261(2)(b), F.S., relating to offers of settlement; limitations other than for the recovery of real property; volunteer benefits; payment of judgments or settlements against certain public officers or employees; office of the sheriff; the Florida Interlocal Cooperation Act of 1969; suits against community development districts; taxpayer rights; liability; tort liability; tort liability; limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails; scope and types of coverages; effect of waiver of sovereign immunity; driver license examiners; suits by and

against the Department of Transportation; rail program; power to assume indemnification and insurance obligations; railroad-highway grade-crossing warning signs and signals; limitation on liability of a water management district with respect to areas made available to the public for recreational purposes without charge; limitation on liability of persons making available to the public certain areas for recreational purposes without charge; school health services program; general liability coverage; behavioral provider liability; rules and enforcement; local government solid waste responsibilities; licensure of family foster homes, residential child-caring agencies, and child-placing agencies; lead agencies and subcontractor liability; the Florida Housing Finance Corporation; legal and investigative services; the Management Privatization Act; legal and investigative services; impaired practitioner programs; the Florida Engineers Management Corporation; the Department of Agriculture and Consumer Services; administrative matters; conduct on premises and refusal of service; physician's attendance at match; liability of the member operator, excavator, and system; creation of certain state forests, naming of certain state forests, and the Operation Outdoor Freedom Program; official law enforcement vehicles and motor vehicle insurance requirements; the Florida Mobile Home Relocation Corporation; administrative and civil remedies and

construction; health care providers and creation of agency relationship with governmental contractors; comparative fault; the Florida Volunteer Protection Act; streetlights, security lights, and other similar illumination and limitation on liability; Strategic Lawsuits Against Public Participation (SLAPP) prohibited; sovereign immunity in tort actions; liability of corporation for inmate injuries; compensation for wrongful incarceration; punishment for contempt of court and alternative sanctions; charter schools; persistently low-performing schools; charter technical career centers; the Florida Virtual School; school-year prekindergarten program delivered by private prekindergarten providers; early learning coalitions; school readiness program provider standards and eligibility to deliver the school readiness program; tort liability and liability insurance; and use of school buses for public purposes, respectively, to incorporate changes made to s. 768.28, F.S., in references thereto; providing an effective date.

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

Section 1. Section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a riot; limitation on attorney fees; statute of limitations;

exclusions; indemnification; risk management programs.—

(1) In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, hereby waives sovereign immunity for liability for torts, but only to the extent specified in this section ~~act~~. Actions at law against the state or any of its agencies or subdivisions to recover damages in tort for money damages against the state or its agencies or subdivisions for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee's office or employment under circumstances in which the state or such agency or subdivision, if a private person, would be liable to the claimant, in accordance with the general laws of this state, may be prosecuted subject to the limitations specified in this section ~~act~~. Any authorized ~~such~~ action may be brought in the county where the property in litigation is located or, if the affected agency or subdivision has an office in the ~~such~~ county for the transaction of its customary business, where the cause of action accrued. However, an ~~any such~~ action against a state university board of trustees must ~~shall~~ be brought in the county in which that university's main campus is located or in the county in which the cause of action accrued if the university maintains ~~therein~~ a substantial presence for the transaction of its customary business in that county.

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent

establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.

(3) Except for a municipality and the Florida Space Authority, the affected agency or subdivision may, at its discretion, request the assistance of the Department of Financial Services in the consideration, adjustment, and settlement of any claim under this section ~~act~~.

(4) Subject to the provisions of this section, any state agency or subdivision may ~~shall have the right to~~ appeal any award, compromise, settlement, or determination to the court of appropriate jurisdiction.

(5)(a) The state and its agencies and subdivisions are ~~shall be~~ liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability may ~~shall~~ not include punitive damages or interest for the period before judgment. ~~Neither~~ The state and ~~nor~~ its agencies or subdivisions are not ~~shall be~~ liable to pay a claim or a judgment by any one person which exceeds the sum of $300,000 ~~$200,000~~ or any claim or judgment, or portions of a claim or judgment ~~thereof~~, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of $450,000 ~~$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this section ~~act~~ up to $300,000 ~~$200,000~~ or $450,000. Any ~~$300,000, as the case may be;~~

~~and that~~ portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature.

(b) Notwithstanding the limited waiver of sovereign immunity in paragraph (a) ~~provided herein~~, the state or an agency or subdivision of the state ~~thereof~~ may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision of the state may ~~thereof shall~~ not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the $300,000 ~~$200,000~~ or $450,000 ~~$300,000~~ waiver in paragraph (a) ~~provided above~~.

(c) The limitations of liability ~~set forth~~ in this subsection ~~shall~~ apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(d) ~~(b)~~ A municipality has a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly based on the availability of adequate equipment to its municipal law enforcement officers and relevant state and federal laws. If the governing body of a municipality or a person authorized by the governing body of the municipality breaches that duty, the municipality is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damages proximately caused by the municipality's breach of duty. The sovereign immunity recovery limits in paragraph (a)

do not apply to an action under this paragraph.

(e) When determining liability limits for a claim, the limitations of liability in effect on the date the claim accrues apply to the claim.

(f) Beginning July 1, 2031, and on July 1 every 5 years thereafter, the Department of Financial Services shall adjust the limitations of liability in this subsection to reflect changes in the Consumer Price Index for the South region or a successor index as calculated by the United States Department of Labor, not to exceed 3 percent for any such adjustment.

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality, county, or the Florida Space Authority, presents the ~~such~~ claim in writing to the Department of Financial Services, within 18 months ~~3 years~~ after the ~~such~~ claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. The ~~Such~~ claim is for contribution pursuant to s. 768.31, it must be ~~so~~ presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no final ~~such~~ judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. The ~~Such~~ action arises from a violation of s. 794.011 involving a victim who was younger than 16 years of age at the

time of the act, the claimant may present the claim in writing at any time. This subparagraph applies to any action other than an action that would have been time barred on or before October 1, 2026 ~~is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues~~.

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim pursuant to paragraph (a) are conditions precedent to maintaining an action but may ~~shall~~ not be deemed to be elements of the cause of action and do ~~shall~~ not affect the date on which the cause of action accrues.

(c) The claimant shall also provide to the agency the claimant's date and place of birth and social security number if the claimant is an individual, or a federal identification number if the claimant is not an individual. The claimant shall also state the case style, tribunal, the nature and amount of all adjudicated penalties, fines, fees, victim restitution fund, and other judgments in excess of $200, whether imposed by a civil, criminal, or administrative tribunal, owed by the claimant to the state, its agency, officer or subdivision. If there exists no prior adjudicated unpaid claim in excess of $200, the claimant shall so state.

(d) For purposes of this section, complete, accurate, and timely compliance with the requirements of paragraph (c) must ~~shall~~ occur before ~~prior to~~ settlement payment, close of discovery, or commencement of trial, whichever is earlier ~~sooner~~; provided the ability to plead setoff is not precluded by the delay. This setoff applies ~~shall apply~~ only against that

part of the settlement or judgment payable to the claimant, minus claimant's reasonable attorney ~~attorney's~~ fees and costs. Incomplete or inaccurate disclosure of unpaid adjudicated claims due the state or~~,~~ its agency, officer, or subdivision, may be excused by the court upon a showing by the preponderance of the evidence of the claimant's lack of knowledge of an adjudicated claim and reasonable inquiry by, or on behalf of, the claimant to obtain the information from public records. Unless the appropriate agency had actual notice of the information required to be disclosed by paragraph (c) in time to assert a setoff, an unexcused failure to disclose shall, upon hearing and order of court, cause the claimant to be liable for double the original undisclosed judgment and, upon further motion, the court shall enter judgment for the agency in that amount. Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 4 months ~~6 months~~ after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations ~~for medical malpractice actions and wrongful death actions~~ is tolled as to all prospective defendants for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim. ~~The provisions of~~ This subsection does ~~do~~ not apply to ~~such~~ claims that ~~as~~ may be asserted by counterclaim pursuant to s.

768.14.

(7) In actions brought pursuant to this section, process must ~~shall~~ be served upon the head of the agency concerned and also, except as to a defendant municipality, county, or the Florida Space Authority, upon the Department of Financial Services.~~; and~~ The department or the agency served has ~~concerned shall have~~ 30 days within which to file responsive pleadings ~~plead thereto~~.

(8) An ~~No~~ attorney may not charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any funds recovered as a result of judgment or settlement. In the enactment of a claim bill, as to payments made to the claimant in excess of the limits in paragraph (5)(a), the Legislature has the sole discretion to award an attorney fee applicable to the excess which is less than 25 percent, notwithstanding any agreement. The Legislature may also limit payments for costs or otherwise reserve a portion of the proceeds to the claimant. This subsection is deemed to be a part of any fee agreement.

(9)(a) An officer, employee, or agent of the state or of any of its subdivisions may not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless the ~~such~~ officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. However, the ~~such~~ officer, employee, or agent shall be considered an adverse witness in a tort action for any injury or damage suffered as a

result of any act, event, or omission of action in the scope of her or his employment or function. The exclusive remedy for injury or damage suffered as a result of an act, event, or omission of an officer, employee, or agent of the state or any of its subdivisions or constitutional officers is by action against the governmental entity, or the head of such entity in her or his official capacity, or the constitutional officer of which the officer, employee, or agent is an employee, unless the ~~such~~ act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The state or its subdivisions are not liable in tort for the acts or omissions of an officer, employee, or agent committed while acting outside the course and scope of her or his employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

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

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to, any health care provider when providing services pursuant to s. 766.1115; any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, and its employees or agents, when providing patient services pursuant to paragraph (10)(f); any public defender or her or his employee or agent, including an assistant public defender or an investigator; and any member of a Child Protection Team, as defined in s. 39.01, or any member of a threat management team, as described in s.

1006.07(7), when carrying out her or his duties as a team member under the control, direction, and supervision of the state or any of its agencies or subdivisions.

(c) For purposes of the waiver of sovereign immunity only, a member of the Florida National Guard is not acting within the scope of state employment when performing duty under the provisions of Title 10 or Title 32 of the United States Code or other applicable federal law; and ~~neither~~ the state or ~~nor~~ any individual may not be named in any action under this chapter arising from the performance of such federal duty.

(d) The employing agency of a law enforcement officer as defined in s. 943.10 is not liable for injury, death, or property damage effected or caused by a person fleeing from a law enforcement officer in a motor vehicle if:

1. The pursuit is conducted in a manner that does not involve conduct by the officer which is so reckless or wanting in care as to constitute disregard of human life, human rights, safety, or the property of another;

2. At the time the law enforcement officer initiates the pursuit, the officer reasonably believes that the person fleeing has committed a forcible felony as defined in s. 776.08; and

3. The pursuit is conducted by the officer pursuant to a written policy governing high-speed pursuit adopted by the employing agency. The policy must contain specific procedures concerning the proper method to initiate and terminate high-speed pursuit. The law enforcement officer must have received instructional training from the employing agency on the written policy governing high-speed pursuit.

(10)(a) Health care providers or vendors, or any of their

employees or agents, that have contractually agreed to act as agents of the Department of Corrections to provide health care services to inmates of the state correctional system shall be considered agents of the State of Florida, Department of Corrections, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in their contracts ~~said contract~~ or by rule. The contracts must ~~shall~~ provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection may ~~shall~~ not be construed as designating persons providing contracted health care services to inmates as employees or agents of the state for the purposes of chapter 440.

(c) For purposes of this section, regional poison control centers created in accordance with s. 395.1027 and coordinated and supervised under the Division of Children's Medical Services Prevention and Intervention of the Department of Health, or any of their employees or agents, shall be considered agents of the State of Florida, Department of Health. Any contracts with poison control centers must provide, to the extent permitted by law, for the indemnification of the state by the agency for any liabilities incurred up to the limits set out in this chapter.

(d) For the purposes of this section, operators, dispatchers, and providers of security for rail services and rail facility maintenance providers in the South Florida Rail Corridor, or any of their employees or agents, performing ~~such~~ services under contract with and on behalf of the South Florida Regional Transportation Authority or the Department of

Transportation shall be considered agents of the state while acting within the scope of and pursuant to guidelines established in their contracts ~~said contract~~ or by rule.

(e) For purposes of this section, a professional firm that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects, or any employee of a firm performing those ~~such~~ services, is considered an agent of the Department of Transportation while acting within the scope of the firm's contract with the Department of Transportation to ensure that the project is constructed in conformity with the project's plans, specifications, and contract provisions. This paragraph applies to a professional firm that is in direct contract with the Department of Transportation, as well as any professional firm providing monitoring and inspection services as a consultant to the professional firm that is in direct contract with the Department of Transportation. Any contract with a professional firm must, to the extent permitted by law, provide for the indemnification of the Department of Transportation for any liability, including reasonable attorney fees, incurred up to the limits set out in this chapter to the extent caused by the negligence of the firm or its employees. This paragraph may not be construed as designating persons who provide monitoring and inspection services as employees or agents of the state for purposes of chapter 440. This paragraph is not applicable to the professional firm or its employees if involved in an accident while operating a motor vehicle. This paragraph is not applicable to a firm engaged by the Department of Transportation for the design or construction of a state roadway, bridge, or

other transportation facility construction project or to its employees, agents, or subcontractors.

(f) For purposes of this section, any nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, or any of its employees or agents, and which has agreed in an affiliation agreement or other contract to provide, or permit its employees or agents to provide, patient services as agents of a teaching hospital, is considered an agent of the teaching hospital while acting within the scope of and pursuant to guidelines established in the affiliation agreement or other contract. To the extent allowed by law, the contract must provide for the indemnification of the teaching hospital, up to the limits set out in this chapter, by the agent for any liability incurred which was caused by the negligence of the college or university or its employees or agents. The contract must also provide that those limited portions of the college, university, or medical school which are directly providing services pursuant to the contract and which are considered an agent of the teaching hospital for purposes of this section are deemed to be acting on behalf of a public agency as defined in s. 119.011(2).

1. For purposes of this paragraph, the term:

a. "Employee or agent" means an officer, employee, agent, or servant of a nonprofit independent college or university located and chartered in this state which owns or operates an accredited medical school, including, but not limited to, the faculty of the medical school, any health care practitioner or licensee as defined in s. 456.001 for which the college or university is vicariously liable, and the staff or

administrators of the medical school.

b. "Patient services" means:

(I) Comprehensive health care services as defined in s. 641.19, including any related administrative service, provided to patients in a teaching hospital;

(II) Training and supervision of interns, residents, and fellows providing patient services in a teaching hospital; or

(III) Training and supervision of medical students in a teaching hospital.

c. "Teaching hospital" means a teaching hospital as defined in s. 408.07 which is owned or operated by the state, a county or municipality, a public health trust, a special taxing district, a governmental entity having health care responsibilities, or a not-for-profit entity that operates such facility as an agent of the state, or a political subdivision of the state, under a lease or other contract.

2. The teaching hospital or the medical school, or its employees or agents, must provide notice to each patient, or the patient's legal representative, that the college or university that owns or operates the medical school and the employees or agents of that college or university are acting as agents of the teaching hospital and that the exclusive remedy for injury or damage suffered as the result of any act or omission of the teaching hospital, the college or university that owns or operates the medical school, or the employees or agents of the college or university, while acting within the scope of duties pursuant to the affiliation agreement or other contract with a teaching hospital, is by commencement of an action pursuant to the provisions of this section. This notice requirement may be

met by posting the notice in a place conspicuous to all persons.

3. This paragraph does not designate any employee providing contracted patient services in a teaching hospital as an employee or agent of the state for purposes of chapter 440.

(g) For the purposes of this section, the executive director of the Board of Nursing, when serving as the state administrator of the Nurse Licensure Compact pursuant to s. 464.0095, and any administrator, officer, executive director, employee, or representative of the Interstate Commission of Nurse Licensure Compact Administrators, when acting within the scope of their employment, duties, or responsibilities in this state, are considered agents of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay any such claims or judgments.

(h) For purposes of this section, the individual appointed under s. 491.004(8) as the state's delegate on the Counseling Compact Commission, when serving in that capacity pursuant to s. 491.017, and any administrator, officer, executive director, employee, or representative of the commission, when acting within the scope of his or her employment, duties, or responsibilities in this state, is considered an agent of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay those ~~any such~~ claims or judgments.

(i) For purposes of this section, the individual appointed under s. 490.004(7) as the state's commissioner on the Psychology Interjurisdictional Compact Commission, when serving in that capacity pursuant to s. 490.0075, and any administrator, officer, executive director, employee, or representative of the

Psychology Interjurisdictional Compact Commission, when acting within the scope of his or her employment, duties, or responsibilities in this state, is considered an agent of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay those ~~any such~~ claims or judgments.

(j) For purposes of this section, the representative appointed from the Board of Medicine and the representative appointed from the Board of Osteopathic Medicine, when serving as commissioners of the Interstate Medical Licensure Compact Commission pursuant to s. 456.4501, and any administrator, officer, executive director, employee, or representative of the Interstate Medical Licensure Compact Commission, when acting within the scope of their employment, duties, or responsibilities in this state, are considered agents of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay those ~~any such~~ claims or judgments.

(k) For purposes of this section, the individuals appointed under s. 468.1135(4) as the state's delegates on the Audiology and Speech-Language Pathology Interstate Compact Commission, when serving in that capacity pursuant to s. 468.1335, and any administrator, officer, executive director, employee, or representative of the commission, when acting within the scope of his or her employment, duties, or responsibilities in this state, is considered an agent of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay those ~~any such~~ claims or judgments.

(l) For purposes of this section, the individual appointed under s. 486.023(5) as the state's delegate on the Physical Therapy Compact Commission, when serving in that capacity pursuant to s. 486.112, and any administrator, officer, executive director, employee, or representative of the Physical Therapy Compact Commission, when acting within the scope of his or her employment, duties, or responsibilities in this state, is considered an agent of the state. The commission shall pay any claims or judgments pursuant to this section and may maintain insurance coverage to pay those ~~any such~~ claims or judgments.

(11)(a) Providers or vendors, or any of their employees or agents, that have contractually agreed to act on behalf of the state as agents of the Department of Juvenile Justice to provide services to children in need of services, families in need of services, or juvenile offenders are, solely with respect to such services, agents of the state for purposes of this section while acting within the scope of and pursuant to guidelines established in the contract or by rule. A contract must provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection does not designate a person who provides contracted services to juvenile offenders as an employee or agent of the state for purposes of chapter 440.

(12)(a) A health care practitioner, as defined in s. 456.001(4), who has contractually agreed to act as an agent of a state university board of trustees to provide medical services to a student athlete for participation in or as a result of intercollegiate athletics, to include team practices, training, and competitions, shall be considered an agent of the respective

state university board of trustees, for the purposes of this section, while acting within the scope of and pursuant to guidelines established in that contract. The contracts must ~~shall~~ provide for the indemnification of the state by the agent for any liabilities incurred up to the limits set out in this chapter.

(b) This subsection may ~~shall~~ not be construed as designating persons providing contracted health care services to athletes as employees or agents of a state university board of trustees for the purposes of chapter 440.

(13) Laws allowing the state or its agencies or subdivisions to buy insurance are still in force and effect and are not restricted in any way by the terms of this section ~~act~~.

(14) A ~~Every~~ claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section is ~~shall be forever~~ barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction:

(a) Within 2 years for an action founded on negligence.

(b) Within the limitations provided in s. 768.31(4) for an action for contribution.

(c) Within the limitations provided in s. 95.11(5) for an action for damages arising from medical malpractice or wrongful death.

(d) At any time for an action arising from an act constituting a violation of s. 794.011 involving a victim who was under the age of 16 years at the time of the act. This paragraph applies to any such action other than an action that would have been time barred on or before October 1, 2026.

(e) Within 4 years for any other action not specified in this subsection ~~4 years~~ after the ~~such~~ claim accrues~~; except that an action for contribution must be commenced within the limitations provided in s. 768.31(4), and an action for damages arising from medical malpractice or wrongful death must be commenced within the limitations for such actions in s. 95.11(5)~~.

(15) An ~~No~~ action may not be brought against the state or any of its agencies or subdivisions by anyone who unlawfully participates in a riot, unlawful assembly, public demonstration, mob violence, or civil disobedience if the claim arises out of the ~~such~~ riot, unlawful assembly, public demonstration, mob violence, or civil disobedience. ~~Nothing in~~ This subsection does not ~~act shall~~ abridge traditional immunities pertaining to statements made in court.

(16)(a) The state and its agencies and subdivisions are authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage they may choose, or to have any combination thereof, in anticipation of any claim, judgment, and claims bill that ~~which~~ they may be liable to pay pursuant to this section. Agencies or subdivisions, and sheriffs, that are subject to homogeneous risks may purchase insurance jointly or may join together as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding.

(b) Claims files maintained by any risk management program administered by the state, its agencies, and its subdivisions are confidential and exempt from the provisions of s. 119.07(1)

and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Claims files records may be released to other governmental agencies upon written request and demonstration of need. Any~~; such~~ records held by the receiving agency remain confidential and exempt as provided ~~for~~ in this paragraph.

(c) Portions of meetings and proceedings conducted pursuant to any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. Until termination of all litigation and settlement of all claims arising out of the same incident, persons privy to discussions pertinent to the evaluation of a filed claim are ~~shall~~ not ~~be~~ subject to subpoena in any administrative or civil proceeding with regard to the content of those discussions.

(d) Minutes of the meetings and proceedings of any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with the risk management program or which relate solely to offers of compromise of claims filed with the risk management program are exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of all litigation and settlement of all claims arising out of the same incident.

~~This section, as amended by chapter 81-317, Laws of Florida, shall apply only to causes of actions which accrue on or after October 1, 1981.~~

~~(18)~~ A ~~No~~ provision of this section, or of any other section of the Florida Statutes, whether read separately or in conjunction with any other provision, may not ~~shall~~ be construed to waive the immunity of the state or any of its agencies from suit in federal court, as that ~~such~~ immunity is guaranteed by the Eleventh Amendment to the Constitution of the United States, unless the ~~such~~ waiver is explicitly and definitely stated to be a waiver of the immunity of the state and its agencies from suit in federal court. This subsection may ~~shall~~ not be construed to mean that the state has at any time previously waived, by implication, its immunity, or that of any of its agencies, from suit in federal court through any statute in existence before ~~prior to~~ June 24, 1984.

(18)~~(19)~~ ~~Neither~~ The state or an ~~nor any~~ agency or subdivision of the state does not waive ~~waives~~ any defense of sovereign immunity, or increase ~~increases~~ the limits of its liability, upon entering into a contract ~~contractual relationship~~ with another agency or subdivision of the state. The ~~Such a~~ contract may ~~must~~ not contain any provision that requires one party to indemnify or insure the other party for the other party's negligence or to assume any liability for the other party's negligence. This does not preclude a party from requiring a nongovernmental entity to provide ~~such~~ indemnification or insurance. The restrictions of this subsection do not prohibit ~~prevent~~ a regional water supply authority from indemnifying and assuming the liabilities of its

member governments for obligations arising from past acts or omissions at or with property acquired from a member government by the authority and arising from the acts or omissions of the authority in performing activities contemplated by an interlocal agreement. The ~~Such~~ indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants established by this section.

(19)~~(20)~~ Every municipality, and any of its agencies ~~agency thereof~~, may ~~is authorized to undertake to~~ indemnify those employees who ~~that~~ are exposed to personal liability pursuant to the Clean Air Act Amendments of 1990, 42 U.S.C.A. ss. 7401 et seq., and all rules and regulations adopted to implement that act, for acts performed within the course and scope of their employment with the municipality or its agency, including, but not limited to, indemnification pertaining to the holding, transfer, or disposition of allowances allocated to the municipality's or its agency's electric generating units, and the monitoring, submission, certification, and compliance with permits, permit applications, records, compliance plans, and reports for those units, when those ~~such~~ acts are performed within the course and scope of their employment with the municipality or its agency. The authority to indemnify under this section covers every act by an employee which is ~~when such act~~ is performed within the course and scope of her or his employment with the municipality or its agency, but does not cover any act of willful misconduct or any intentional or knowing violation of any law by the employee. The authority to indemnify under this section includes, but is not limited to, the authority to pay any fine and provide legal representation

in any action.

Section 2. This act applies to causes of action that accrue on or after October 1, 2026.

Section 3. Paragraph (b) of subsection (2) of section 29.0081, Florida Statutes, is amended to read:

29.0081 County funding of additional court personnel.—

(2) The agreement shall, at a minimum, provide that:

(b) The personnel whose employment is funded under the agreement are hired, supervised, managed, and fired by personnel of the judicial circuit. The county shall be considered the employer for purposes of s. 440.10 and chapter 443. Employees funded by the county under this section and other county employees may be aggregated for purposes of a flexible benefits plan pursuant to s. 125 of the Internal Revenue Code of 1986. The judicial circuit shall supervise the personnel whose employment is funded under the agreement; be responsible for compliance with all requirements of federal and state employment laws, including, but not limited to, Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act, 42 U.S.C. s. 1983, the Family Medical Leave Act, the Fair Labor Standards Act, chapters 447 and 760, and ss. 112.3187, 440.105, and 440.205; and fully indemnify the county from any liability under such laws, as authorized by s. 768.28(18) ~~s. 768.28(19)~~, to the extent such liability is the result of the acts or omissions of the judicial circuit or its agents or employees.

Section 4. Paragraph (b) of subsection (2) of section 39.8297, Florida Statutes, is amended to read:

39.8297 County funding for guardian ad litem employees.—

(2) The agreement, at a minimum, must provide that:

(b) The persons who are employed will be hired, supervised, managed, and terminated by the executive director of the Statewide Guardian ad Litem Office. The statewide office is responsible for compliance with all requirements of federal and state employment laws, and shall fully indemnify the county from any liability under such laws, as authorized by s. 768.28(18) ~~s. 768.28(19)~~, to the extent such liability is the result of the acts or omissions of the Statewide Guardian ad Litem Office or its agents or employees.

Section 5. Paragraph (a) of subsection (3) of section 343.811, Florida Statutes, is amended to read:

343.811 Power to assume indemnification and insurance obligations.—

(3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In conjunction with the development or operation of a commuter rail service on the Coastal Link corridor, an agency may:

(a) Assume obligations pursuant to the following:

1.a. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless FECR and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and other rail corridor invitees in, on, or about the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or

its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

b. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless Brightline and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and rail corridor invitees in the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of Brightline, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

2. The assumption of liability of the agency by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may not in any instance exceed the following parameters of allocation of risk:

a. The agency may be solely responsible for any loss, injury, or damage to the agency's passengers, or rail corridor invitees, third parties, or trespassers, regardless of

circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., and 5.

b.(I) In the event of a limited covered accident caused by FECR, the authority of an agency to protect, defend, and indemnify FECR for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if FECR agrees, with respect to such limited covered accident caused by FECR, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

(II) In the event of a limited covered accident caused by Brightline, the authority of an agency to protect, defend, and indemnify Brightline for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if Brightline agrees, with respect to such limited covered accident, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

3. When only one train is involved in an incident and:

a. The train is an agency's train, including an incident with trespassers or at-grade crossings, the agency may be solely responsible for any loss, injury, or damage.

b. The train is FECR's train, including an incident with trespassers or at-grade crossings, FECR is solely responsible for any loss, injury, or damage, except for the agency's passengers and other rail corridor invitees, which are the responsibility of the agency, and Brightline's passengers and other rail corridor invitees, which are the responsibility of Brightline.

c. The train is Brightline's train, including an incident with trespassers or at-grade crossings, Brightline is solely responsible for any loss, injury, or damage, except for the agency's passengers or rail corridor invitees, which are the responsibility of the agency, and FECR's rail corridor invitees, which are the responsibility of FECR.

4. When an incident involves more than one operator, each operator is responsible for:

a. Its property; passengers; employees, excluding employees who are, at the time of the incident, rail corridor invitees of another operator; and other rail corridor invitees.

b. Its proportionate share of any loss or damage to the joint infrastructure.

c. Its proportionate share of any loss, injury, or damage to:

(I) Rail corridor invitees who are not rail corridor invitees of operators, provided that the agency shall always be responsible for its passengers and its rail corridor invitees regardless of whether the agency was involved in the incident.

(II) Trespassers or third parties outside the Coastal Link corridor as a result of the incident.

5. Any such contractual duty to protect, defend, indemnify, and hold harmless FECR or Brightline with respect to claims by rail passengers shall expressly include a specific cap on the amount of the contractual duty, which amount may not exceed $323 million per occurrence and shall be adjusted so that the per-occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising

from a single accident or incident in accordance with 49 U.S.C. s. 28103, or any successor provision, without prior legislative approval.

6. Notwithstanding any provision of this section to the contrary, the liabilities of the agency to the state or any other agency shall be as set forth in an agreement among such entities and limited by s. 768.28(18) ~~s. 768.28(19)~~.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for tort claims or deemed to increase the limits of the agency's liability for tort claims as provided in s. 768.28.

Section 6. Subsection (2) of section 944.713, Florida Statutes, is amended to read:

944.713 Insurance against liability.—

(2) The contract shall provide for indemnification of the state by the private vendor for any liabilities incurred up to the limits provided under s. 768.28(5). The contract shall provide that the private vendor, or the insurer of the private vendor, is liable to pay any claim or judgment for any one person which does not exceed the applicable maximum amount provided in s. 768.28(5) ~~sum of $100,000 or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments arising out of the same incident or occurrence, does not exceed the sum of $200,000~~. In addition, the contractor must agree to defend, hold harmless, and indemnify the department against any and all actions, claims,

damages and losses, including costs and attorney's fees.

Section 7. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (5) of section 45.061, Florida Statutes, is reenacted to read:

45.061 Offers of settlement.—

(5) Sanctions authorized under this section may be imposed notwithstanding any limitation on recovery of costs or expenses which may be provided by contract or in other provisions of Florida law. This section shall not be construed to waive the limits of sovereign immunity set forth in s. 768.28.

Section 8. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (f) of subsection (6) of section 95.11, Florida Statutes, is reenacted to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(6) WITHIN ONE YEAR.—

(f) Except for actions described in subsection (9), or a petition challenging a criminal conviction, all petitions; extraordinary writs; tort actions, including those under s. 768.28(14); or other actions which concern any condition of confinement of a prisoner filed by or on behalf of a prisoner as defined in s. 57.085. Any petition, writ, or action brought under this paragraph must be commenced within 1 year after the time the incident, conduct, or conditions occurred or within 1 year after the time the incident, conduct, or conditions were discovered, or should have been discovered.

Section 9. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (4) of section 110.504, Florida Statutes, is reenacted to read:

110.504 Volunteer benefits.—

(4) Volunteers shall be covered by state liability protection in accordance with the definition of a volunteer and the provisions of s. 768.28.

Section 10. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 111.071, Florida Statutes, is reenacted to read:

111.071 Payment of judgments or settlements against certain public officers or employees.—

(1) Any county, municipality, political subdivision, or agency of the state which has been excluded from participation in the Insurance Risk Management Trust Fund is authorized to expend available funds to pay:

(a) Any final judgment, including damages, costs, and attorney's fees, arising from a complaint for damages or injury suffered as a result of any act or omission of action of any officer, employee, or agent in a civil or civil rights lawsuit described in s. 111.07. If the civil action arises under s. 768.28 as a tort claim, the limitations and provisions of s. 768.28 governing payment shall apply. If the action is a civil rights action arising under 42 U.S.C. s. 1983, or similar federal statutes, payments for the full amount of the judgment may be made unless the officer, employee, or agent has been determined in the final judgment to have caused the harm

intentionally.

Section 11. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 125.01015, Florida Statutes, is reenacted to read:

125.01015 Office of the sheriff.—

(2) To ensure the successful transfer of the exclusive policing responsibility and authority to the sheriff in a county, as defined in s. 125.011(1), the board of county commissioners shall:

(b) After the election of the sheriff is certified:

1. Provide funding for all of the necessary staff and office space for the sheriff-elect to establish an independent office of the sheriff, so that the office may effectively operate and perform all of the functions required by general law when the sheriff-elect takes office.

2. Provide funding for the sheriff-elect to select any necessary insurances not provided by the county through the interlocal agreement required under sub-subparagraph 6.d. to allow the sheriff to effectively operate and perform all of the functions required by general law when he or she takes office.

3. Provide funding for the sheriff-elect to establish bank and other accounts, as necessary, in his or her official capacity as sheriff, so that such accounts become operational when he or she takes office.

4. Unless otherwise transferable based on existing surety bonds for the sheriff's deputies, provide funding for and facilitate procurement of the required surety bonds for deputy sheriffs pursuant to s. 30.09, so that such bonds are in place

when the sheriff-elect takes office.

5. Prepare and deliver to the office of the sheriff all documents, property, and other items listed in subsection (4).

6. Notwithstanding any provision to the contrary, for a term commencing on January 7, 2025, and ending on or after September 30, 2028, provide the sheriff-elect taking office with, and require the sheriff-elect taking office to use, not less than the substantially and materially same support services, facilities, office space, and information technology infrastructure provided to county offices or departments performing the duties to be performed by the sheriff-elect upon taking office in the 1-year period before he or she takes office.

a. As used in this subparagraph, the term "support services" includes:

(I) Property and facilities, and the management and maintenance for such property and facilities.

(II) Communications infrastructure, including telephone and Internet connectivity.

(III) Risk management, including processing, adjusting, and payment of all claims and demands, including those made under s. 768.28. The county shall provide the sheriff with all required general liability, property, and other insurance coverage through its self-insurance program, a self-insurance risk pool, or commercial insurance. If the county provides insurance through a self-insurance program, the county must also provide the sheriff with commercial stop-loss coverage in an amount and with a self-insured retention agreed upon by the sheriff and the county.

(IV) Legal representation and advice through the office of the county attorney for all claims, demands, and causes of action brought against the sheriff, his or her deputies, or other personnel in their official and individual capacities, while acting in their official and individual capacities, including any required outside counsel due to conflicts of interest. This sub-sub-subparagraph does not prohibit the sheriff from employing or retaining his or her own legal representation as he or she deems necessary.

(V) Purchasing and procurement services using procedures under the laws and ordinances applicable to the county for purchases requiring competitive procurement.

(VI) Budget and fiscal software and budget development services.

(VII) Human resource services, including, but not limited to, facilitation of the hiring process, including employee applicant screening and employee applicant background checks, and employee benefit administration. The county may provide human resource services to the sheriff. However, the sheriff is the employer of his or her employees, and the sheriff retains full and complete control and authority over the hiring of his or her employees and the terms and conditions of employment, including employee discipline and termination of employment. The provision of human resource services by the county to the sheriff does not create a joint-employer relationship. The sheriff's employees shall remain members of the county's health insurance and workers' compensation plans for at least the term set forth in this subparagraph.

(VIII) Fleet management, including procurement of all

vehicles and other mobile assets such as boats and aircraft, and all vehicle repair and maintenance.

b. As used in this subparagraph, the term "information technology infrastructure" includes:

(I) All hardware, including computers.

(II) Budget and fiscal software, including payroll and purchasing software.

(III) Computer-aided dispatch.

c. Under a cost allocation plan agreed to by the county and the sheriff, the sheriff shall pay the county for such support services and information technology infrastructure from his or her general fund budget, except for any support services and information technology infrastructure costs that general law otherwise and expressly requires the county to fund outside the sheriff's budget.

d. To satisfy compliance with this subsection and to establish the office of the sheriff in a manner that minimizes unnecessary financial expenditures, the county and the sheriff shall execute an interlocal agreement addressing the requirements of this subsection and other expenditures, including an appropriate phase-in period for identification of the sheriff's assets with the sheriff's markings to minimize the cost to taxpayers. The interlocal agreement shall have a term that ends no earlier than September 30, 2028, and may be amended, renewed, extended, or newly adopted at any time following the expiration or termination of the agreement. After the initial period ending no earlier than September 30, 2028, an interlocal agreement may be entered into between the county and the sheriff which provides for the same or different

requirements as set forth in this subsection.

Section 12. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in references thereto, paragraph (h) of subsection (3) and paragraph (k) of subsection (15) of section 163.01, Florida Statutes, are reenacted to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(h) "Local government liability pool" means a reciprocal insurer as defined in s. 629.011 or any self-insurance program created pursuant to s. 768.28(16), formed and controlled by counties or municipalities of this state to provide liability insurance coverage for counties, municipalities, or other public agencies of this state, which pool may contract with other parties for the purpose of providing claims administration, processing, accounting, and other administrative facilities.

(15) Notwithstanding any other provision of this section or of any other law except s. 361.14, any public agency of this state which is an electric utility, or any separate legal entity created pursuant to the provisions of this section, the membership of which consists only of electric utilities, and which exercises or proposes to exercise the powers granted by part II of chapter 361, the Joint Power Act, may exercise any or all of the following powers:

(k) The limitations on waiver in the provisions of s. 768.28 or any other law to the contrary notwithstanding, the Legislature, in accordance with s. 13, Art. X of the State Constitution, hereby declares that any such legal entity or any public agency of this state that participates in any electric

project waives its sovereign immunity to:

1. All other persons participating therein; and

2. Any person in any manner contracting with a legal entity of which any such public agency is a member, with relation to:

a. Ownership, operation, or any other activity set forth in sub-subparagraph (b)2.d. with relation to any electric project; or

b. The supplying or purchasing of services, output, capacity, energy, or any combination thereof.

Section 13. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 190.043, Florida Statutes, is reenacted to read:

190.043 Suits against the district.—Any suit or action brought or maintained against the district for damages arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in s. 768.28.

Section 14. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (13) of section 213.015, Florida Statutes, is reenacted to read:

213.015 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights to guarantee that the rights, privacy, and property of Florida taxpayers are adequately safeguarded and protected during tax assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but

comprehensive statements which explain, in simple, nontechnical terms, the rights and obligations of the Department of Revenue and taxpayers. Section 192.0105 provides additional rights afforded to payors of property taxes and assessments. The rights afforded taxpayers to ensure that their privacy and property are safeguarded and protected during tax assessment and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed Florida taxpayers in the Florida Statutes and the departmental rules are:

(13) The right to an action at law within the limitations of s. 768.28, relating to sovereign immunity, to recover damages against the state or the Department of Revenue for injury caused by the wrongful or negligent act or omission of a department officer or employee (see s. 768.28).

Section 15. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 252.51, Florida Statutes, is reenacted to read:

252.51 Liability.—Any person or organization, public or private, owning or controlling real estate or other premises who voluntarily and without compensation, other than payment or reimbursement of costs and expenses, grants a license or privilege or otherwise permits the designation by the local emergency management agency or use of the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice emergency, together with her or his successor in interest, if any, shall not be liable for the death of, or injury to, any

person on or about such real estate or premises during the actual, impending, mock, or practice emergency, or for loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or her or his successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period. Any such person or organization who provides such shelter space for compensation shall be deemed to be an instrumentality of the state or its applicable agency or subdivision for the purposes of s. 768.28.

Section 16. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 252.89, Florida Statutes, is reenacted to read:

252.89 Tort liability.—The commission and the committees shall be state agencies, and the members of the commission and committees shall be officers, employees, or agents of the state for the purposes of s. 768.28.

Section 17. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 252.944, Florida Statutes, is reenacted to read:

252.944 Tort liability.—The commission and the committees are state agencies, and the members of the commission and committees are officers, employees, or agents of the state for the purpose of s. 768.28.

Section 18. For the purpose of incorporating the amendment

made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 260.0125, Florida Statutes, is reenacted to read:

260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.—

(2) Any private landowner who consents to designation of his or her land as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

Section 19. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 284.31, Florida Statutes, is reenacted to read:

284.31 Scope and types of coverages; separate accounts.—The Insurance Risk Management Trust Fund must, unless specifically excluded by the Department of Financial Services, cover all departments of the State of Florida and their employees, agents, and volunteers and must provide separate accounts for workers' compensation, general liability, fleet automotive liability, federal civil rights actions under 42 U.S.C. s. 1983 or similar federal statutes, state agency firefighter cancer benefits payable under s. 112.1816(2), and court-awarded attorney fees in other proceedings against the state except for such awards in eminent domain or for inverse condemnation or for awards by the Public Employees Relations Commission. Unless specifically excluded by the Department of Financial Services, the Insurance

Risk Management Trust Fund must provide fleet automotive liability coverage to motor vehicles titled to the state, or to any department of the state, when such motor vehicles are used by community transportation coordinators performing, under contract to the appropriate department of the state, services for the transportation disadvantaged under part I of chapter 427. Such fleet automotive liability coverage is primary and is subject to s. 768.28 and parts II and III of chapter 284, and applicable rules adopted thereunder, and the terms and conditions of the certificate of coverage issued by the Department of Financial Services.

Section 20. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in references thereto, section 284.38, Florida Statutes, is reenacted to read:

284.38 Waiver of sovereign immunity; effect.—The insurance programs developed herein shall provide limits as established by the provisions of s. 768.28 if a tort claim. The limits provided in s. 768.28 shall not apply to a civil rights action arising under 42 U.S.C. s. 1983 or similar federal statute. Payment of a pending or future claim or judgment arising under any of said statutes may be made upon this act becoming a law, unless the officer, employee, or agent has been determined in the final judgment to have caused the harm intentionally; however, the fund is authorized to pay all other court-ordered attorney's fees as provided under s. 284.31.

Section 21. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section

322.13, Florida Statutes, is reenacted to read:

322.13 Driver license examiners.—

(1)

(b) Those persons serving as driver license examiners are not liable for actions taken within the scope of their employment or designation, except as provided by s. 768.28.

Section 22. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 337.19, Florida Statutes, is reenacted to read:

337.19 Suits by and against department; limitation of actions; forum.—

(1) Suits at law and in equity may be brought and maintained by and against the department on any contract claim arising from breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement. In any such suit, the department and the contractor shall have all of the same rights and obligations as a private person under a like contract except that no liability may be based on an oral modification of either the written contract or written directive. Nothing herein shall be construed to waive the sovereign immunity of the state and its political subdivisions from equitable claims and equitable remedies. Notwithstanding anything to the contrary contained in this section, no employee or agent of the department may be held personally liable to an extent greater than that pursuant to s. 768.28 provided that no suit sounding in tort shall be maintained against the department.

Section 23. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (17) of section 341.302, Florida Statutes, is reenacted to read:

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other governmental entities, including the rail enterprise and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(17) In conjunction with the acquisition, ownership, construction, operation, maintenance, and management of a rail corridor, have the authority to:

(a) Assume obligations pursuant to the following:

1.a. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure,

negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever; or

b. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless National Railroad Passenger Corporation, or its successors, and officers, agents, and employees of National Railroad Passenger Corporation, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail corridor invitees in the rail corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of National Railroad Passenger Corporation, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

2. The assumption of liability of the department by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may not in any instance exceed the following parameters of allocation of risk:

a. The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, or rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and 6.

b.(I) In the event of a limited covered accident, the authority of the department to protect, defend, and indemnify the freight operator for all liability, cost, and expense,

including punitive or exemplary damages, in excess of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident exists only if the freight operator agrees, with respect to the limited covered accident, to protect, defend, and indemnify the department for the amount of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident.

(II) In the event of a limited covered accident, the authority of the department to protect, defend, and indemnify National Railroad Passenger Corporation for all liability, cost, and expense, including punitive or exemplary damages, in excess of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident exists only if National Railroad Passenger Corporation agrees, with respect to the limited covered accident, to protect, defend, and indemnify the department for the amount of the deductible or self-insurance retention fund established under paragraph (b) and actually in force at the time of the limited covered accident.

3. When only one train is involved in an incident, the department may be solely responsible for any loss, injury, or damage if the train is a department train or other train pursuant to subparagraph 4., but only if:

a. When an incident occurs with only a freight train involved, including incidents with trespassers or at grade crossings, the freight rail operator is solely responsible for any loss, injury, or damage, except for commuter rail passengers

and rail corridor invitees; or

b. When an incident occurs with only a National Railroad Passenger Corporation train involved, including incidents with trespassers or at grade crossings, National Railroad Passenger Corporation is solely responsible for any loss, injury, or damage, except for commuter rail passengers and rail corridor invitees.

4. For the purposes of this subsection:

a. Any train involved in an incident that is neither the department's train nor the freight rail operator's train, hereinafter referred to in this subsection as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and the freight rail operator only, but only if the department and the freight rail operator share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a freight rail operator train, and the allocation as between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; or

b. Any train involved in an incident that is neither the department's train nor the National Railroad Passenger Corporation's train, hereinafter referred to in this subsection

as an "other train," may be treated as a department train, solely for purposes of any allocation of liability between the department and National Railroad Passenger Corporation only, but only if the department and National Railroad Passenger Corporation share responsibility equally as to third parties outside the rail corridor who incur loss, injury, or damage as a result of any incident involving both a department train and a National Railroad Passenger Corporation train, and the allocation as between the department and National Railroad Passenger Corporation, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident. The involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

5. When more than one train is involved in an incident:

a.(I) If only a department train and freight rail operator's train, or only an other train as described in sub-subparagraph 4.a. and a freight rail operator's train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, and rail corridor invitees, but only if the freight rail operator is responsible for its property and all of its people, and the department and the freight rail operator each share one-half responsibility as to trespassers or third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; or

(II) If only a department train and a National Railroad

Passenger Corporation train, or only an other train as described in sub-subparagraph 4.b. and a National Railroad Passenger Corporation train, are involved in an incident, the department may be responsible for its property and all of its people, all commuter rail passengers, and rail corridor invitees, but only if National Railroad Passenger Corporation is responsible for its property and all of its people, all National Railroad Passenger Corporation's rail passengers, and the department and National Railroad Passenger Corporation each share one-half responsibility as to trespassers or third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident.

b.(I) If a department train, a freight rail operator train, and any other train are involved in an incident, the allocation of liability between the department and the freight rail operator, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; the involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and the freight rail operator as to such payment shall not in any case reduce the freight rail operator's third-party-sharing allocation of one-half under this paragraph to less than one-third of the total third party liability; or

(II) If a department train, a National Railroad Passenger Corporation train, and any other train are involved in an incident, the allocation of liability between the department and National Railroad Passenger Corporation, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; the involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and National Railroad Passenger Corporation as to such payment shall not in any case reduce National Railroad Passenger Corporation's third-party-sharing allocation of one-half under this sub-subparagraph to less than one-third of the total third party liability.

6. Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator or National Railroad Passenger Corporation shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed $200 million without prior legislative approval, and the department to purchase liability insurance and establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:

a. No such contractual duty shall in any case be effective nor otherwise extend the department's liability in scope and

effect beyond the contractual liability insurance and self-insurance retention fund required pursuant to this paragraph; and

b.(I) The freight rail operator's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of the freight rail operator.

(II) National Railroad Passenger Corporation's compensation to the department for future use of the department's rail corridor shall include a monetary contribution to the cost of such liability coverage for the sole benefit of National Railroad Passenger Corporation.

(b) Purchase liability insurance, which amount shall not exceed $200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), National Railroad Passenger Corporation, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible shall not exceed $10 million. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance,

and management of a rail corridor.

(c) Incur expenses for the purchase of advertisements, marketing, and promotional items.

(d) Without altering any of the rights granted to the department under this section, agree to assume the obligations to indemnify and insure, pursuant to s. 343.545, freight rail service, intercity passenger rail service, and commuter rail service on a department-owned rail corridor, whether ownership is in fee or by easement, or on a rail corridor where the department has the right to operate.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s. 768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance under this subsection. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental

entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

Section 24. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 343.811, Florida Statutes, is reenacted to read:

343.811 Power to assume indemnification and insurance obligations.—

(3) ASSUMPTION OF OBLIGATIONS; PURCHASE OF INSURANCE.—In conjunction with the development or operation of a commuter rail service on the Coastal Link corridor, an agency may:

(a) Assume obligations pursuant to the following:

1.a. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless FECR and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and other rail corridor invitees in, on, or about the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of such freight rail operator, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail

corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

b. The agency may assume the obligation by contract to protect, defend, indemnify, and hold harmless Brightline and its officers, agents, and employees from and against:

(I) Any liability, cost, and expense, including, but not limited to, the agency's passengers and rail corridor invitees in the Coastal Link corridor, regardless of whether the loss, damage, destruction, injury, or death giving rise to any such liability, cost, or expense is caused in whole or in part, and to whatever nature or degree, by the fault, failure, negligence, misconduct, nonfeasance, or misfeasance of Brightline, its successors, or its officers, agents, and employees, or any other person or persons whomsoever.

(II) Any loss, injury, or damage incurred by other rail corridor invitees up to the amount of the self-insurance retention amount with respect to limited covered accidents caused by the agency.

2. The assumption of liability of the agency by contract pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b. may not in any instance exceed the following parameters of allocation of risk:

a. The agency may be solely responsible for any loss, injury, or damage to the agency's passengers, or rail corridor invitees, third parties, or trespassers, regardless of circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., and 5.

b.(I) In the event of a limited covered accident caused by

FECR, the authority of an agency to protect, defend, and indemnify FECR for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if FECR agrees, with respect to such limited covered accident caused by FECR, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

(II) In the event of a limited covered accident caused by Brightline, the authority of an agency to protect, defend, and indemnify Brightline for all liability, cost, and expense, including punitive or exemplary damages, in excess of the self-insurance retention amount exists only if Brightline agrees, with respect to such limited covered accident, to protect, defend, and indemnify the agency for the amount of the self-insurance retention amount.

3. When only one train is involved in an incident and:

a. The train is an agency's train, including an incident with trespassers or at-grade crossings, the agency may be solely responsible for any loss, injury, or damage.

b. The train is FECR's train, including an incident with trespassers or at-grade crossings, FECR is solely responsible for any loss, injury, or damage, except for the agency's passengers and other rail corridor invitees, which are the responsibility of the agency, and Brightline's passengers and other rail corridor invitees, which are the responsibility of Brightline.

c. The train is Brightline's train, including an incident with trespassers or at-grade crossings, Brightline is solely responsible for any loss, injury, or damage, except for the

agency's passengers or rail corridor invitees, which are the responsibility of the agency, and FECR's rail corridor invitees, which are the responsibility of FECR.

4. When an incident involves more than one operator, each operator is responsible for:

a. Its property; passengers; employees, excluding employees who are, at the time of the incident, rail corridor invitees of another operator; and other rail corridor invitees.

b. Its proportionate share of any loss or damage to the joint infrastructure.

c. Its proportionate share of any loss, injury, or damage to:

(I) Rail corridor invitees who are not rail corridor invitees of operators, provided that the agency shall always be responsible for its passengers and its rail corridor invitees regardless of whether the agency was involved in the incident.

(II) Trespassers or third parties outside the Coastal Link corridor as a result of the incident.

5. Any such contractual duty to protect, defend, indemnify, and hold harmless FECR or Brightline with respect to claims by rail passengers shall expressly include a specific cap on the amount of the contractual duty, which amount may not exceed $323 million per occurrence and shall be adjusted so that the per-occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with 49 U.S.C. s. 28103, or any successor provision, without prior legislative approval.

6. Notwithstanding any provision of this section to the contrary, the liabilities of the agency to the state or any other agency shall be as set forth in an agreement among such entities and limited by s. 768.28(19).

(b) Purchase liability insurance, which amount may not exceed $323 million per occurrence, which amount shall be adjusted so that the per-occurrence insurance requirement is equal to the aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident in accordance with 49 U.S.C. s. 28103, or any successor provision, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for a county agency, any freight rail operator as described in paragraph (a), Brightline, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible shall not exceed the self-insurance retention amount.

1. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of the Coastal Link corridor.

2. Any self-insured retention account shall be a segregated account of the agency and shall be subject to the same conditions, restrictions, exclusions, obligations, and duties

included in any and all of the policies of liability insurance purchased under this paragraph.

3. Unless otherwise specifically provided by general law, FECR and Brightline, and their respective officers, agents, and employees, are not officers, agents, employees, or subdivisions of the state and are not entitled to sovereign immunity.

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for tort claims or deemed to increase the limits of the agency's liability for tort claims as provided in s. 768.28.

Section 25. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 351.03, Florida Statutes, is reenacted to read:

351.03 Railroad-highway grade-crossing warning signs and signals; audible warnings; exercise of reasonable care; blocking highways, roads, and streets during darkness.—

(4)

(c) Nothing in this subsection shall be construed to nullify the liability provisions of s. 768.28.

Section 26. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (6) of section 373.1395, Florida Statutes, is reenacted to read:

373.1395 Limitation on liability of water management district with respect to areas made available to the public for

recreational purposes without charge.—

(6) This section does not relieve any water management district of any liability that would otherwise exist for gross negligence or a deliberate, willful, or malicious injury to a person or property. This section does not create or increase the liability of any water management district or person beyond that which is authorized by s. 768.28.

Section 27. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 375.251, Florida Statutes, is reenacted to read:

375.251 Limitation on liability of persons making available to public certain areas for recreational purposes without charge.—

(3)(a) An owner of an area who enters into a written agreement concerning the area with a state agency for outdoor recreational purposes, where such agreement recognizes that the state agency is responsible for personal injury, loss, or damage resulting in whole or in part from the state agency's use of the area under the terms of the agreement subject to the limitations and conditions specified in s. 768.28, owes no duty of care to keep the area safe for entry or use by others, or to give warning to persons entering or going on the area of any hazardous conditions, structures, or activities thereon. An owner who enters into a written agreement concerning the area with a state agency for outdoor recreational purposes:

1. Is not presumed to extend any assurance that the area is safe for any purpose;

2. Does not incur any duty of care toward a person who goes

on the area that is subject to the agreement; or

3. Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area that is subject to the agreement.

Section 28. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (9) of section 381.0056, Florida Statutes, is reenacted to read:

381.0056 School health services program.—

(9) Any health care entity that provides school health services under contract with the department pursuant to a school health services plan developed under this section, and as part of a school nurse services public-private partnership, is deemed to be a corporation acting primarily as an instrumentality of the state solely for the purpose of limiting liability pursuant to s. 768.28(5). The limitations on tort actions contained in s. 768.28(5) shall apply to any action against the entity with respect to the provision of school health services, if the entity is acting within the scope of and pursuant to guidelines established in the contract or by rule of the department. The contract must require the entity, or the partnership on behalf of the entity, to obtain general liability insurance coverage, with any additional endorsement necessary to insure the entity for liability assumed by its contract with the department. The Legislature intends that insurance be purchased by entities, or by partnerships on behalf of the entity, to cover all liability claims, and under no circumstances shall the state or the department be responsible for payment of any claims or defense costs for claims brought against the entity or its subcontractor

for services performed under the contract with the department. This subsection does not preclude consideration by the Legislature for payment by the state of any claims bill involving an entity contracting with the department pursuant to this section.

Section 29. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 393.075, Florida Statutes, is reenacted to read:

393.075 General liability coverage.—

(3) This section shall not be construed as designating or not designating that a person who owns or operates a foster care facility or group home facility as described in this section or any other person is an employee or agent of the state. Nothing in this section amends, expands, or supersedes the provisions of s. 768.28.

Section 30. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (7) of section 394.9085, Florida Statutes, is reenacted to read:

394.9085 Behavioral provider liability.—

(7) This section shall not be construed to waive sovereign immunity for any governmental unit or other entity protected by sovereign immunity. Section 768.28 shall continue to apply to all governmental units and such entities.

Section 31. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (g) of subsection (10) of section 395.1055, Florida Statutes, is reenacted to read:

395.1055 Rules and enforcement.—

(10) The agency shall establish a pediatric cardiac technical advisory panel, pursuant to s. 20.052, to develop procedures and standards for measuring outcomes of pediatric cardiac catheterization programs and pediatric cardiovascular surgery programs.

(g) Panel members are agents of the state for purposes of s. 768.28 throughout the good faith performance of the duties assigned to them by the Secretary of Health Care Administration.

Section 32. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (17) of section 403.706, Florida Statutes, is reenacted to read:

403.706 Local government solid waste responsibilities.—

(17) To effect the purposes of this part, counties and municipalities are authorized, in addition to other powers granted pursuant to this part:

(c) To waive sovereign immunity and immunity from suit in federal court by vote of the governing body of the county or municipality to the extent necessary to carry out the authority granted in paragraphs (a) and (b), notwithstanding the limitations prescribed in s. 768.28.

Section 33. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (15) of section 409.175, Florida Statutes, is reenacted to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(15)

(b) This subsection may not be construed as designating or not designating that a person who owns or operates a family foster home as described in this subsection or any other person is an employee or agent of the state. Nothing in this subsection amends, expands, or supersedes the provisions of s. 768.28.

Section 34. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in references thereto, subsection (1), paragraph (a) of subsection (2), and paragraph (a) of subsection (3) of section 409.993, Florida Statutes, are reenacted to read:

409.993 Lead agencies and subcontractor liability.—

(1) FINDINGS.—

(a) The Legislature finds that the state has traditionally provided foster care services to children who are the responsibility of the state. As such, foster children have not had the right to recover for injuries beyond the limitations specified in s. 768.28. The Legislature has determined that foster care and related services should be outsourced pursuant to this section and that the provision of such services is of paramount importance to the state. The purpose of such outsourcing is to increase the level of safety, security, and stability of children who are or become the responsibility of the state. One of the components necessary to secure a safe and stable environment for such children is the requirement that private providers maintain liability insurance. As such, insurance needs to be available and remain available to nongovernmental foster care and related services providers without the resources of such providers being significantly

reduced by the cost of maintaining such insurance.

(b) The Legislature further finds that, by requiring the following minimum levels of insurance, children in outsourced foster care and related services will gain increased protection and rights of recovery in the event of injury than currently provided in s. 768.28.

(2) LEAD AGENCY LIABILITY.—

(a) Other than an entity to which s. 768.28 applies, an eligible community-based care lead agency, or its employees or officers, except as otherwise provided in paragraph (b), shall, as a part of its contract, obtain a minimum of $1 million per occurrence with a policy period aggregate limit of $3 million in general liability insurance coverage. The lead agency must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per person per any one automobile accident, and subject to such limits for each person, $300,000 for all damages resulting from any one automobile accident, on their personal automobiles. In lieu of personal motor vehicle insurance, the lead agency's casualty, liability, or motor vehicle insurance carrier may provide nonowned automobile liability coverage. This insurance provides liability insurance for an automobile that the lead agency uses in connection with the lead agency's business but does not own, lease, rent, or borrow. This coverage includes an automobile owned by an employee of the lead agency or a member of the employee's household but only while the automobile is used in connection with the lead agency's business. The nonowned

automobile coverage for the lead agency applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the lead agency shall be primary insurance, and the nonowned automobile coverage of the lead agency acts as excess insurance to the primary insurance. The lead agency shall provide a minimum limit of $1 million in nonowned automobile coverage. In a tort action brought against such a lead agency or employee, net economic damages shall be limited to $2 million per liability claim and $200,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In any tort action brought against a lead agency, noneconomic damages shall be limited to $400,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76. The lead agency is not liable in tort for the acts or omissions of its subcontractors or the officers, agents, or employees of its subcontractors.

(3) SUBCONTRACTOR LIABILITY.—

(a) A subcontractor of an eligible community-based care lead agency that is a direct provider of foster care and related services to children and families, and its employees or officers, except as otherwise provided in paragraph (c), must, as a part of its contract, obtain a minimum of $1 million per occurrence with a policy period aggregate limit of $3 million in general liability insurance coverage. The subcontractor of a

lead agency must also require that staff who transport client children and families in their personal automobiles in order to carry out their job responsibilities obtain minimum bodily injury liability insurance in the amount of $100,000 per person in any one automobile accident, and subject to such limits for each person, $300,000 for all damages resulting from any one automobile accident, on their personal automobiles. In lieu of personal motor vehicle insurance, the subcontractor's casualty, liability, or motor vehicle insurance carrier may provide nonowned automobile liability coverage. This insurance provides liability insurance for automobiles that the subcontractor uses in connection with the subcontractor's business but does not own, lease, rent, or borrow. This coverage includes automobiles owned by the employees of the subcontractor or a member of the employee's household but only while the automobiles are used in connection with the subcontractor's business. The nonowned automobile coverage for the subcontractor applies as excess coverage over any other collectible insurance. The personal automobile policy for the employee of the subcontractor shall be primary insurance, and the nonowned automobile coverage of the subcontractor acts as excess insurance to the primary insurance. The subcontractor shall provide a minimum limit of $1 million in nonowned automobile coverage. In a tort action brought against such subcontractor or employee, net economic damages shall be limited to $2 million per liability claim and $200,000 per automobile claim, including, but not limited to, past and future medical expenses, wage loss, and loss of earning capacity, offset by any collateral source payment paid or payable. In a tort action brought against such subcontractor, noneconomic

damages shall be limited to $400,000 per claim. A claims bill may be brought on behalf of a claimant pursuant to s. 768.28 for any amount exceeding the limits specified in this paragraph. Any offset of collateral source payments made as of the date of the settlement or judgment shall be in accordance with s. 768.76.

Section 35. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (8) of section 420.504, Florida Statutes, is reenacted to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(8) The corporation is a corporation primarily acting as an instrumentality of the state, within the meaning of s. 768.28.

Section 36. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 455.221, Florida Statutes, is reenacted to read:

455.221 Legal and investigative services.—

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 37. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (5) of section 455.32, Florida Statutes, is reenacted to read:

455.32 Management Privatization Act.—

(5) Any such corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the employees of the corporation are subject to the provisions of s. 112.061 and part III of chapter 112. The provisions of s. 768.28 apply to each such corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state but which is not an agency within the meaning of s. 20.03(1).

Section 38. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 456.009, Florida Statutes, is reenacted to read:

456.009 Legal and investigative services.—

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 39. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (a) of subsection (15) of section 456.076, Florida Statutes, is reenacted to read:

456.076 Impaired practitioner programs.—

(15)(a) A consultant retained pursuant to this section and a consultant's directors, officers, employees, or agents shall

be considered agents of the department for purposes of s. 768.28 while acting within the scope of the consultant's duties under the contract with the department.

Section 40. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 471.038, Florida Statutes, is reenacted to read:

471.038 Florida Engineers Management Corporation.—

(3) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455 and this chapter. The management corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112, except that the board of directors and the staff are subject to the provisions of s. 112.061. The provisions of s. 768.28 apply to the management corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(1). The management corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of chapter 455, this chapter, and the contract required by this section.

(c) Receive, hold, and administer property and make only prudent expenditures directly related to the responsibilities of the board, and in accordance with the contract required by this

section.

(d) Be approved by the board, and the department, to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. All appointments shall be for 4-year terms. No member shall serve more than two consecutive terms. Failure to attend three consecutive meetings shall be deemed a resignation from the board, and the vacancy shall be filled by a new appointment.

(g) Select its officers in accordance with its bylaws. The members of the board of directors who were appointed by the board may be removed by the board.

(h) Select the president of the management corporation, who shall also serve as executive director to the board, subject to approval of the board.

(i) Use a portion of the interest derived from the management corporation account to offset the costs associated with the use of credit cards for payment of fees by applicants or licensees.

(j) Operate under a written contract with the department which is approved by the board. The contract must provide for, but is not limited to:

1. Submission by the management corporation of an annual budget that complies with board rules for approval by the board

and the department.

2. Annual certification by the board and the department that the management corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes. The contract must also provide for methods and mechanisms to resolve any situation in which the certification process determines noncompliance.

3. Funding of the management corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

4. The reversion to the board, or the state if the board ceases to exist, of moneys, records, data, and property held in trust by the management corporation for the benefit of the board, if the management corporation is no longer approved to operate for the board or the board ceases to exist. All records and data in a computerized database shall be returned to the department in a form that is compatible with the computerized database of the department.

5. The securing and maintaining by the management corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the board to defend, indemnify, and hold harmless the management corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The management

corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the management corporation. Violation of this subparagraph shall be grounds for terminating the contract.

6. Payment by the management corporation, out of its allocated budget, to the department of all costs of representation by the board counsel, including salary and benefits, travel, and any other compensation traditionally paid by the department to other board counsel.

7. Payment by the management corporation, out of its allocated budget, to the department of all costs incurred by the management corporation or the board for the Division of Administrative Hearings of the Department of Management Services and any other cost for utilization of these state services.

8. Payment by the management corporation, out of its allocated budget, to the department of reasonable costs associated with the contract monitor.

(k) Provide for an annual financial audit of its financial accounts and records by an independent certified public accountant. The annual audit report shall include a management letter in accordance with s. 11.45 and a detailed supplemental schedule of expenditures for each expenditure category. The annual audit report must be submitted to the board, the department, and the Auditor General for review.

(l) Provide for persons not employed by the corporation who are charged with the responsibility of receiving and depositing fee and fine revenues to have a faithful performance bond in

such an amount and according to such terms as shall be determined in the contract.

(m) Submit to the secretary, the board, and the Legislature, on or before October 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the status of the complaints; and the number and nature of disciplinary actions taken by the board.

(n) Develop and submit to the department, performance standards and measurable outcomes for the board to adopt by rule in order to facilitate efficient and cost-effective regulation.

Section 41. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (11) of section 472.006, Florida Statutes, is reenacted to read:

472.006 Department; powers and duties.—The department shall:

(11) Provide legal counsel for the board by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing department staff counsel. The board shall periodically review and evaluate the

services provided by its board counsel. Fees and costs of such counsel shall be paid from the General Inspection Trust Fund, subject to ss. 215.37 and 472.011. All contracts for independent legal counsel must provide for periodic review and evaluation by the board and the department of services provided.

(b) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to the practice of surveying and mapping shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 42. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (7) of section 497.167, Florida Statutes, is reenacted to read:

497.167 Administrative matters.—

(7) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department, relating to regulation under this chapter, shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 43. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 513.118, Florida Statutes, is reenacted to read:

513.118 Conduct on premises; refusal of service.—

(2) The operator of a recreational vehicle park may request that a transient guest or visitor who violates subsection (1) leave the premises immediately. A person who refuses to leave the premises commits the offense of trespass as provided in s. 810.08, and the operator may call a law enforcement officer to have the person and his or her property removed under the supervision of the officer. A law enforcement officer is not liable for any claim involving the removal of the person or property from the recreational vehicle park under this section, except as provided in s. 768.28. If conditions do not allow for immediate removal of the person's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

Section 44. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 548.046, Florida Statutes, is reenacted to read:

548.046 Physician's attendance at match; examinations; cancellation of match.—

(1) The commission, or the commission representative, shall assign to each match at least one physician who shall observe the physical condition of the participants and advise the commissioner or commission representative in charge and the referee of the participants' conditions before, during, and after the match. The commission shall establish a schedule of fees for the physician's services. The physician's fee shall be paid by the promoter of the match attended by the physician. The physician shall be considered an agent of the commission in

determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 45. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (8) of section 556.106, Florida Statutes, is reenacted to read:

556.106 Liability of the member operator, excavator, and system.—

(8) Any liability of the state, its agencies, or its subdivisions which arises out of this chapter is subject to the provisions of s. 768.28.

Section 46. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 589.19, Florida Statutes, is reenacted to read:

589.19 Creation of certain state forests; naming of certain state forests; Operation Outdoor Freedom Program.—

(4)

(e)1. A private landowner who provides land for designation and use as an Operation Outdoor Freedom Program hunting site shall have limited liability pursuant to s. 375.251.

2. A private landowner who consents to the designation and use of land as part of the Operation Outdoor Freedom Program without compensation shall be considered a volunteer, as defined in s. 110.501, and shall be covered by state liability protection pursuant to s. 768.28, including s. 768.28(9).

3. This subsection does not:

a. Relieve any person of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or

property.

b. Create or increase the liability of any person.

Section 47. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in references thereto, subsections (3) and (4) of section 627.7491, Florida Statutes, are reenacted to read:

627.7491 Official law enforcement vehicles; motor vehicle insurance requirements.—

(3) Any suit or action brought or maintained against an employing agency for damages arising out of tort pursuant to this section, including, without limitation, any claim arising upon account of an act causing loss of property, personal injury, or death, shall be subject to the limitations provided in s. 768.28(5).

(4) The requirements of this section may be met by any method authorized by s. 768.28(16).

Section 48. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 723.0611, Florida Statutes, is reenacted to read:

723.0611 Florida Mobile Home Relocation Corporation.—

(2)

(c) The corporation shall, for purposes of s. 768.28, be considered an agency of the state. Agents or employees of the corporation, members of the board of directors of the corporation, or representatives of the Division of Florida Condominiums, Timeshares, and Mobile Homes shall be considered officers, employees, or agents of the state, and actions against them and the corporation shall be governed by s. 768.28.

Section 49. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (5) of section 760.11, Florida Statutes, is reenacted to read:

760.11 Administrative and civil remedies; construction.—

(5) In any civil action brought under this section, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, including, but not limited to, damages for mental anguish, loss of dignity, and any other intangible injuries, and punitive damages. The provisions of ss. 768.72 and 768.73 do not apply to this section. The judgment for the total amount of punitive damages awarded under this section to an aggrieved person shall not exceed $100,000. In any action or proceeding under this subsection, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs. It is the intent of the Legislature that this provision for attorney's fees be interpreted in a manner consistent with federal case law involving a Title VII action. The right to trial by jury is preserved in any such private right of action in which the aggrieved person is seeking compensatory or punitive damages, and any party may demand a trial by jury. The commission's determination of reasonable cause is not admissible into evidence in any civil proceeding, including any hearing or trial, except to establish for the court the right to maintain the private right of action. A civil action brought under this section shall be commenced no later than 1 year after the date of determination of reasonable cause

by the commission. The commencement of such action shall divest the commission of jurisdiction of the complaint, except that the commission may intervene in the civil action as a matter of right. Notwithstanding the above, the state and its agencies and subdivisions shall not be liable for punitive damages. The total amount of recovery against the state and its agencies and subdivisions shall not exceed the limitation as set forth in s. 768.28(5).

Section 50. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (4) of section 766.1115, Florida Statutes, is reenacted to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver health care services on or after April 17, 1992, as an agent of the governmental contractor is an agent for purposes of s. 768.28(9), while acting within the scope of duties under the contract, if the contract complies with the requirements of this section and regardless of whether the individual treated is later found to be ineligible. A health care provider shall continue to be an agent for purposes of s. 768.28(9) for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section. The

contract must provide that:

(a) The right of dismissal or termination of any health care provider delivering services under the contract is retained by the governmental contractor.

(b) The governmental contractor has access to the patient records of any health care provider delivering services under the contract.

(c) Adverse incidents and information on treatment outcomes must be reported by any health care provider to the governmental contractor if the incidents and information pertain to a patient treated under the contract. The health care provider shall submit the reports required by s. 395.0197. If an incident involves a professional licensed by the Department of Health or a facility licensed by the Agency for Health Care Administration, the governmental contractor shall submit such incident reports to the appropriate department or agency, which shall review each incident and determine whether it involves conduct by the licensee that is subject to disciplinary action. All patient medical records and any identifying information contained in adverse incident reports and treatment outcomes which are obtained by governmental entities under this paragraph are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Patient selection and initial referral must be made by the governmental contractor or the provider. Patients may not be transferred to the provider based on a violation of the antidumping provisions of the Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget Reconciliation Act of 1990, or chapter 395.

(e) If emergency care is required, the patient need not be referred before receiving treatment, but must be referred within 48 hours after treatment is commenced or within 48 hours after the patient has the mental capacity to consent to treatment, whichever occurs later.

(f) The provider is subject to supervision and regular inspection by the governmental contractor.

(g) As an agent of the governmental contractor for purposes of s. 768.28(9), while acting within the scope of duties under the contract, a health care provider licensed under chapter 466 may allow a patient, or a parent or guardian of the patient, to voluntarily contribute a monetary amount to cover costs of dental laboratory work related to the services provided to the patient. This contribution may not exceed the actual cost of the dental laboratory charges.

A governmental contractor that is also a health care provider is not required to enter into a contract under this section with respect to the health care services delivered by its employees.

Section 51. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 766.112, Florida Statutes, is reenacted to read:

766.112 Comparative fault.—

(2) In an action for damages for personal injury or wrongful death arising out of medical negligence, whether in contract or tort, when an apportionment of damages pursuant to s. 768.81 is attributed to a board of trustees of a state university, the court shall enter judgment against the board of

trustees on the basis of the board's percentage of fault and not on the basis of the doctrine of joint and several liability. The sole remedy available to a claimant to collect a judgment or settlement against a board of trustees, subject to the provisions of this subsection, shall be pursuant to s. 768.28.

Section 52. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 768.1355, Florida Statutes, is reenacted to read:

768.1355 Florida Volunteer Protection Act.—

(3) Members of elected or appointed boards, councils, and commissions of the state, counties, municipalities, authorities, and special districts shall incur no civil liability and shall have immunity from suit as provided in s. 768.28 for acts or omissions by members relating to members' conduct of their official duties. It is the intent of the Legislature to encourage our best and brightest people to serve on elected and appointed boards, councils, and commissions.

Section 53. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (7) of section 768.1382, Florida Statutes, is reenacted to read:

768.1382 Streetlights, security lights, and other similar illumination; limitation on liability.—

(7) In the event that there is any conflict between this section and s. 768.81, or any other section of the Florida Statutes, this section shall control. Further, nothing in this section shall impact or waive any provision of s. 768.28.

Section 54. For the purpose of incorporating the amendment

made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (4) of section 768.295, Florida Statutes, is reenacted to read:

768.295 Strategic Lawsuits Against Public Participation (SLAPP) prohibited.—

(4) A person or entity sued by a governmental entity or another person in violation of this section has a right to an expeditious resolution of a claim that the suit is in violation of this section. A person or entity may move the court for an order dismissing the action or granting final judgment in favor of that person or entity. The person or entity may file a motion for summary judgment, together with supplemental affidavits, seeking a determination that the claimant's or governmental entity's lawsuit has been brought in violation of this section. The claimant or governmental entity shall thereafter file a response and any supplemental affidavits. As soon as practicable, the court shall set a hearing on the motion, which shall be held at the earliest possible time after the filing of the claimant's or governmental entity's response. The court may award, subject to the limitations in s. 768.28, the party sued by a governmental entity actual damages arising from a governmental entity's violation of this section. The court shall award the prevailing party reasonable attorney fees and costs incurred in connection with a claim that an action was filed in violation of this section.

Section 55. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, section 946.5026, Florida Statutes, is reenacted to read:

946.5026 Sovereign immunity in tort actions.—The provisions of s. 768.28 shall be applicable to the corporation established under this part, which is deemed to be a corporation primarily acting as an instrumentality of the state.

Section 56. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 946.514, Florida Statutes, is reenacted to read:

946.514 Civil rights of inmates; inmates not state employees; liability of corporation for inmate injuries.—

(3) The corporation is liable for inmate injury to the extent specified in s. 768.28; however, the members of the board of directors are not individually liable to any inmate for any injury sustained in any correctional work program operated by the corporation.

Section 57. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (8) of section 961.06, Florida Statutes, is reenacted to read:

961.06 Compensation for wrongful incarceration.—

(8) Any payment made under this act does not constitute a waiver of any defense of sovereign immunity or an increase in the limits of liability on behalf of the state or any person subject to s. 768.28 or any other law.

Section 58. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (3) of section 984.09, Florida Statutes, is reenacted to read:

984.09 Punishment for contempt of court; alternative

sanctions.—

(3) ALTERNATIVE SANCTIONS.—Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the circuit alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community service or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the department to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the labor of children and limited immunity in accordance with s. 768.28(11).

Section 59. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (h) of subsection (12) of section 1002.33, Florida Statutes, is reenacted to read:

1002.33 Charter schools.—

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(h) For the purposes of tort liability, the charter school, including its governing body and employees, shall be governed by s. 768.28. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

Section 60. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (6) of section

1002.333, Florida Statutes, is reenacted to read:

1002.333 Persistently low-performing schools.—

(6) STATUTORY AUTHORITY.—

(b) For the purposes of tort liability, the hope operator, the school of hope, and its employees or agents shall be governed by s. 768.28. The sponsor shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of a hope operator, the school of hope, or its employees or agents. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

Section 61. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (17) of section 1002.34, Florida Statutes, is reenacted to read:

1002.34 Charter technical career centers.—

(17) IMMUNITY.—For the purposes of tort liability, the governing body and employees of a center are governed by s. 768.28.

Section 62. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (2) of section 1002.37, Florida Statutes, is reenacted to read:

1002.37 The Florida Virtual School.—

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s.

768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet at least 4 times each year, upon the call of the chair, or at the request of a majority of the membership.

2. The fiscal year for the Florida Virtual School shall be the state fiscal year as provided in s. 216.011(1)(q).

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program.

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the school's marketing and research and development activities in order to improve courseware and

services to its students.

(d) The board of trustees shall be responsible for the administration and control of all local school funds derived from all activities or sources and shall prescribe the principles and procedures to be followed in administering these funds.

(e) The Florida Virtual School may accrue supplemental revenue from supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review of the executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.

(f) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt rules, policies, and procedures related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as academic

administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual School academic administrative and instructional personnel shall be subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by rules of the board of trustees.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.

(g) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(h) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School.

(i) The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into franchise agreements with Florida district school boards and may establish the terms and conditions governing such agreements. The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.

(j) The board of trustees shall submit to the State Board of Education both forecasted and actual enrollments and credit completions for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served by program and by county of residence.

(k) The board of trustees shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 1002.22. Employee records shall be subject to the provisions of s. 1012.31.

(l) The financial records and accounts of the Florida Virtual School shall be maintained under the direction of the board of trustees and under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of the state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

Section 63. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a

reference thereto, paragraph (l) of subsection (3) of section 1002.55, Florida Statutes, is reenacted to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(l) Notwithstanding paragraph (j), for a private prekindergarten provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), the provider must agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (j), for a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

Section 64. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (10) of section 1002.83, Florida Statutes, is reenacted to read:

1002.83 Early learning coalitions.—

(10) For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

Section 65. For the purpose of incorporating the amendment

made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (p) of subsection (1) of section 1002.88, Florida Statutes, is reenacted to read:

1002.88 School readiness program provider standards; eligibility to deliver the school readiness program.—

(1) To be eligible to deliver the school readiness program, a school readiness program provider must:

(p) Notwithstanding paragraph (m), for a provider that is a state agency or a subdivision thereof, as defined in s. 768.28(2), agree to notify the coalition of any additional liability coverage maintained by the provider in addition to that otherwise established under s. 768.28. The provider shall indemnify the coalition to the extent permitted by s. 768.28. Notwithstanding paragraph (m), for a child development program that is accredited by a national accrediting body and operates on a military installation that is certified by the United States Department of Defense, the provider may demonstrate liability coverage by affirming that it is subject to the Federal Tort Claims Act, 28 U.S.C. ss. 2671 et seq.

Section 66. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, subsection (1) of section 1006.24, Florida Statutes, is reenacted to read:

1006.24 Tort liability; liability insurance.—

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by the district school board to transport persons, to the same extent and in the same manner as the state or any of

its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to $5,000 multiplied by the rated seating capacity of the school bus or other vehicle, as determined by rules of the State Board of Education, or $100,000, whichever is greater. The provisions of s. 768.28 apply to all claims or actions brought against district school boards, as authorized in this subsection.

Section 67. For the purpose of incorporating the amendment made by this act to section 768.28, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 1006.261, Florida Statutes, is reenacted to read:

1006.261 Use of school buses for public purposes.—

(2)

(b) For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768.28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of $100,000 on any claim or judgment and $200,000 on all claims and judgments arising from the same incident or occurrence.

Section 68. This act shall take effect October 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Kathleen Passidomo, Chair
Rules Committee

Subject: Committee Agenda Request

Date: February 13, 2026

I respectfully request that **Senate Bill #1366**, relating to Claims Against the Government, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Jason Brodeur

Senator Jason Brodeur
Florida Senate, District 10

File signed original with committee office

S-020 (03/2004)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3-3-26
Meeting Date

Rules
Committee

1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Kyle Peddie

Phone 850-556-1881

Address 17182 NE SR 65
Street
Hosford FL 32334
City State Zip

Email kyle.peddie@lcsb.org

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.
Supt of Schools
Liberty County

☐ 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

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3-3-26
Meeting Date

Rules
Committee

1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Darryl Taylor

Phone 850-899-0505

Address 18871 NE Live Oak Ln
Street

Email darryl.taylor@calhounfl schools.org

Blountstown, FL 32424
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.
Calhoun

☐ 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

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3/3/24
Meeting Date

Senate Rules
Committee

1366
Bill Number or Topic

491 330
Amendment Barcode (if applicable)

Name Thomas Register

Phone 850 252 5727

Address 1629 Nearing Hills Cir
Street

Email thomas.register@wcsdschools.com

Chipley FL 32428
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:

Washington County School District

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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03/03/2026
Meeting Date

Rules
Committee

SB 1366
Bill Number or Topic

491330
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:
Panhandle Area Educational Consortium

☐ 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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3-3-26
Meeting Date

The Florida Senate

APPEARANCE RECORD

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SB 1366
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Downs Jr. Phone 8504576157

Address 12156 Haybury dr Email
Street

Pen FL 32506
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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03/03/26
Meeting Date

Senate Rules
Committee

SB 1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Joe McGehee

Phone 850-933-1103

Address 203 S. Monroe St.
Street

Email mcgehee@fsba.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 School Boards 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)

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The Florida Senate

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3/3/2026
Meeting Date

Rules
Committee

SB 1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Mark Delegal

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Address 215 S. Monroe St, #130
Street

Email mark@dacfl.com

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:

Safety Net Hospital Alliance 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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3/3/26
Meeting Date

Rules
Committee

SB 1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (727)637-4041

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

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3-7-26
Meeting Date

Rules
Committee

1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Kyle Newsom

Phone 850-638-6222

Address 750 Sinclair St
Street

Email kyle.newsom@wcsdschools.com

Chipley FL 32428
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:

Washington County

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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3/3/2026
Meeting Date

Rules
Committee

SB 1366
Bill Number or Topic

491330
Amendment Barcode (if applicable)

Name Troy Peeples Phone 850-547-2037

Address 2465 Three Mile Rd Email troypeeplesx@yahoo.com
Street

Bonifay FL 32425
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:

(PAEC) Panhandle Area Educational Consortium

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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3/3/26
Meeting Date

Senate Rules
Committee

1366
Bill Number or Topic

491380
Amendment Barcode (if applicable)

Name John Selover

Phone 607-437-5577

Address 4000 McLaughlin drive
Street

Tallahassee FL
City *State* *Zip*

Email John.Selover@paec.org

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:

Panhandle Area Educational Consortium

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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March 3
Meeting Date

Rules
Committee

1366
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Doolin

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Address 1018 Thomasville Rd 102B
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Email cdoolin@doolinandassoc.com

TALLAHASSEE, FLA. 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:
SMALL COUNTY COALITION / SMALL SCHOOL DISTRICT COUNCIL CONSORTIUM

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/3/26
Meeting Date

Rules
Committee

SB 1366
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

03/03/2026
Meeting Date

Rules
Committee

SB 1366
Bill Number or Topic

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:
Panhandle Area Educational Consortium

☐ 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

3/3/26
Meeting Date

Rules
Committee

1366
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-346-7626

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

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:

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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 1452
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Banking and Insurance Committee; and Senator Truenow
SUBJECT:	Department of Financial Services
DATE:	March 5, 2026 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1452 revises statutory provisions relating to the Department of Financial Services (DFS). The Chief Financial Officer (CFO) serves as the agency head of the DFS. The bill:

Accounting System for the State of Florida

The bill:

- Provides that a request for a copy of a document or an accounting record, whether by a public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not be made to the functional owner of the subsystem unless the document or accounting records was recorded by such entity.
- Deletes statutory references to Florida's current accounting system known as the Florida Accounting Information Resource (FLAIR) and conforms statute to the new state accounting system, Florida Planning and Ledger Management (PALM) system.
- Specifies any interest which becomes due and owing must be paid from the appropriation charged for such goods or services. However, if sufficient funds are not available within the appropriation charged for such goods or services, the agency must pay the interest from a similar or appropriate appropriation category.

Division of Funeral, Cemetery, and Consumer Services

The bill:

- Clarifies licensure disqualification provisions for certain crimes. An applicant who has been found guilty of a felony of the first degree, felony involving prohibited conduct under ch. 497, F.S., (Funeral, Cemetery, and Consumer Services), ch. 787, F.S., (Kidnapping and Human Trafficking), ch. 794, F.S., (Sexual Battery), ch. 796, F.S., (Prostitution), ch. 800, F.S., (Lewdness and Indecent Exposure), ch. 825, F.S., (Abuse, Neglect, and Exploitation of an Elderly or Disabled Adult), ch. 827, F.S., (Abuse of Children), ch. 847, F.S., (Obscenity), or a felony involving moral turpitude is permanently barred from licensure.
- Provides that an applicant who is found guilty of a felony beyond the scope of the offenses listed above is barred from licensure for 10 years, and authorizes mitigating factors to reduce the disqualifying period. An applicant who is guilty of a misdemeanor directly related to ch. 497, F.S., is barred for five years.
- Authorizes the Board of Funeral, Cemetery, and Consumer Services to adopt rules to implement these provisions.

The Division of Insurance Agent and Agency Services

The bill:

- Streamlines the process for transferring an out-of-state license to Florida.
- Eliminates the license type, reinsurance intermediary, due to the license not being used.
- Authorizes the DFS to make provisions for applicants to voluntarily submit their cellular telephone number as part of the application process solely for the purpose of two-factor authentication of secure login to their licensing portal.
- Expands the exemption for an insurance application filing fee to include any veteran honorably discharged from the United States Armed Forces or their spouse, by removing the limitation within 24 months of discharge of the veteran.
- Removes the requirement for applicants to provide verification of home state license cancellation prior to being approved as a Florida resident licensee. Instead, the prior home state license must be cancelled within 30 days.
- Clarifies a provision relating to title insurers and the applicability of ch. 626, F.S., to provide that title insurers, acting through corporate officers, are exempt from ch. 626, F.S., relating to title insurance licensing and appointment requirements.
- Requires a public adjuster to respond to a consumer's written or electronic request for information in 14 days, mirroring the existing timeline for a public adjuster to respond to the DFS.
- Eliminates the requirement of an applicant to submit a photograph to the DFS as part of the bail bond application license.
- Clarifies that the insurer must obtain the Bail Bond Appointment Form to and secure all necessary certifications of the agent, rather than submitting them directly to the department, in an effort to minimize duplicative process.

The Division of Unclaimed Property

The bill:

- Revises the short title of the Unclaimed Property Act to reflect the use of the term "abandoned property," aligning the title with the chapter's revised terminology.
- Clarifies the meaning of the term, "abandoned property," distinguish custodial holding from reporting status, and modernize terminology to reflect current business practices, electronic records, and evolving property types.
- Clarifies what actions constitute an owner's expression of continued interest in property. It provides a nonexclusive list of actions that rebut the presumption of abandonment, offering greater consistency in determining dormancy and reducing the likelihood that property will be reported despite meaningful owner engagement.
- Clarifies the conditions under which intangible property becomes subject to the custody of the DFS. It expressly ties custody to the expiration of the applicable dormancy period and the completion of required due diligence, reinforcing the distinction between property that is merely presumed abandoned and property that is reportable and transferable to state custody.
- Updates dormancy provisions for traveler's checks, money orders, and checks to align owner-interest standards with those in s. 717.102, F.S.
- Changes the dormancy for virtual currency from five to seven years.
- Revises dormancy triggers for equity and debt interests of business associations by reinstating returned mail as a dormancy trigger and extending the dormancy period tied to owner-initiated activity from three to five years. These changes better reflect meaningful owner inactivity and provide additional time and opportunity for owners to maintain or reestablish contact before the property is presumed abandoned.
- Specifies documentation asset purchasers must submit to DFS when a claim is filed.
- Provides criteria for a claim to be considered withdrawn.
- Strengthens holder due-diligence requirements by enhancing notice obligations and requiring more detailed, consumer-focused disclosures. For higher-value property (more than $1,000), holders must send a second notice by certified mail. The bill also requires holders to certify that reports are complete and all due diligence requirements have been satisfied, improving reporting accuracy and accountability. Additionally, the bill provides that securities identified as non-freely transferable or worthless are not reportable, reducing administrative burden and preventing delays in claims processing.
- Revises notice provisions of the DFS to ensure owners receive clear, accessible, and cost-effective notice after property is reported. It updates requirements for the publicly searchable electronic database to include owners with property valued at $10 or more, improving transparency and owner access.
- Clarifies procedures for handling firearms discovered in abandoned safe-deposit boxes.
- Requires the submission of a certified copy of a death certificate before the DFS may release wills or trust instruments, thereby protecting sensitive documents.
- Strengthens claim verification requirements for certain claims, including those submitted on behalf of active corporations, by requiring additional identification.
- Strengthens claim verification requirements for certain claims, including those submitted on behalf of active corporations, by requiring additional identification. It clarifies the definition of "conflicting claim" and standardizes procedures for handling conflicting claims, promoting fairness and consistency in claims determinations.

- Clarifies which acts constitute violations of ch. 717, F.S., and the procedures available to the DFS for administrative and civil enforcement.
- Reorganizes provisions governing the purchase of abandoned property by maintaining existing restrictions on claimant representatives while creating a new section governing purchases by persons or entities other than claimant representatives. The bill establishes detailed disclosure and documentation requirements, including minimum formatting standards, notarization, and consumer-protection safeguards to ensure owners receive a substantial portion of the property's value.
- Clarifies the public purpose underlying Chapter 717, F.S., reinforcing its role as a consumer protection program designed to safeguard abandoned property and facilitate its return to rightful owners through a custodial framework.
- Clarifies registration requirements and ongoing standards for claimant representatives, including disclosure obligations, minimum activity thresholds, and grounds for revocation. These changes strengthen oversight and promote accountability while maintaining access to representation for owners.

The Division of Workers' Compensation

The bill:

- Changes the due date of the Three-Member Panel Report to the Legislature from every two years to every five years, which will provide the DFS additional time for the panel to assess and provide recommendations to improve the workers' compensation health care delivery system.
- The bill also extends the amount of time a provider has to file a petition with the DFS to resolve disputes from 45 days to 60 days after the receipt of notice of disallowance or adjustment of payment by the carrier and expands the methods by which providers can use to submit utilization and reimbursement dispute petitions to the DFS from the United States Postal Service certified mail to also include common carrier with verifiable tracking methods.

My Safe Florida Home Program

The bill:

- Revises eligibility on whether a residential property is attached or detached and its height, ensuring that applicants in attached residential properties of three stories or less may qualify for a full range of improvements, including roof replacements when recommended. These changes address inconsistencies in property appraiser classifications that can mislabel physically detached homes as condominiums, inadvertently disqualifying them from participation.
- Clarifies building-type definitions and how the age of a home is determined, relying on the construction date listed by property appraisers rather than the initial permit date, and codifies prior budget language eliminating an exemption that allowed certain higher-value homes to qualify based on income alone.
- Streamlines program administration and reduces disputes by reinforcing that only improvements recommended in the initial and final inspection reports are eligible for grant funding, including roof coverings when necessary to complete approved roof-related work.

- Codifies existing law by removing a home's insured value of $700,000 or less exemption for low income homeowners.
- Codifies exiting law by limiting mitigation grants to low and moderate income owners.
- Establishes a 24-month deadline to submit a grant application after the initial inspection to eliminate a backlog of inactive applicants, extends the completion deadline for approved improvements to 18 months without requiring an extension request, and allows applicants to certify their age directly to support program prioritization.
- Replaces the term "withdrawn" with "abandoned" to close out unresponsive applications and prevent reapplication, preserving grant funds for homeowners who actively participate and meet program requirements.

Enforcement of the Florida Building Code and Fire Prevention Code

The bill:

- Revises enforcement provisions relating to fire protection, fire suppression, modification, and demolition of a single family or two-family dwelling to provide that such a dwelling does not have a change of occupancy solely due to the use of dwellings or conversion into a dwelling used by a tax-exempt charity under 501(c)(3) of the Internal Revenue Code if certain conditions are met, and for migrant housing, that has a permit from Department of Health pursuant to s. 381.0081, F.S.
- Provides that a single or two family residence may not be reclassified for purposes of enforcing the Fire Prevention Code solely due to such dwelling use as, or conversion into a dwelling used by a tax-exempt charity under 501(c)(3) of the Internal Revenue Code if certain conditions are met, and for migrant housing, that has a permit from Department of Health pursuant to s. 381.0081, F.S.

My Safe Floria Condominium Pilot Project

The bill:

- Provides that participation in the program is limited to condominium associations in which at least 80 percent of the occupied units within the condominiums are owned or occupied by a person or family whose annual income is at or below 80 percent of the area median income, adjusted for family size, applicable to the county in which the condominium is located. For purposes of the 80 percent threshold, only occupied residential units are counted and both owner and tenant occupied residential units may be counted as long as the person living in such units provide income documentation to DFS and DFS has verified that such person meets income requirements.
- Provides rulemaking authority for establishing acceptable methods for verifying household income, including owner self-certification, tax returns, or income statements.
- Requires an application for a mitigation grant to include documentation deemed sufficient by DFS for verifying household income.
- Provides that grant funds may only be awarded for a mitigation improvement that addresses the common elements of the condominium property.
- Provides that an association must complete 100 percent of the opening protection improvements to the common elements which were recommended in the final hurricane mitigation inspection report as a condition of receiving the grant.

Check Cashers

The bill:

- Requires a licensed check casher seeking collection of a returned check to comply with the prohibitions against harassment, false and misleading representations, and unfair practices in the Consumer Collection Practices Act under part VI of ch. 560, F.S., and with the federal Debt Collection Practices Act if the licensee uses a third-party debt collector or any other name other than its own to collect such debts.

Deferred Presentment Providers

The bill:

- Authorizes deferred presentment provider to accept redemption of a check to be made by cash or debit card.
- Requires a deferred presentment provider seeking collection of a returned check to comply with the prohibitions against harassment, false and misleading representations, and unfair practices in the Consumer Collection Practices Act under part VI of ch. 560, F.S., and with the federal Debt Collection Practices Act if the provider uses a third-party debt collector or any other name other than its own to collect such debts.

The bill has an indeterminate impact on state revenues and expenditures.

Provides the bill takes effect upon becoming a law.

II. Present Situation:

Department of Financial Services

The head of the Department of Financial Services (DFS) is the Chief Financial Officer (CFO) who may also be known as the Treasurer.[1] The CFO is the chief fiscal officer of the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities.[2] Further, the CFO is designated as the State Fire Marshal.[3] The DFS consists of the following divisions and offices:

- The Division of Accounting and Auditing.
- The Division of Consumer Services.
- The Division of Funeral, Cemetery, and Consumer Services.
- The Division of Insurance Agent and Agency Services.
- The Division of Investigative and Forensic Services.
- The Division of Public Assistance Fraud.
- The Division of Rehabilitation and Liquidation.
- The Division of Risk Management.
- The Division of State Fire Marshal.
- The Division of Treasury.
- The Division of Unclaimed Property.

[1] Section 20.121, F.S.
[2] Section 17.001, F.S.
[3] Section 633.104, F.S.

- The Division of Workers' Compensation.
- The Division of Administration.
- The Office of Insurance Consumer Advocate.

Florida Accounting Information Resource Subsystem

In 1980, the Florida Legislature enacted the Florida Fiscal Accounting Management Information System Act,[4] which standardized the financial management and accounting practices for the state and was meant to provide timely statewide financial statements. The State Automated Management Accounting Subsystem (SAMAS) was developed from 1983-1986 and agencies began implementing SAMAS to manage their financial accounting.[5] In 1997, SAMAS was renamed as the Florida Accounting Information Resource Subsystem (FLAIR).

FLAIR is the State of Florida's accounting system. Sections 215.93(1)(b) and 215.94(2), F.S., establishes FLAIR as a subsystem of the Florida Financial Management Information System and DFS as the functional owner of FLAIR. FLAIR is used to provide accounting, data for financial statements, auditing and settling of claims against the State. Pursuant to s. 216.102(3), F.S., FLAIR is used for the State's Annual Comprehensive Financial Report (ACFR). FLAIR compromises four components: Departmental Accounting, Central Accounting, Payroll Component and Information Warehouse. All state agencies' payroll, expense processing, retirement, reemployment compensation, and public assistance are processed and tracked through FLAIR.[6,7]

Florida Planning and Ledger Management

The Florida PALM project was initiated in 2014 to replace FLAIR and the cash management and accounting management components of the CMS with a cloud-hosted enterprise resource planning financial management solution designed to modernize the state's financial management processes and system. Beginning with the CMS implementation (CMS Wave) in July 2021, this multiyear project was designed to transition FLAIR and CMS functions, as well as additional functionality. The CMS Wave transitioned the functions related to the management of bank cash, participant invested cash, and Treasury investments from the CMS to Florida PALM.[8] Until Florida PALM is fully implemented, FLAIR remains the State's accounting system. The Florida PALM project has a current go-live date of January 2027.

[4] Chapter 80-45, Laws of Florida
[5] Florida Auditor General, *Report No. 2024-138 Florida Accounting Information Resource Subsystem* (FLAIR) (Feb. 24), https://flauditor.gov/pages/pdf_files/2024-138.pdf (last visited Feb. 23, 2026).
[6] *Id*.
[7] Florida Department of Financial Services, Florida Accounting Information Resource (FLAIR) https://fs.fldfs.com/dispapps/flair.shtml (last visited Feb. 26, 2026).
[8] Florida Auditor General, Report No. 2024-138 Florida Accounting Information Resource Subsystem (FLAIR) (Feb. 24), p. 2, https://flauditor.gov/pages/pdf_files/2024-138.pdf (last visited Feb. 23, 2026).

My Safe Florida Home Program

Background

Following the 2004 and 2005 hurricane seasons, where 2.8 million Florida homeowners suffered more than $33 billion in insured property damage, 86 percent of the 4.4 million homes in Florida were built prior to the adoption of stronger building codes in 2002, and the average age of a home was 26 years, Florida began to experience a decline in the availability of property insurance and an increase in its cost.[9] In 2006, the Legislature created the My Safe Florida Home Program (program) within DFS.[10] The original appropriation for the program was $250 million for a period not to exceed three years with any unused appropriated funds reverting to the General Revenue Fund on June 30, 2009.[11]

The program was created with the intent to provide trained and certified inspectors to perform mitigation inspections for owners of site-built, single-family, residential properties, and mitigation grants to eligible applicants, subject to the availability of funds.[12] The program was to "develop and implement a comprehensive and coordinated approach for hurricane damage mitigation…"[13] The program allows DFS to undertake a public outreach and advertising campaign to inform consumers of the availability and benefits of the mitigation inspections and grants.[14] From its inception to January 30, 2009, the program received approximately 425,193 applications, performed more than 391,000 inspections and awarded 39,000 grants. From July 2007 through January 2009, program expenditures totaled approximately $151.9 million.[15] Funding for the program ceased June 30, 2009.[16]

Renewal and Funding of the Program

In May 2022, during Special Session 2022-D, and under a property insurance bill (SB 2-D), the Legislature reestablished the program and appropriated $150 million in nonrecurring funds from the General Revenue Fund designated for the following purposes:

- $25 million for hurricane mitigation inspections;
- $115 million for hurricane mitigation grants;
- Four million dollars for education and consumer awareness;
- One million dollars for public outreach to contractors, real estate brokers, and sales associates; and
- Five million dollars for administrative costs.[17]

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[9] Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).
[10] The Legislature initially established the program as the Florida Comprehensive Hurricane Damage Mitigation Program (ch. 2006-12, L.O.F.) however, the name was subsequently changed in 2007 (ch. 2007-126, L.O.F.).
[11] Chapter 2006-12, L.O.F.
[12] Section 215.5586, F.S.
[13] *Id*.
[14] Section 215.5586(3), F.S.
[15] Florida Auditor General, *Department of Financial Services, My Safe Florida Home Program, Operational Audit Report No. 2010-074* (Jan. 2010), https://flauditor.gov/pages/pdf_files/2010-074.pdf (last visited February 17, 2026).
[16] Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).
[17] Section 4, ch. 2022-268, L.O.F.

During the 2023 Regular Legislative Session, the Legislature appropriated an additional $100 million in nonrecurring funds from the General Revenue Fund for mitigation grants and $2,065,000 for operations and administration costs.[18] During Special Session 2023-C, the Legislature appropriated $176,170,000 in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants and $5,285,100 for administrative costs. During the 2024 Regular Legislative Session, the Legislature appropriated $200 million in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants, inspections, and administrative costs.[19] During the 2025 Regular Legislative Session, the Legislature appropriated $280 million in nonrecurring funds from the General Revenue Fund for hurricane mitigation grants, inspections, and administrative costs.[20]

Division of Workers' Compensation

The Division of Workers' Compensation (DWC) provides regulatory oversight of Florida's workers' compensation system,[21] which includes the enforcement of coverage requirements,[22] administration of the health care delivery system,[23] and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.[24] Florida's workers' compensation law provides for medically necessary treatment and care of injured employees, including medications.[25]

Reimbursement for Health Care Providers

Health care providers must receive authorization from the insurer before providing treatment and must submit treatment reports to the insurer.[26] Insurers must reimburse an individual physician, hospital, ambulatory surgical center, pain program, or work-hardening program at either the agreed-upon contract price or the maximum reimbursement allowance (MRA) in the appropriate schedule.[27] A three-member panel (panel) consisting of the CFO or his or her designee and two Governor's appointees sets the MRAs.[28] The DFS incorporates the statewide schedules of the MRAs by rule in reimbursement manuals. In establishing the MRA manuals, the panel considers the usual and customary levels of reimbursement for treatment, services, and care; the cost impact to employers for providing reimbursement that ensures that injured workers have access to necessary medical care; and the financial impact of the MRAs on healthcare providers and facilities.[29] Florida law requires the panel to develop MRA manuals that are reasonable, promote the workers' compensation system's health care cost containment and efficiency, and are sufficient to ensure that medically necessary treatment is available for injured workers.[30]

[18] SB 2500 (2023); Specific Appropriations 2368A and 2368B, ch. 2023-239, Laws of Fla.
[19] Section 2, ch. 2024-107, L.O.F.
[20] SB 2500 (2025); Specific Appropriations 2139, 2140, 2141, and section 176 (ch. 2025-198, Laws of Fla.).
[21] Section 440.191, F.S.
[22] Section 440.107(3), F.S.
[23] Section 440.13, F.S.
[24] Section 440.191, F.S.
[25] Section 440.13, F.S.
[26] *Id.*
[27] Section 440.13(12)(a), F.S.
[28] *Id.*
[29] Section 440.13(12), F.S.
[30] *Id.*

Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (Act), provides for the regulation of funeral and cemetery services.[31] The Act authorizes the Board of Funeral, Cemetery, and Consumer Services (Board) within the DFS to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.[32] Section 20.121(4), F.S., creates the Board within the Division of Funeral, Cemetery, and Consumer Services of DFS. The Board acts as the licensing and rulemaking authority for certain matters related to examinations and other substantive requirements for licensure within the death care industry under ch. 497, F.S., including facility requirements;[33]

Funeral Director and Embalmer Licensure

The practice of funeral services is divided into three relevant licenses. Persons may be licensed as a funeral director,[34] an embalmer,[35] or with a combination license for the practice of funeral directing and embalming.[36]

Applicants for an embalmer license must take courses in mortuary science, complete a one-year internship, pass state and federal law examinations, and pass the Funeral Services Science section of the national board examination prepared by the Conference of Funeral Service Examining Boards.[37] These applicants do not have to take courses in funeral service arts. Applicants for a combination funeral directing and embalmer license must meet the requirements for an embalmer's license, as well as take approved courses in funeral service arts, and pass the funeral services arts section of the national board examination.[38]

Similarly, applicants for a funeral director-only license are required to take classes in both mortuary science and funeral service arts whether or not the student wishes to apply for an embalming license or practice embalming. They must also complete a one-year internship, pass the state and federal laws and rules examination relating to the disposition of human remains, and pass the funeral services arts section of the national board examination.[39]

[31] *See* Section 497.001, F.S.
[32] Sections 497.101 and 497.103, F.S.
[33] *See* s. 497.103(1)(a)-(cc), F.S. Licenses available to natural persons include: embalmer apprentice and intern; funeral directors and intern; funeral director and embalmer, direct disposer, monument establishment sales agent, and preneed sales agent. Section 497.141(12)(a), F.S. Licenses available to natural persons, corporations, limited liability companies, and partnerships include: funeral establishment, centralized embalming facility, refrigeration facility, direct disposal establishment, monument establishment, cinerator facility, removal service, preneed sales business under s. 497.453, F.S., and cemetery. Section 497.141(12)(b)-(c), F.S.
[34] Section 497.372, F.S.
[35] Section 497.368, F.S.
[36] Section 497.376, F.S.
[37] Section 497.368, F.S.
[38] *See* s. 497.376(1), F.S
[39] Section 497.373, F.S.

Division of Insurance Agent and Agency Services

Chapter 626, F.S., governs the regulation and licensure of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations.[40] The powers and duties of the CFO and the DFS in part I of ch. 626, F.S., apply to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.[41]

The Division of Insurance Agent and Agency Services (division) licenses and appoints individuals and entities authorized to transact insurance in Florida as provided in s. 626.016, F.S. Further, the division examines licensees and oversees continuing education of licensees. The division conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations to the Division of Criminal Investigations' within DFS or other law enforcement agencies, as appropriate.[42] Further, DFS has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons engaged in actions for which a license issued by DFS is required.[43]

DFS may not issue a license an agent, customer representative, adjuster, service representative, or reinsurance intermediary until the person has submits a written application, meets the necessary qualifications, and pays in advance all applicable fees.[44] Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service within 24 months before application, are exempt from the application fee.[45]

Section 626.292, F.S., provides that an individual licensed in good standing in another state may apply to have that license transferred to Florida for the same lines of authority covered by the license in the other state. To qualify for the transfer, the applicant must:

- Become a Florida resident.
- Have been licensed in the other state at least one year immediately preceding the date the individual became a Florida resident.
- Submit a completed application, along with payment of the applicable fees.
- Submit a certification from the other state identifying the type of license and lines of authority under the license and the applicant was in good standing at the time the license from that state was canceled; and a set of the applicant's fingerprints.
- Satisfy any prelicensing education requirements.
- Satisfy the examination requirement.[46]

[40] This includes licensing and other requirements (part I), general lines agents (part II), life insurance agents (part III), health insurance agents (part IV), title insurance agents (part V), insurance adjusters (part VI), insurance administrators (part VII), and viatical settlements (part X).
[41] Section 626.016(1), F.S.
[42] Sections 624.307, 624.317, and 624.321, F.S.
[43] Section 626.016(3), F.S.
[44] Section 626.171(1), F.S.
[45] Section 626.171(6), F.S.
[46] Section 626.292(2), F.S.

Grounds for Refusal, Suspension, or Revocation

Section 626.611, F.S., provides grounds for the mandatory denial of an application, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. One of these grounds is for "lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment."[47]

Section 626.621, F.S., provides grounds for the discretionary denial of an application, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. One of these grounds is for the "[f]ailure to inform the department within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of one year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case."[48] These grounds do not include a finding that the applicant, licensee, or appointee had a resident license cancelled in another state.

Insurance Agents

In general, insurance agents transact insurance on behalf of an insurer or insurers. Insurance agents must be licensed by DFS to act as an agent for an insurer, and be appointed (i.e., given the authority by an insurance company to transact business on its behalf) by at least one insurer to act as the agent for that particular appointing insurer or insurers.[49]

A "general lines agent" is an individual representing one or more of the following kinds of insurance: property insurance, casualty insurance, surety insurance, health insurance, or marine insurance.[50] A "life agent" is an individual representing an insurer as to life insurance and annuity contracts, or acting as a viatical settlement broker.[51] A "health agent" is an individual representing a health maintenance organization or, as to health insurance only, an insurer transacting health insurance.[52] Any person applying to be a general lines agent, a health agent, or life agent, must be a "bona fide resident" of Florida.[53] An applicant that is a resident of another state at the time of application may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to the DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.[54]

[47] Section 626.611(1)(h), F.S.
[48] Section 626.621(10), F.S.
[49] Section 624.112, (1), F.S.
[50] *See* s. 626.015(7), F.S.
[51] Section 626.015(12), F.S.
[52] Section 626.015(8), F.S.
[53] Sections 626.731(1)(b), 626.785(1)(b), 626.831(1)(b), F.S.
[54] Sections 626.731(1)(b), 626.785(2), 626.831(2), F.S.

Public Adjuster

Section 626.854, F.S., defines a 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, prepares, completes, or files an insurance claim for an insured or third-party claimant, 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, 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 a third-party claimant.[55] DFS licenses public adjusters who meet pre-licensing requirements, which include submitting an application, paying required fees, complying with requirements as to knowledge, experience, or instruction, and submitting fingerprints.

A public adjuster may not receive compensation for services provided before the date the insured receives an unaltered copy of the executed contract, or the date the executed contract is submitted to the insurer.[56] A public adjuster contract for a property and casualty claim must include:

- The full name, permanent business address, phone number, e-mail address, and license number of the public adjuster;
- The full name and license number of the public adjusting firm;
- The insured's full name, street address, phone number, and e-mail address;
- A brief description of the loss;
- The percentage of compensation for the public adjuster's services in minimum 18-point bold type before the space reserved in the contract for the signature of the insured;
- The type of claim, including an emergency claim, nonemergency claim, or supplemental claim;
- The initials of the named insured on every page of the document that does not contain the insured's signature;
- The signatures of the public adjuster and all named insureds; and
- The signature date.[57]

Title Insurers

Title insurance insures owners of real property, or lenders using real property as collateral, against loss arising out of defective or invalid titles and the existence of other liens or other legal claims against titles to real property.[58] Title insurers are exempt from the provisions of ch. 626, F.S., relating to title insurance licensing and appointment requirements, and may only act

[55] The definition of "public adjuster" excludes a licensed health care provider or employee thereof who prepares or files a health insurance claim form on behalf of a patient; a licensed health insurance agent who assists an insured with coverage questions, medical procedure coding issues, balance billing issues, understanding the claims filing process, or filing a claim, as such assistance relates to coverage under a health insurance policy; and a person who files a health claim on behalf of another and does so without compensation. Section 626.854, F.S.
[56] Section 626.8796(3), F.S.
[57] Section 626.8796(2), F.S.
[58] Office of Insurance Regulation, Title Insurance Title Insurance (last visited Mar. 1, 2026).

through officers and agents.[59] However, a corporate office can occasionally issue and countersign binders, commitments, and policies.[60]

Bail Bond Agents and Agencies

A bail bond is a guarantee by a third-party that a defendant in a criminal case will appear in court at all scheduled proceedings. A bail bond agent posts a surety bond to secure the defendant's release from custody; the defendant provides money or other collateral to secure the bail bond and forfeits the premium (10 percent of the amount of bail set by the court) if he or she fails to appear in court or comply with other conditions of the bond. Bail bond agents must be licensed by the DFS and appointed by insurance carriers to execute bail bonds. If a defendant fails to appear in court, the bail bond agent may apprehend and detain the defendant until the defendant is surrendered to the authorities.[61] Bail bond agents may execute or sign bonds, handle collateral receipts, deliver bonds to appropriate authorities, or operate an agency or branch agency at a separate location from the supervising bail bond agent, managing general agent, or insurer that employs the bail bond agent.[62]

Licensure as a Bail Bond Agent

All applicants for bail bond licenses must submit fingerprints for a national criminal background check and pay an application fee. Bail bond agents may not have been convicted of a felony, must be age 18 or older, and must be eligible to work in the United States. A bail bond agent must be appointed by a licensed insurer, and the insurer must report the appointment to DFS. A bail bond agent may not charge a premium other than the rate that has been approved by the Office of Insurance Regulation (OIR) and must retain records related to any bail bonds the agent has executed or countersigned for at least three years after the liability of the surety has been terminated. Additionally, bail bond agents must register with the sheriff and the clerk of the circuit court in the county where the bail bond agent resides. Bail bond agents may not solicit clients at a jail, prison, or courthouse, and may not pay fees for referrals from any person working in the law enforcement community.[63]

Ownership of a Bail Bond Agency

The owner of a bail bond agency must be a licensed and appointed bail bond agent.[64] The owner or operator of a bail bond agency must designate a primary bail bond agent who is responsible for the overall operation and management of a bail bond agency location and file the name and license number of the primary bail bond agent and the address of the bail bond agency with the DFS.

[59] Section 626.8427(4), F.S.
[60] Section 626.8427(5), F.S.
[61] Sections 648.24 and 624.26, F.S. *See also* Department of Financial Services, Division of Consumer Services, *Bail Bonds Overview*, https://www.myfloridacfo.com/division/consumers/understanding-insurance/bail-bonds-overview (last visited February 17, 2026).
[62] Section 648.355, F.S.
[63] Sections 648.355, 648.33, 648.34, 648.35, 648.36, 648.382, 648.42, and 648.44, F.S.
[64] Section 648.285, F.S.

Florida Disposition of Unclaimed Property Act

Chapter 717, F.S., is entitled the Florida Disposition of Unclaimed Property Act, which the DFS administers. The DFS collects and returns unclaimed property belonging to Florida residents. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.[65] Until claimed, unclaimed money is deposited into the State School Trust Fund to be used for public education.

A claimant representative, who must be a Florida-licensed attorney, a licensed Florida-certified public accountant (CPA), or a private investigator licensed under Chapter 493, F.S., is required to register with DFS.[66] A claimant representative must register with DFS on a form designated by the DFS and provide certain documentation (including tax identification number, identification, electronic funds transfer information, business address, and employees and agents) and credentials as to their status as an attorney, certified public accountant, or private investigator.[67] In order to move forward in obtaining unclaimed property on a potential client's behalf, the representative must first obtain the client's authorization.

Chapter 717, F.S., prescribes how to determine whether property held by one person belonging to another is unclaimed and how to dispose of it. Any intangible property or income held in the possession of a "holder"[68] for the benefit of another is presumed unclaimed if the owner fails to claim such property for more than five years after the property becomes payable or distributable.[69]

Once the five year period elapses, the holder may file a petition with the DFS and request that DFS accept custody of the property.[70] Upon delivery of property to DFS, the state assumes custody and responsibility for the safekeeping of the property. So long as the person who delivers the property to DFS has done so in good faith, he or she is relieved of any liability to manage the property.[71] While DFS serves as the custodian for the State of Florida, it does not assume legal ownership of the property.[72]

To notify owners of their unclaimed property, the DFS employs various methods, including database searches.[73] Residents have the right to claim their property at any time, irrespective of

[65] Sections 717.104-717.116, F.S.
[66] Section 717.124, F.S.
[67] Section 717.1400, F.S.
[68] Section 717.101(12), F.S., defines "holder" as a person, wherever organized or domiciled, who is in possession of property belonging to another; a trustee in case of a trust; or indebted to another on an obligation.
[69] Section 717.102(1), F.S.
[70] Section 717.117(5), F.S.
[71] Section 717.1201(5), F.S.
[72] Sections 717.104-717.116, F.S.
[73] Florida Department of Financial Services, *Agency Analysis of Senate Bill 1434*, p. 1 (Feb. 9, 2021) (on file with the Senate Committee on Banking and Insurance).

the amount, without incurring any costs.[74] The original amount reported as unclaimed can always be claimed by the owner or their heirs at no cost.[75]

Recent Federal Litigation Relating to Florida's Disposition of Unclaimed Property Act[76]

On May 16, 2025, the U.S. Appeals Court for the 11th Circuit vacated a 2023 district court ruling in *Aleida Maron et al v. Chief Financial Officer of Florida*. Plaintiffs in the case alleged that the state's Unclaimed Property Act (Act) violates the Takings Clause of the Fifth Amendment[77] by authorizing Florida to take their property without compensating them for their earnings.

Alieda Maron learned that she was entitled to unclaimed property that had been delivered to the DFS, premium refunds in the amount of $26.24, based on Florida's online records. Because the Act, as Maron alleged, precludes her from obtaining earnings that accrued on her refund after it entered Florida's custody, she filed a class action complaint against Jimmy Patronis, the former Chief Financial Officer of the State of Florida, in his official capacity.

The district court dismissed the suit for failure to state a claim reasoning that, because the Act could have constitutionally escheated their property altogether, the state could keep custody of the property or return it without any compensation, let alone compensation for the property and earnings.

In its 2023 ruling, the district court wrote, "The Florida Disposition of Unclaimed Property Act requires the holder of property that is unclaimed for a specified period – property that appears to be abandoned – to turn the property over to the state… The Act gives the owner unlimited time to recover the property or the proceeds of the property's sale or other conversion to money. But the Act does not require the state to pay interest or other compensation for the period when the property was abandoned. This does not violate the United States Constitution Fifth Amendment Taking Clause."

The appeals court disagreed, writing, "The Act provides that after an owner fails to claim property for a set number of years, the property is 'presumed unclaimed.' It does not say that property unclaimed for several years becomes abandoned or 'presumed abandoned.' And, after the unclaimed property is placed in the state's custody, the Act does not provide for a transfer of title but merely gives the state 'custody and responsibility for the safekeeping of the property."

In vacating the dismissal and returning the case to the district court, the appeals court panel recommended that the parties focus on three issues:

- Whether the refund was the plaintiffs' property, that is, whether they in fact abandoned their property before or when it entered the state's custody and, if the Act itself effectuated an abandonment of property, whether the Act did so constitutionally.
- Whether the State "directly appropriated" the property "for its own use."

[74] *Id.*
[75] *Id.*
[76] *Aleida Maron et al v. Chief Financial Officer of Florida,* 136 F.4th 1322 (N.D. Fla. 2025) U.S. Court of Appeals for the Eleventh Circuit.
[77]

- If the state appropriated the plaintiffs' private property for the state's own use, the Act fails to provide just compensation.

III. Effect of Proposed Changes:

State Financial Accounting System

Section 1 amends s. 17.11, F.S., relating to report disbursements made, to make technical and conforming changes to remove references to the Florida Accounting Information Resource Subsystem (FLAIR). The bill conforms statute to the new state accounting system known as the Florida Planning and Ledger Management (PALM) system.

Section 2 amends s. 17.13, F.S., relating to the replacement of warrants lost or stolen, to make technical changes.

Section 3 amends s. 110.113, F.S., relating to pay periods for state officers and employees, by removing a provision that requires semimonthly salary payments by direct deposit.

Section 4 amends s. 112.3135, F.S., relating to restriction on employment of relatives, to authorize a public official to appoint, employ, promote, or advance or advocate for a relative as a firefighter if such appointment, employment, promotion, or advancement is part of a competitive process provided for in the collective bargaining agreement.

Section 5 amends s. 215.5586, F.S., relating to My Safe Florida Home Program, to revise eligibility, building types, and program administration; limit mitigation grants to low and moderate income homeowners; and provide technical clarifying changes.

The bill clarifies that a home must be a single-family, detached home to be eligible for the program. The bill revises eligibility on whether a residential property is attached or detached and its height, ensuring that applicants in attached residential properties of three stories or less may qualify for a full range of improvements, including roof replacements when recommended.

The bill clarifies how the age of a home is determined, relying on the construction date listed by property appraisers rather than the initial permit date, and codifies prior budget language eliminating an exemption that allowed certain higher-value homes to qualify based on income alone. These changes address inconsistencies in property appraiser classifications that can mislabel physically detached homes as condominiums, inadvertently disqualifying them from participation.

The bill limits the mitigation grants to low and moderate income owner and removes a home's insured value of $700,000 or less exemption for low income homeowners.

The bill establishes a 24-month deadline to submit a grant application after the initial inspection to eliminate a backlog of inactive applicants, extends the completion deadline for approved improvements to 18 months without requiring an extension request, and allows applicants to certify their age directly to support program prioritization.

The bill provides that if an applicant wants to submit a subsequent application for the same home, more than 24 months must have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that program.

The bill revises and clarifies the type of eligible hurricane mitigation that the grant funds may be used for relating to roof improvements, including installing secondary water resistance for roof and replacing the roof covering. Improvements must be identified by the final hurricane mitigation inspection to receive grant funds.

The bill streamlines program administration and reduces disputes by providing that only improvements recommended in the initial and final inspection reports are eligible for grant funding, including roof coverings when necessary to complete approved roof-related work.

The term, "withdrawn" is replaced with the term, "abandoned" to close unresponsive applications and prevent reapplication, preserving grant funds for homeowners who actively participate and meet program requirements. The bill requires DFS to notify an applicant at least 5 business days before an application is deemed abandoned. If the applicant responds to such notification within 5 business days after receiving the notice and demonstrates good cause for why the application should not be deemed abandoned, the applicant may submit a subsequent grant application or DFS may determine the application is not abandoned.

The bill removes the expiration date of July 1, 2026, relating to hurricane mitigation grants.

Section 6 amends s. 215.55871, F.S., relating to the My Safe Florida Condominium Pilot Program, to provide that participation in the program is limited to condominium associations in which at least 80 percent of the occupied units within the condominium are owned or occupied by a person or family whose annual income is at or below 80 percent of the area median income, adjusted for family size, applicable to the county in which the condo is located. For purposes of the 80 percent threshold, only occupied residential units are counted and both owner and tenant occupied residential units may be counted as long as the person living in such units provide income documentation to DFS and DFS has verified that such person meets income requirements.

The bill provides rulemaking authority for establishing acceptable methods for verifying household income, including owner self-certification, tax returns, or income statements. DFS may require periodic recertification of income eligibility to ensure compliance.

A condominium with mixed-income occupancies is eligible to participate in the program if condominium association in which at least 80 percent of the occupied units within the condominium are owned or occupied by a person or family whose annual income is at or below 80 percent of the area median income, adjusted for household size, applicable to the county in which the condominium is located.

The bill requires that an application for a mitigation grant include documentation deemed sufficient by DFS for verifying household income. The bill provides grant funds may only be

awarded for a mitigation improvement that addresses the common elements of the condo property.

Section 7 amends s. 215.89, F.S., relating to charts of account reporting structure, to remove obsolete requirements for the Chief Financial Officer (CFO). The CFO maintains the charts of account for state agencies. The charts of account is a compilation of uniform data codes that are to be used for reporting governmental assets, liabilities, equities, revenues, and expenditures to the CFO.

Section 8 amends s. 215.93, F.S., relating to the Florida Financial Management Information System, to specify a request for a copy of a document or accounting record, whether made by a public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded and not to the DFS, as owner of the financial subsystem.

Section 9 amends s. 215.94, F.S., relating to Financial Management Subsystem, to remove obsolete terms and clarify existing provisions.

Section 10 amends s. 215.96, F.S., relating to the Coordinating Council (council) established under the CFO, to add the executive director of the Department of Revenue and to eliminate members of two organizations and replace them with two nonvoting members appointed by the council. The council reviews and recommends to the board solutions and policy alternatives to ensure coordination between functional owners of the various information subsystems described in ss. 215.90-215.96 to the extent necessary to unify all the subsystems into a financial management information system.

Sections 11-13 amends ss. 215.985, 216.102, and 216.141, F.S., respectively, to remove obsolete terms and revise terms.

Workers' Compensation Utilization and Reimbursement Disputes and the Three-Member Panel

Section 14 amends s. 440.13, F.S., relating to medical services, to allow reimbursement dispute petitions to be served via U.S. Post Office certified mail or by common carrier with verifiable tracking methods. The section extends the response time a provider has to petition the Division of Workers' Compensation to resolve a dispute from 45 days to 60 days after receipt of notice of disallowance or adjustment of a payment by a carrier. This section requires the DFS to submit a three-member panel report every five years, rather than every two years, on methods to improve the worker's compensation health care delivery system.

Funeral, Cemetery, and Consumer Services Licensure

Section 15 creates s. 497.1411, F.S., relating to disqualification of applicants and licenses, to provide DFS the authority to permanently disqualify a licensure applicant who has been found guilty of or has pleaded guilty or nolo contendere to, regardless of adjudication, a felony of the first degree, any felony directly or indirectly involving conduct regulated under ch. 497, F.S., or a felony involving moral turpitude. An applicant who has been found guilty of or has pleaded guilty or nolo contendere to some other crime, regardless of adjudication, is subject to:

- A 10-year disqualifying period for all felonies not requiring permanent disqualification; however, an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.
- A five-year disqualifying period for all misdemeanors directly related to ch. 497, F.S.

The Board of Funeral, Cemetery, and Consumer Services (Board) is required to adopt rules to administer these provisions. Such rules must provide for additional disqualifying periods due to the commitment of multiple crimes and may include other factors reasonably related to the applicant's criminal history and must provide for mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than five years and may not be applied to reduce the five-year disqualifying period for all misdemeanors directly related to ch. 497, F.S.

The disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The Board may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid. After the disqualifying period has expired, the applicant has the burden to demonstrate that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by ch. 497, F.S., and is otherwise qualified for licensure. An applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of civil rights is not barred or disqualified from licensure; however, such a pardon or restoration of civil rights does not require the Board to award such license.

If an applicant clearly and convincingly demonstrates that he or she would not pose a risk to persons or property if licensed, the Board may grant an exemption from such disqualification to any person disqualified under subsection (3) if:

- The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and
- At least two years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense.

The disqualification periods do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license or licenses held by the applicant.

Section 15 amends s. 497.142, F.S., to remove the 10-year limitation on the disclosure of an applicant’s criminal history and to require the disclosure of any felony related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation.

Building Code Enforcement

Section 16 creates s. 553.80, F.S. The section revises enforcement provisions relating to fire protection, fire suppression, modification, and demolition of a single family or two-family dwelling to provide that if such a dwelling does not have a change of occupancy solely due to the dwellings use or conversion into a dwelling used by a tax-exempt charity under 501(c)(3) of the IRS Code if certain conditions are met, and for residential migrant housing, that has a permit from DOH pursuant to s. 381.0081.

Division of Insurance Agent and Agency Services

Section 17 amends s. 626.171, F.S., relating to applications for licensure as an agent, to remove reference to the unused licensure category of "reinsurance intermediary" and to authorize the DFS to accept the uniform application for resident agents and adjusters. The bill further provides that the submission by applicants of cellular telephone numbers to the DFS for the purpose of two-factor authentication of secure login credentials is voluntary. The bill also expands the current exemption for an insurance agent application filing fee to include any veteran honorably discharged from the United States Armed Forces or their spouses by removing the limitation of the exemption from the fee if the application is submitted within 24 months of their separation of service.

Section 18 amends s. 560.309, F.S., to require a licensed check casher seeking collection due to a returned check to comply with the prohibitions against harassment, false and misleading representations, and unfair practices in the Consumer Collection Practices Act under part VI of ch. 560, F.S., and with the federal Debt Collection Practices Act if the licensee uses a third-party debt collector or any other name other than its own to collect such debts.

Section 19 amends s. 560.405, F.S., to authorize a deferred presentment provider (payday lender) to accept redemption of check to be made in cash or debit card. Prohibits redemption through a credit card transaction.

Section 20 amends s. 560.406, F.S., to require a deferred presentment provider seeking collection due to a returned check to comply with the prohibitions against harassment, false and misleading representations, and unfair practices in the Consumer Collection Practices Act under part VI of ch. 560 and with the federal Debt Collection Practices Act if the provider uses a third-party debt collector or any other name other than its own to collect such debts.

Section 21 amends s. 626.0428, F.S., to provide a technical conforming change to remove a reference to s. 626.0428(5), F.S., which is deleted in Section 24 of the bill.

Section 22 amends s. 626.171, F.S., removes the 24-month limit on military service for waiver of the application fee, allowing for a refund to all personnel, spouses, and veterans, regardless of when they left the military.

The bill removes references to two license types, "customer service representatives," an inaccurate title reference, and "reinsurance intermediary license," which DFS no longer issues, and clarifies DFS's ability to collect applicant cell phone numbers from applicants that

voluntarily submit their cell numbers as part of the application process solely for the purpose of the two-factor authentication of secure login credentials.

Section 23 amends s. 626.292, F.S., relating to transfer of a license from another state, to remove the requirement for persons transferring a license from another state to cancel the license in another state before DFS issues the license in Florida for resident agent or all-lines adjuster. The bill provides that an applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

Section 24 amends s. 626.611, F.S., to authorizes DFS to require a licensee to retake the licensing examination if a person cheats on an examination. The bill also specifies that the ground for discipline for failure to pass to the satisfaction of DFS any examination required under the Florida Insurance Code includes cheating on an examination required for licensure or violating test center or examination procedures.

Section 25 amends s. 626.621, F.S., regarding the penalties DFS may impose for actions that constitute grounds for a discretionary action against a licensee or applicant for licensure, to provide that in addition to application denial, renewal denial, suspension, or revocation of a license or an appointment of an agent, adjuster, customer representative, service representative, or managing general agent, for a violation of this section, DFS may require license reexamination. This section provides that cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator is a violation of the section.

Section 26 amends s. 626.731, F.S., relating to qualifications for general lines agent's license, to remove the provision that an applicant from another state for a general lines agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Section 27 amends s. 626.785, F.S., relating to qualifications for license, to remove the provision that an applicant from another state for a life insurance agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Section 28 amends s. 626.831, F.S., relating to qualifications for license, to remove the provision that an applicant from another state for a health insurance agent's license may be deemed a "bona fide resident" of Florida if the applicant furnishes a letter of clearance satisfactory to DFS that the resident licenses from the other state have been canceled or changed to a nonresident basis and that such license is in good standing.

Section 29 amends s. 626.8417, F.S., to clarify an existing provision that provides a title insurer acting through designated corporate officer is exempt from licensure and appointment provisions

of ch. 626. Subsection (5) of s. 626.0428, F.S., is deleted since it conflicts with subsection (4), which is amended, as described above.

Section 30 amends s. 626.854, F.S., to provide that a public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 31 repeals s. 627.797, F.S., to remove an obsolete reporting requirement.

Section 32 amends s. 633.208, F.S., to provides that a single or two family residence may not be reclassified for purposes of enforcing the Fire Prevention Code solely due to such dwelling use as, or conversion to:

- A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, and which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom; or
- Residential migrant housing, as defined in s. 381.008, which has a permit from the Department of Health pursuant to s. 381.0081 F.S.

Section 33 amends s. 648.34, F.S., relating to bail bond agents and qualifications, to remove the requirement that a bail bond applicant must provide a recent photograph as part of the application process since their photograph is already taken by the examination vendor who issues the license badge.

Section 34 amends s. 648.382, F.S., relating to appointment of bail bond agents and bail bond agencies, to require that prior to any insurer or managing general agent appointing a bail bond agent or bail bond agency, the insurer or agent must obtain, rather than submit, all of the required information.

Florida Disposition of Unclaimed Property Act

(Sections 35 through 90)

The Unclaimed Property Act (Act), which is codified in ch. 717, F.S., is substantially revised by replacing the term, "unclaimed property," with the term, "abandoned property." **Section 35** renames the Act the "Florida Disposition of Abandoned Personal Property Act." Technical, conforming changes are made in the Act to use the term, "apparent owner," instead of "owner," and other conforming changes

Section 36 amends s. 717.101, F.S., to revise and create definitions. The bill creates a definition of the term, "abandoned property," which means property held by a holder for which all the following are true:

- The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period established under this chapter.

- The holder has complied with the due diligence requirements set forth in this chapter, including the issuance of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

The bill defines "abandoned property purchase agreement" to mean the form adopted by the DFS pursuant to s. 717.135, F.S., which must be used, without modification or amendment, by a claimant representative to obtain consent to purchase abandoned property from an owner.

The bill defines "abandoned property recovery agreement" to mean the form adopted by the DFS pursuant to s. 717.135, F.S., which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

The bill revises the definition of the term, "apparent owner," to mean the person whose name appears on the record of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances.

The bill defines the term "authorized representative" to mean a person or entity legally empowered to act on behalf of the apparent owner or his or [her] estate, including but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

The term "banking or financial organization" is revised to include financial organizations including savings associations, banking organizations, international bank agencies, cooperative banks, building and loan associations.

The definition of the term, "claimant," is revised to expressly exclude locators, who engage in locating owners of abandoned property for a fee but are not registered with DFS. A locator is defined to mean a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. A locator is not an employee or agent of the state and is not registered with the DFS.

The term "business association" is revised to include banking organizations and transfer agents.

The definition of the term, "holder," is revised to mean a person who is in possession of property belonging to another or who owes a debt or an obligation to another person, including but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies.

The definition of the term, "intangible property," is amended to specify the term does not include a non-freely transferable security; or a security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security.

The bill provides the term "locater" to mean a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. The bill specifies locaters are not employees or agents of the state and are not registered with the DFS.

The bill creates a definition of the term, "non-freely transferable security" to mean a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

The section provides that, for purposes of this chapter, property is presumed abandoned upon expiration of the applicable dormancy period established under this chapter. Once the dormancy period has expired, the holder must comply with the due diligence requirements set forth in 717.117, F.S. If the holder receives no response or contact adequate to demonstrate continued interest in the property after completion of its due diligence efforts, the property is deemed abandoned and subject to reporting and remittance to the department for custodial holding on behalf of the owner.

The bill revises the definitions of the terms, "owner," "lawful charges" and "record." The bill repeals obsolete terms.

Section 37 amends s. 717.102, F.S., relating to property presumed unclaimed, to provide that, unless otherwise specified, the dormancy period is five years from the date the property becomes payable or distributable. Property must be considered payable or distributable property once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

The bill clarifies that the dormancy period for property shall be 5 years from the date the property becomes payable or distributable, unless otherwise specified. The bill creates a definition for unauthorized representative to include a person or entity who is legally allowed to act on behalf of the apparent owner. The bill clarifies specific action that demonstrates proper continued interest in the property that shall be made by the owner or authorized representative.

This section also makes technical changes to include references to abandoned property versus unclaimed property.

Further, the section provides that a presumption that property is abandoned may be rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative. The section clarifies how an apparent owner may demonstrate continued interest in the property. Routine automatic transactions previously authorized are not considered an indication of continued interest.

Section 38 amends s. 717.103, F.S., relating to general rules for taking custody of intangible unclaimed property, to clarify the conditions under which intangible property becomes subject to the custody of the DFS. It expressly ties custody to the expiration of the applicable dormancy

period and the completion of required due diligence by the holder, reinforcing the distinction between property that is merely presumed abandoned and property that is reportable and transferable to state custody. The section makes technical changes related to the term abandoned property versus unclaimed property.

Section 39 repeals s. 717.1035, F.S., an obsolete provision, relating to property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, created, or otherwise located in the state.

Section 40 amends s. 717.104, F.S., relating to traveler's checks and money orders, to update dormancy provisions for traveler's checks and money orders to align owner-interest standards with s. 717.102, F.S.

Sections 41 through 43, 45 through 48, 50 through 55, 60 through 62, 64 through 67, 69 through 74, through 79, and 82 through 88. These sections make technical updates to reflect the change from "unclaimed property" to "abandoned property," as well as updating the term, "owner" with the term, "apparent owner," and use of the term, "authorized representative," and other terms.

Section 49 amends s. 717.1101, F.S., relating to unclaimed equity and debt of business associations, to revise dormancy triggers for equity and debt interests of business associations by reinstating returned mail as a dormancy trigger and extending the dormancy period tied to owner-initiated activity from three to five years. The bill provides that stock, other equity interests, or debt of a business association is presumed abandoned if on the date of the earliest of any of the following:

- Three years after the communication sent by the holder by first class mail is returned to holder undelivered by the United States Postal Service. If such returned communication is resent within one month to the apparent owner, the three-year dormancy period does not begin until the day the resent item is returned undeliverable.
- Five years after the most recent communication of any account was initiated by the apparent owner or their authorized representative which demonstrates continued interest in the account.

The bill provides that if a holder does not send communications to the apparent holder of a security by first class mail annually, the holder must attempt to confirm the apparent owner's interest in the equity interest by sending the apparent owner an e-mail communication not later than three years after the apparent owner's or authorized representative's last demonstration of continued interest.

The holder is required to attempt to contact the apparent owner promptly by first class mail if the holder does not have an email address, believes the email address is invalid, or the apparent owner does not respond within 30 days after the communication was sent. If the holder's first class mail is returned to the holder, the equity interest is presumed abandoned.

The bill provides that routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest

The tolling of the applicable dormancy period under this section ceases if the apparent owner or authorized representative demonstrates continued interest under s. 717.102, F.S.

The bill provides that a security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder must report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

The section makes technical changes related to the term abandoned property versus unclaimed property.

Section 44 amends s. 717.1065, F.S., relating to virtual currency, to extend the dormancy period from 5 to 7 years.

Section 56 amends s. 717.117, F.S., to strengthen holder due-diligence requirements by enhancing notice obligations and requiring more detailed, consumer-focused disclosures. Specifies the content of the notice, ensuring owners are informed of the property's type, value, potential transfer to DFS, and steps to retain or reclaim it.

Property is presumed abandoned upon the expiration of the applicable dormancy period in ch. 717, F.S. However, such property is not deemed abandoned for purposes of reporting or remittance to the department until the holder has conducted reasonable due diligence as required by this section, resulting in no indication of interest from the apparent owner or authorized representative.

At least 90 days, but not more than 180 days, before filing the report required by this section, a holder in possession of presumed abandoned property shall send written notice by first-class United States mail to the apparent owner's last known address as shown in the holder's records or from other available sources, or by e-mail if the apparent owner has elected for e-mail delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, provided that the holder's records contain a mailing or e-mail address for the apparent owner which is not known by the holder to be inaccurate. The holder may provide notice by mail, by e-mail, or by both methods. If the holder's records indicate that the mailing address is inaccurate, notice may be provided by e-mail if the apparent owner has elected e-mail delivery.

Holders of property presumed abandoned that has a value of $50 or more must use due diligence to locate and notify apparent owners by first class mail. For higher-value property of $1,000 or more, holders must send a second notice by certified mail to the apparent owner's last known address at least 60 days before filing the report required by this section, if the holder's records contain a mailing address for the apparent owner which is not known by the holder to be inaccurate. Reasonable costs paid to the United States Postal Service for certified mail, return receipt requested, may be deducted from the property as a service charge. A signed return receipt received in response to the certified mail notice constitutes an affirmative demonstration of continued interest as described in s. 717.102, F.S.

The section also requires holders to certify that reports are complete and that all due diligence requirements have been satisfied. Additionally, the section provides that securities identified as non-freely transferable or worthless are not reportable, reducing administrative burden and preventing delays in claims processing.

Section 57 amends s. 717.118, F.S., to revise the notice provisions provided by the DFS to ensure owners receive clear, accessible, and cost-effective notice after property is reported. The DFS must use cost-effective means to make at least one active attempt to notify apparent owners of abandoned property valued at $50 or more, abandoned tangible property and abandoned shares of stock for which a reported address or taxpayer identification number is available.

The DFS is required to maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list property valued at $10 or more and provide instructions for filing a claim. Abandoned property valued at less than $10 remains recoverable from the department in accordance with this chapter.

The bill provides that this section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments presumed unclaimed under s. 717.104, F.S., or any other abandoned property reported without the necessary identifying information to establish ownership.

Section 58 amends s. 717.119, F.S., to clarify procedures for handling firearms discovered in abandoned safe-deposit boxes and to require a certified copy of a death certificate before DFS may release wills or trust instruments.

Section 59 amends s. 717.1201, F.S., to provides that a holder's substantial compliance with the due diligence provisions in s. 717.117, F.S., and good faith payment or delivery of abandoned unclaimed property to DFS releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment.

Section 63 amend s. 717.124, F.S., relating to abandoned property claims, to provide a process for a claim to be considered withdrawn.

Section 68 amends s. 717.1241, F.S., to defines the term "conflicting claim" to mean two or more claims received by DFS for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative. The bill clarifies process and makes conforming changes.to strengthen the claim verification requirements for conflicting claims for the same abandoned property, including those submitted on behalf of active corporations, by requiring additional identification.

Section 81 amends s. 717.1322 , F.S., respectively, to clarify which acts constitute violations of ch. 717, F.S., and the procedures available to the DFS for administrative and civil enforcement.

Section 86 creates s. 717.1356, F.S., relating to purchase of abandoned property, to specify agreements for purchases of abandoned property reported to the DFS shall be valid only if all of the following conditions are met:

- The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.
  - The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.
  - The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the DFS, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of the abandoned property, the agreement must contain the following:
    - The total dollar amount of all abandoned property to be sold.
    - The total percentage of the value of the abandoned property to be paid as net gain to the purchaser.
    - The total net dollar amount to be received by the seller.
  - The agreement discloses the abandoned property account number for each abandoned property account sold.
  - The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.
  - The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.
  - The agreement includes the name, address, e-mail address, and phone number of the purchaser.
  - The agreement states that the abandoned property is currently in the DFS' custody and that the seller can claim the property directly from the DFS on its electronically searchable website without being charged a fee. The agreement must provide the DFS' website address.
- A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to … (name of purchaser) …, submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."
- A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the DFS may not approve the claim.
- A purchase agreement under this section that discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

Sections 89 amends s. 717.139, F.S., to provide Legislative intent and findings and clarify the public purpose underlying ch. 717, F.S., reinforcing the program's role as a consumer protection program designed to safeguard abandoned property and facilitate its return to rightful owners through a consistent custodial framework. The section provides that it is the intent of the Legislature that property reported under ch. 717, F.S., remains the property of the owner, and the State of Florida acts solely as a custodian, not as the owner, of such property.

Section 90 amends s. 717.1400, F.S., to clarify registration requirements and ongoing standards for claimant representatives, including disclosure obligations, minimum activity thresholds, and grounds for revocation.

Sections 91 and 92 provide technical changes.

Sections 93 and 94 provide technical conforming changes to update statutory cross references in ss. 197.582 and 626.9541, F.S.

Section 95 reenacts s. 772.13, F.S., for the purpose of incorporating a change within s. 717.101, F.S.

Section 96 Directs 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.

Effective Date

Section 97 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Access to Public Records

Section 7 of the bill, relating to the Florida Financial Management Information System, provides that a request for a copy of a document or an accounting record, whether by a public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not be made to the functional owner of the subsystem unless the document or accounting record was recorded by such entity.

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[78] The right to inspect or copy applies to the official business of any public body, officer, or employee of

[78] FLA. CONST., art. I, s. 24(a).

the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[79] 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.[80] Further, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.[81]

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 changes in the dormancy periods and the due diligence requirements of holders will allow some owners of abandoned property to avoid having their property reported to the state as abandoned.

The increased due diligence requirements for abandoned property may result in increased administrative costs on holders of financial accounts and securities.

C. Government Sector Impact:

The bill has an indeterminate impact on state revenues and expenditures. According to the Department of Financial Services, the following provisions will have a fiscal impact:

- Extending the length of time members of the military, veterans, and their spouses would be exempt from the insurance agent application licensing fee beyond 24 months is expected to have a minimal fiscal impact on revenues.

[79] *Id.*
[80] Sections 119.01(1) and 119.011(2), F.S., defines "agency."
[81] Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

- Revising provisions of the unclaimed property program, such as enhanced owner notification requirements, including additional written notice for higher value property, will increase postage, mailing, and data research costs.[82]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of Florida States: 17.11, 17.13, 110.113, 112.3135, 215.5586, 215.89, 215.93, 215.94, 215.96, 215.985, 216.102, 216.141, 440.13, 497.142, 553.80, 560,309, 560.405, 560.406626.0428, 626.171, 626.292, 626.611, 626.621, 626.731, 626.785, 626.831, 626.8417, 626.854, 633.208,648.34, 648.382, 717.001, 717.101, 717.102, 717.103, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.1125, 717.113, 717.115, 717.116, 717.117, 717.118, 717.119, 717.1201, 717.122, 717.123, 717.1235, 717.124, 717.12403, 717.12404, 717.12405, 717.12406, 717.1241, 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, 717.132, 717.1322, 717.133, 717.1333, 717.1341, 717.135, 717.138, 717.1382, 717.139, 717.1400, 1001.281, 1001.282, 197.582, 626.9541, 772.13.

This bill creates sections 497.1411 and 717.1356 of the Florida Statutes.

This bill repeals sections 627.797 and 717.1035 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 March 3, 2026:

The CS:

- Authorizes a public official to appoint, employ, promote, or advance or advocate for a relative as a firefighter if such appointment, employment, promotion, or advancement is part of a competitive process provided for in the collective bargaining agreement.
- Requires DFS to notify an applicant of My Safe Florida Homes at least 5 business days before an application is deemed abandoned.
- Revises eligibility requirements for the My Safe Florida Condo Pilot Program.
- Revises building code enforcement provisions relating occupancy solely due to the use of the dwelling use or conversion into a dwelling used by a 501(c) tax-exempt entity if certain conditions are met or a resident migrant housing.

[82] Department of Financial Services, *2026 Legislative Bill Analysis of SB 1452* (Jan. 28, 2026) (on file with Banking and Insurance Committee staff).

- Revises fire prevention code enforcement provisions solely due to such dwelling use as, or conversion to a residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, or a residential migrant housing.
- Clarifies and revises unclaimed property provisions relating to dormancy periods and due diligence of holders.
- Revises debt collection provisions for check cashers and deferred presentment providers.
- Authorizes deferred presentment providers to accept redemption of a check in cash or debit card.

CS/CS by Agriculture, Environment & General Government Appropriations on February 25, 2026:
The committee substitute:

- Deletes statutory references to Florida's current accounting system known as the Florida Accounting Information Resource (FLAIR) and conforms statute with the new state accounting system known as the Florida Planning and Ledger Management (PALM) system.
- Removes a provision allowing semi-monthly salary payments by direct deposit.
- Clarifies any interest due and owing on invoices must be paid from the appropriation charged for such goods and services. However, if the appropriation is no longer available or has been depleted, the agency may pay the interest with a similar appropriation category.
- Revises the membership of the Coordinating Council by adding the Executive Director of the Department of Revenue and removing obsolete organizations and adding nonvoting members selected by the Council.
- Repeals obsolete language related to the State's Charts of Account.
- Specifies a request for accounting records or documents must be made to the state entity where the document or accounting record is recorded not the owner of the financial subsystem.
- Restores the current cap of $15 million that the Department of Financial Services is authorized to retain for the Abandoned Property Program.
- Codifies existing law by removing a home's insured value of $700,000 or less exemption for low income homeowners.
- Codifies exiting law by limiting mitigation grants to low and moderate income owners.

CS by Banking and Insurance on February 4, 2026:
The CS clarifies a provision relating to title insurers and the applicability of ch. 626, F.S., to provide that title insurers, acting through corporate officers, are exempt from title insurance licensure and appointment requirements of ch. 626, F.S. A technical conforming cross-reference is also made.

The CS also repeals an obsolete reporting requirement relating to the submission of a list of attorney agents to the Department of Financial Services.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/03/2026	.	
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	.	
	.	

The Committee on Rules (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Financial Management ~~Florida Accounting Information Resource~~ Subsystem no less than quarterly the disbursements which agencies made to small businesses, as

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defined in the Florida Small and Minority Business Assistance Act; to certified minority business enterprises in the aggregate; and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups. This information shall be made available to the agencies, the Office of Supplier Diversity, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem for use in this reporting.

Section 2. Section 17.13, Florida Statutes, is amended to read:

17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

(1) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrants that may have been lost or destroyed, or may hereafter be lost or destroyed, upon the owner thereof or the owner's agent or attorney presenting the Chief Financial Officer the statement, under oath, reciting the number, date, and amount of any warrant or the best and most definite description in his or her knowledge and the circumstances of its loss; if the Chief Financial Officer deems it necessary, the owner or the owner's agent or attorney shall file in the office of the Chief Financial Officer a surety bond, or a bond with securities, to be approved by one of the judges of the circuit court or one of the justices of the Supreme Court, in a penalty of not less than twice the amount of any warrants so replaced ~~duplicated~~, conditioned to indemnify the state and any innocent holders thereof from any damages that

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may accrue from such replacement ~~duplication~~.

(2) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrant that may have been lost or destroyed, or may hereafter be lost or destroyed, when sent to any payee via any state agency when such warrant is lost or destroyed prior to being received by the payee and provided the director of the state agency to whom the warrant was sent presents to the Chief Financial Officer a statement, under oath, reciting the number, date, and amount of the warrant lost or destroyed, the circumstances surrounding the loss or destruction of such warrant, and any additional information that the Chief Financial Officer shall request in regard to such warrant.

(3) Any replacement ~~duplicate~~ Chief Financial Officer's warrant issued in pursuance of the above provisions shall be of the same validity as the original was before its loss.

Section 3. Subsection (1) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(1) The normal pay period for salaries of state officers and employees shall be 1 month. The Department of Financial Services shall issue either monthly or biweekly salary payments by state warrants or by direct deposit pursuant to s. 17.076 ~~or make semimonthly salary payments by direct deposit pursuant to s. 17.076~~, as requested by the head of each state agency and approved by the Executive Office of the Governor and the Department of Financial Services.

Section 4. Paragraph (c) is added to subsection (2) of

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section 112.3135, Florida Statutes, to read:

112.3135 Restriction on employment of relatives.—

(2)

(c) To aid the recruitment of firefighters within this state, notwithstanding paragraph (a), a public official may appoint, employ, promote, or advance, or advocate for the appointment, employment, promotion, or advancement of, a relative as a firefighter as defined in s. 633.102 if such appointment, employment, promotion, or advancement is part of a competitive process provided for in a collective bargaining agreement.

Section 5. Present subsections (4) through (10) of section 215.5586, Florida Statutes, are redesignated as subsections (5) through (11), respectively, a new subsection (4) is added to that section, and paragraphs (a) through (e) of subsection (1), subsections (2) and (3), paragraph (a) of present subsection (8), and present subsection (10) of that section are amended, to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed


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inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a)1. For the purposes of this paragraph, the term:

a. "Attached" means a dwelling unit that shares a wall with another dwelling unit.

b. "Detached" means a dwelling that does not share a wall with another dwelling unit or building and has greater than zero clearance between it and any other building. This term includes a garage that is located under a contiguous roof with a residence.

c. "Single-family" means a residence designed for and containing only one dwelling unit.

2. An applicant is ~~To be~~ eligible for a hurricane mitigation inspection under the program if all of the following conditions are met:

a.~~1.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ a single-family~~,~~ unit on an individual parcel of land which is:


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(I) A detached residential property; or

(II) An attached residential property not exceeding three stories. ~~A townhouse as defined in s. 481.203;~~

b.~~2.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ site-built and owner-occupied.~~; and~~

c.~~3.~~ The applicant is ~~homeowner must have been~~ granted a homestead exemption on the home under chapter 196.

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of material errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she ~~the home~~ is eligible under the new requirements; or


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d. More than 24 months have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of the ~~a~~ home through ~~under~~ the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide initial ~~home~~ inspections of eligible homes to determine ~~what mitigation measures are needed,~~ what insurance premium discounts may be available~~,~~ and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. ~~An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(e)1. would provide improvements to mitigate hurricane damage.~~

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The initial inspections provided to applicants ~~homeowners~~, at a minimum, must include:

1. A home inspection and report that summarizes the inspection results and identifies recommended improvements an applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the


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recommended mitigation improvements identified by the inspection.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of $700,000 or less. ~~Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.~~

3. The home must undergo an initial ~~acceptable~~ hurricane mitigation inspection through the program as provided in subsection (1) within the 24 months immediately preceding the date of application.

4. The ~~building permit application for initial construction of the~~ home must have been built ~~made~~ before January 1, 2008, as reflected on the county property appraiser's website.

5. The applicant ~~homeowner~~ must agree to make his or her home available for a final inspection once a mitigation project is completed.

6. The applicant ~~homeowner~~ must agree to provide to the department information received from the applicant's ~~homeowner's~~ insurer identifying the discounts realized by the applicant ~~homeowner~~ because of the mitigation improvements funded through the program.

7.~~a.~~ The applicant ~~homeowner~~ must be a low-income person or


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moderate-income person as defined in s. 420.0004.

~~b. The hurricane mitigation inspection must have occurred within the previous 24 months from the date of application.~~

~~c. Notwithstanding subparagraph 2., homeowners who are low-income persons, as defined in s. 420.0004(11), are not exempt from the requirement that the home must be a dwelling with an insured value of $700,000 or less.~~

~~d. This subparagraph expires July 1, 2026.~~

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the~~ ~~home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the applicant ~~homeowner~~ which contains the name and state license


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number of the contractor that the applicant ~~homeowner~~ acknowledges as the intended contractor for the mitigation work. The program must ~~electronically~~ verify that the contractor's state license number is valid ~~accurate and up to date before grant approval~~.

(c) All grants must be matched on the basis of $1 provided by the applicant for $2 provided by the state up to a maximum state contribution of $10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

(e) When recommended by an initial ~~a~~ hurricane mitigation inspection, grants for eligible applicants ~~homes~~ may be used for all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

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

c.~~4.~~ Installing secondary water resistance for roof and replacing the roof covering.

(f) Improvements must be identified by the final hurricane mitigation inspection to receive grant funds ~~When recommended by a hurricane mitigation inspection, grants for townhouses, as~~


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~~defined in s. 481.203, may only be used for opening protection~~.

(g) The department may require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing an applicant ~~a homeowner~~ approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) ~~or paragraph (f)~~.

(h) Low-income applicants ~~homeowners~~, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to $10,000 and are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old; and

d. Fourth, applications from all other moderate-income


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persons, as defined in s. 420.0004~~; and~~

~~c. Last, all other applications~~.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications; and

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications~~; and~~

~~c. From all other applicants, beginning 60 days after the program initially starts accepting applications~~.

4. The program may accept a certification directly from a low-income applicant ~~homeowner~~ or moderate-income applicant ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12), respectively, if the applicant ~~homeowner~~ provides such certification in a signed or electronically verified statement made under penalty of perjury.

5. The program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified statement made under penalty of perjury.


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(j) An applicant ~~A homeowner~~ who receives a grant shall finalize construction and request a final inspection~~, or request an extension for an additional 6 months,~~ within 18 months ~~1 year~~ after grant application approval. If an applicant ~~a homeowner~~ fails to comply with this paragraph, his or her application is deemed abandoned and the grant money reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request that an applicant provide additional information. An application is deemed abandoned ~~withdrawn~~ by the applicant if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent error or omission.

(4) ABANDONED APPLICATIONS.—The department shall notify an applicant at least 5 business days before an application is deemed abandoned. If the applicant responds to such notification within 5 business days after receiving the notice and demonstrates good cause for why the application should not be deemed abandoned, the applicant may submit a subsequent grant application or the department may determine the application is not abandoned.

(9)~~(8)~~ CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income applicants ~~homeowners~~, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be


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provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(11) ~~(10)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts applicants ~~homeowners~~ received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 6. Subsections (1) and (2) and paragraphs (a) and (j) of subsection (5) of section 215.55871, Florida Statutes, are amended to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed inspectors to perform inspections for and grants to eligible


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associations as funding allows.

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

(a) "Area median income" means the median household income, as published annually by the United States Department of Housing and Urban Development, for the county in which the condominium property is located.

(b) ~~(a)~~ "Association" has the same meaning as in s. 718.103.

(c) ~~(b)~~ "Association property" means property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, an association for the use and benefit of its members ~~and is located in the service area~~.

(d) ~~(c)~~ "Board of administration" has the same meaning as in s. 718.103.

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

(f) ~~(e)~~ "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium ~~and are located in the service area~~.

(g) ~~(f)~~ "Department" means the Department of Financial Services.

(h) ~~(g)~~ "Property" means association property and condominium property, as applicable~~, located in the service area~~.

~~(h) "Service area" means the area of the state which is 15 miles inward of a coastline, as that term is defined in s.~~


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~~376.031.~~

(i) "Unit" has the same meaning as in s. 718.103.

(j) "Unit owner" has the same meaning as in s. 718.103.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to:

1. Condominium associations in which at least 80 percent of the occupied units within the condominium are owned or occupied by a person or family whose annual income is at or below 80 percent of the area median income, adjusted for household size, applicable to the county in which the condominium is located. Eligibility must be determined using the area median income published at the time an application is submitted. For purposes of determining whether a condominium association meets the 80 percent unit-occupied threshold:

a. Only occupied residential units may be counted.

b. Both owner-occupied and tenant-occupied residential units may be counted as long as the persons or families living in such residential units provide income documentation to the department and the department has verified that such persons or families meet the income requirements of this subparagraph.

2. Structures or buildings on the condominium property which are three or more stories in height, provided that each structure or building that is the subject of a mitigation grant contains at least two single-family dwellings.

(b) The department shall adopt rules establishing acceptable methods for verifying household income, including, but not limited to, owner self-certification, tax returns, income statements, or other documentation deemed sufficient by the department. The department may require periodic


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recertification of income eligibility to ensure compliance with this section.

(c) A condominium with mixed-income occupancies is eligible to participate in the pilot program under this section if the income threshold in subparagraph (a)1. is met.

(d) ~~(b)~~ In order to apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property, an association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in the pilot program. An association may not apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property unless the association has complied with the inspection requirements in ss. 553.899 and 718.112(2)(g) and (h). An association may not apply for a grant under subparagraph (5)(e)1. for association property or condominium property unless the windows of the association property or condominium property are established as common elements in the declaration.

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

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

2. Approval by at least 75 percent of all unit owners who reside within the structure or building that is the subject of the mitigation grant.

(f) ~~(d)~~ A unit owner may participate in the pilot program

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through a mitigation grant awarded to the association but may not participate individually in the pilot program.

(g) ~~(e)~~ The votes required under this subsection may take place at the annual budget meeting of the association or at a unit owner meeting called for the purpose of taking such vote. Before a vote of the unit owners may be taken, the association must provide to the unit owners a clear disclosure of the pilot program on a form created by the department. The president and the treasurer of the board of administration must sign the disclosure form indicating that a copy of the form was provided to each unit owner of the association. The signed disclosure form and the minutes from the meeting at which the unit owners voted to participate in the pilot program must be maintained as part of the official records of the association. Within 14 days after an affirmative vote to participate in the pilot program, the association must provide written notice in the same manner as required under s. 718.112(2)(d) to all unit owners of the decision to participate in the pilot program.

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

(a) An application for a mitigation grant must:

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

2. Include a notarized statement from the president of the


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board of administration containing the name and license number of each contractor the association intends to use for the mitigation project.

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

4. Include documentation deemed sufficient by the department under paragraph (2)(b) for verifying household income.

(j) Grant funds may only be awarded for a mitigation improvement that addresses the common elements of the condominium property ~~that will result in a mitigation credit, discount, or other rate differential for the building or structure to which the improvement is made~~. As a condition of receiving ~~awarding~~ a grant, the association ~~department~~ must complete 100 percent of the opening protection improvements to the common elements which were recommended in the final hurricane mitigation inspection report ~~require mitigation improvements to be made to all openings~~, including exterior doors, garage doors, windows, and skylights that are a part of the common elements~~, if doing so is necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential~~.

Section 7. Subsection (3) of section 215.89, Florida Statutes, is amended to read:


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215.89 Charts of account.—

~~(3) REPORTING STRUCTURE.—~~

~~(a) The Chief Financial Officer shall accept comments from state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.~~

~~(b) By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.~~

Section 8. Subsections (1) and (5) of section 215.93, Florida Statutes, are amended to read:

215.93 Florida Financial Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial Management Information System. The Florida Financial Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating council and approval of the board, the Florida Financial


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Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall include, but shall not be limited to, the following:

(a) Planning and Budgeting Subsystem.

~~(b) Florida Accounting Information Resource Subsystem.~~

(b) ~~(c)~~ Financial Management Subsystem.

(c) ~~(d)~~ Purchasing Subsystem.

(d) ~~(e)~~ Personnel Information System.

(5) Functional owners are legally responsible for the security and integrity of all data records existing within or transferred from their information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System. A request for a copy of a document or an accounting record, whether made by public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not be made to the functional owner of the subsystem unless the


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document or accounting record was recorded for such entity.

Section 9. Subsections (2) and (3) of section 215.94, Florida Statutes, are amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Financial Services shall be the functional owner of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem established pursuant to ss. 17.03, 215.86, 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

~~(3) The Chief Financial Officer shall be the functional owner of the Financial Management Subsystem. The Chief Financial Officer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:~~

(c) ~~(a)~~ Recording and reconciling credits and debits to treasury fund accounts.

(d) ~~(b)~~ Monitoring cash levels and activities in state bank accounts.

(e) ~~(c)~~ Monitoring short-term investments of idle cash.

(f) ~~(d)~~ Administering the provisions of the Federal Cash Management Improvement Act of 1990.


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Section 10. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:

215.96 Coordinating council and design and coordination staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of Revenue; and the Director of Planning and Budgeting, Executive Office of the Governor, or their designees. The Chief Financial Officer, or his or her designee, shall be chair of the council, and the design and coordination staff shall provide administrative and clerical support to the council and the board. ~~The design and coordination staff shall maintain the~~ Minutes of each meeting shall be ~~and make such minutes~~ available to any interested person. The Auditor General, the State Courts Administrator, a ~~an executive officer of the Florida Association of~~ state agency administrative services director selected by the council ~~Directors~~, and a ~~an executive officer of the Florida Association of~~ state budget officer selected by the council ~~Officers~~, or their designees, shall serve without voting rights as ex officio members of the council. The chair may call meetings of the council as often as necessary to transact business; however, the council shall meet at least once a year. Action of the council shall be by motion, duly made, seconded and passed by a majority of the council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.

(3) The coordinating council, assisted by the design and


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coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Management Information System:

(a) To review and coordinate annual workplans to ensure that the Florida Financial Management Information System remains aligned across participating entities. The coordination council shall ensure that each participating entity submits an annual workplan by October 1 of each year. The coordinating council shall review and discuss the workplans, identify potential impacts or conflicts, facilitate resolutions when practicable, and expedite unresolved issues as appropriate.

(b) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, and the development of integrated financial management policies that address the information and management needs of the functional owner subsystems. The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and any interested person.

(c) ~~(b)~~ To recommend to the board solutions, policy alternatives, and legislative budget request issues that will provide ~~ensure~~ a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems ~~and to recommend to the board solutions, policy alternatives, and~~


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~~legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring~~.

~~(c) To report to the board all actions taken by the coordinating council for final action.~~

~~(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.~~

Section 11. Paragraph (a) of subsection (4) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(4) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, shall establish and maintain a website that provides information relating to the approved operating budget for each branch of state government and state agency.

(a) At a minimum, the information must include:

1. Disbursement data for each appropriation by the account value ~~object code~~ associated with each expenditure established within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the voucher ~~statewide document~~ number. Such data must be searchable by the name of the payee, the paying

agency, and fiscal year, and must be downloadable in a format that allows offline analysis.

2. For each appropriation, any adjustments, including vetoes, approved supplemental appropriations included in legislation other than the General Appropriations Act, budget amendments, other actions approved pursuant to chapter 216, and other adjustments authorized by law.

3. Status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.

4. Position and rate information for positions provided in the General Appropriations Act or approved through an amendment to the approved operating budget and position information for positions established in the legislative branch.

5. Allotments for planned expenditures of state appropriations established by state agencies in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem, and the current balances of such allotments.

6. Trust fund balance reports, including cash available, investments, and receipts.

7. General revenue fund balance reports, including revenue received and amounts disbursed.

8. Fixed capital outlay project data, including original appropriation and disbursements throughout the life of the project.

9. A 10-year history of appropriations indicated by agency.

10. Links to state audits or reports related to the expenditure and dispersal of state funds.

11. Links to program or activity descriptions for which

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funds may be expended.

Section 12. Subsections (1) and (2) and paragraph (f) of subsection (3) of section 216.102, Florida Statutes, are amended to read:

216.102 Filing of financial information; handling by Chief Financial Officer; penalty for noncompliance.—

(1) By September 30 of each year, each agency supported by any form of taxation, licenses, fees, imposts, or exactions, the judicial branch, and, for financial reporting purposes, each component unit of the state as determined by the Chief Financial Officer shall prepare, using generally accepted accounting principles, and file with the Chief Financial Officer the financial and other information necessary for the preparation of annual financial statements for the State of Florida as of June 30. In addition, each such agency and the judicial branch shall prepare financial statements showing the financial position and results of agency or branch operations as of June 30 for internal management purposes.

(a) Each state agency and the judicial branch shall record the receipt and disbursement of funds from federal sources in a form and format prescribed by the Chief Financial Officer. The access to federal funds by the administering agencies or the judicial branch may not be authorized until:

1. The deposit has been recorded in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem using proper, consistent codes that designate deposits as federal funds.

2. The deposit and appropriate recording required by this paragraph have been verified by the office of the Chief


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Financial Officer.

(b) The Chief Financial Officer shall publish a statewide policy detailing the requirements for recording receipt and disbursement of federal funds into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and provide technical assistance to the agencies and the judicial branch to implement the policy.

(2) Financial information must be contained within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Other information must be submitted in the form and format prescribed by the Chief Financial Officer.

(a) Each component unit shall file financial information and other information necessary for the preparation of annual financial statements with the agency or branch designated by the Chief Financial Officer by the date specified by the Chief Financial Officer.

(b) The state agency or branch designated by the Chief Financial Officer to receive financial information and other information from component units shall include the financial information in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and shall include the component units' other information in its submission to the Chief Financial Officer.

(3) The Chief Financial Officer shall:

(f) Consult with and elicit comments from the Executive Office of the Governor on changes to the Financial Management ~~Florida Accounting Information Resource~~ Subsystem which clearly affect the accounting of federal funds, so as to ensure consistency of information entered into the Federal Aid Tracking


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System by state executive and judicial branch entities. While efforts shall be made to ensure the compatibility of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and the Federal Aid Tracking System, any successive systems serving identical or similar functions shall preserve such compatibility.

The Chief Financial Officer may furnish and publish in electronic form the financial statements and the annual comprehensive financial report required under paragraphs (a), (b), and (c).

Section 13. Subsection (3) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(3) The Chief Financial Officer, as chief fiscal officer, shall use the Financial Management ~~Florida Accounting Information Resource~~ Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.

Section 14. Paragraphs (a) and (b) of subsection (7) and paragraph (j) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 60 ~~45~~ days after receipt of notice of disallowance or adjustment of payment, petition the department to resolve the dispute. The petitioner must serve, by United States Postal Service certified mail or by a common carrier with verifiable tracking methods, a copy of the petition on the carrier and on all affected parties listed on the notice of disallowance or adjustment ~~by certified mail~~. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the department results in dismissal of the petition.

(b) The carrier must submit to the department within 45 ~~30~~ days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to timely submit such documentation to the department within 45 ~~30~~ days constitutes a waiver of all objections to the petition.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(j) In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:

1. Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to health care providers and health care facilities for inpatient and outpatient treatment and care.


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2. Survey health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.

3. Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.

4. Submit recommendations on or before January 15, 2031 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking


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possession of that medication.

Section 15. Section 497.1411, Florida Statutes, is created to read:

497.1411 Disqualification of applicants and licenses; penalties against licensees; rulemaking.—

(1) For purposes of this section, the term "applicant" means an individual applying for licensure or relicensure under this chapter, or an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following offenses, regardless of adjudication, is permanently barred from licensure under this chapter:

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

(3) An applicant who has been found guilty of, or has entered a plea of guilty or nolo contendere to an offense not subject to the permanent bar under subsection (2), regardless of adjudication, is subject to the following disqualifying periods:

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply. Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found


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guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.

(b) A 5-year disqualifying period for all misdemeanors directly related to chapter 497.

(4) The board shall adopt rules to administer this section. Such rules must provide additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. The rules must also establish mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than 5 years and may not be applied to reduce the 5-year disqualifying period provided in paragraph (3)(b).

(5) For purposes of this section, a disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The board may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has expired, the burden is on the applicant to demonstrate to the board that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by this chapter, and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), an applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the

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State Constitution, or a pardon or the restoration of civil rights under the laws of another jurisdiction with respect to a conviction in that jurisdiction, is not barred or disqualified from licensure under this chapter; however, such a pardon or restoration of civil rights does not require the board to award such license.

(8)(a) The board may grant an exemption from disqualification to any person disqualified from licensure under subsection (3) if:

1. The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and

2. At least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

(b) For the board to grant an exemption under this subsection, the applicant must clearly and convincingly demonstrate that he or she would not pose a risk to persons or property if licensed under this chapter, evidence of which must include, but need not be limited to, facts and circumstances surrounding the disqualifying offense, the time that has elapsed since the offense, the nature of the offense and harm caused to the victim, the applicant’s history before and after the offense, and any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified.

(c) The board has discretion whether to grant or deny an


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exemption under this subsection. The board's decision is subject to chapter 120.

(9) The disqualification periods provided in this section do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license held by the applicant. This section does not affect any criminal history disclosure requirements of this chapter.

Section 16. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read:

497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been~~, within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction, the application may ~~shall~~ not be deemed complete until such time as the applicant provides such certified true copies of the court records evidencing the conviction, finding, or plea, as required in this section or as the licensing authority may by rule require.

(10)

(c) Crimes to be disclosed are:

1. Any felony ~~or misdemeanor,~~ no matter when committed~~,~~ ~~that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery~~


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~~operations, or cemetery monument or marker sales or installation~~.

2. Any misdemeanor, no matter when committed, that was directly related to the practice or activities regulated ~~Any other felony not already disclosed under subparagraph 1. that was committed within the 20 years immediately preceding the application~~ under this chapter.

3. Any other misdemeanor not already disclosed under subparagraph 2. which ~~subparagraph 1. that~~ was committed within the 5 years immediately preceding the application under this chapter.

Section 17. Subsection (11) is added to section 553.80, Florida Statutes, to read:

553.80 Enforcement.—

(11) For purposes of the design, construction, erection, alteration, fire protection, fire suppression, modification, repair, and demolition of a single-family or two-family dwelling, such dwelling does not have a change of occupancy as defined in the Florida Building Code solely due to its being used as or converted into a dwelling used:

(a) By a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, provided the dwelling has no fewer than two and no more than four bedrooms, is occupied by a group of or family of no more than six ambulatory adults living with a mental disorder, and has no more than two adults assigned to any bedroom; or

(b) For residential migrant housing as defined in s.


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381.008(8) which has a permit from the Department of Health pursuant to s. 381.0081.

Section 18. Subsection (3) of section 626.0428, Florida Statutes, is amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(3) An employee or an authorized representative located at a designated branch of an agent or agency may not initiate contact with any person for the purpose of soliciting insurance unless licensed and appointed as an agent or customer representative. As to title insurance, an employee of an agent or agency may not initiate contact with any individual proposed insured for the purpose of soliciting title insurance unless licensed as a title insurance agent or exempt from such licensure pursuant to s. 626.8417(4) ~~and (5)~~.

Section 19. Section 626.171, Florida Statutes, is amended to read:

626.171 Application for license as an agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~.—

(1) The department may not issue a license as agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~ to any person except upon written application filed with the department, meeting the qualifications for the license applied for as determined by the department, and payment in advance of all applicable fees. The application must be made under the oath of the applicant and be signed by the applicant. An applicant may permit a third party to complete, submit, and sign an application on the applicant's behalf, but is responsible for ensuring that the information on


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the application is true and correct and is accountable for any misstatements or misrepresentations. The department shall accept the uniform application for resident and nonresident agent and adjuster licensing. The department may adopt revised versions of the uniform application by rule.

(2) In the application, the applicant must include all of the following ~~shall set forth~~:

(a) The applicant's ~~His or her~~ full name, age, social security number, residence address, business address, mailing address, contact telephone numbers, including a business telephone number, and e-mail address.

(b) A statement indicating the method the applicant used or is using to meet any required prelicensing education, knowledge, experience, or instructional requirements for the type of license applied for.

(c) Whether the applicant ~~he or she~~ has been refused or has voluntarily surrendered or has had suspended or revoked a license to solicit insurance by the department or by the supervising officials of any state.

(d) Whether any insurer or any managing general agent claims the applicant is indebted under any agency contract or otherwise and, if so, the name of the claimant, the nature of the claim, and the applicant's defense thereto, if any.

(e) Proof that the applicant meets the requirements for the type of license for which he or she is applying.

(f) The applicant's gender (male or female).

(g) The applicant's native language.

(h) The highest level of education achieved by the applicant.


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(i) The applicant's race or ethnicity (African American, white, American Indian, Asian, Hispanic, or other).

(j) Such other or additional information as the department may deem proper to enable it to determine the character, experience, ability, and other qualifications of the applicant to hold himself or herself out to the public as an insurance representative.

However, the application must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations. The department may ~~shall~~ make provisions for applicants to voluntarily submit their cellular telephone numbers as part of the application process solely ~~on a voluntary basis only~~ for the purpose of two-factor authentication of secure login credentials ~~only~~.

(3) Each application must be accompanied by payment of any applicable fee.

(4) An applicant for a license issued by the department under this chapter must submit a set of the individual applicant's fingerprints, or, if the applicant is not an individual, a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, to the department and must pay the fingerprint processing fee set forth in s. 624.501. Fingerprints must be processed in accordance with s. 624.34 and used to investigate the applicant's qualifications


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pursuant to s. 626.201. The fingerprints must be taken by a law enforcement agency or other department-approved entity. The department may not approve an application for licensure as an agent, customer ~~service~~ representative, adjuster, or service representative~~, or reinsurance intermediary~~ if fingerprints have not been submitted.

(5) The application for license filing fee prescribed in s. 624.501 is not subject to refund.

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 20. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual

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applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of the applicant's home state identifying the type of license and lines of authority under the license and stating that~~, at the time the license from the home state was canceled,~~ the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested. An applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

2. A set of the applicant's fingerprints in accordance with s. 626.171(4).

Section 21. Subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall require license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent,


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title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the license or appointment as specified in this code.

(b) Material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Failure to pass to the satisfaction of the department any examination required under this code, including cheating on an examination required for licensure or violating test center or examination procedures delivered orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator.

(d) If the license or appointment is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this code.

(e) Willful misrepresentation of any insurance policy or annuity contract or willful deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or


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benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

(g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

(h) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment.

(i) Fraudulent or dishonest practices in the conduct of business under the license or appointment.

(j) Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment.

(k) Unlawfully rebating, attempting to unlawfully rebate, or unlawfully dividing or offering to divide his or her commission with another.

(l) Having obtained or attempted to obtain, or having used or using, a license or appointment as agent or customer representative for the purpose of soliciting or handling "controlled business" as defined in s. 626.730 with respect to general lines agents, s. 626.784 with respect to life agents, and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business, any felony, or any crime punishable by imprisonment of 1 year or more under the law of the United


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States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440 containing false or misleading information as to employee payroll or classification for the purpose of avoiding or reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

3. Having received a fee, commission, or other valuable consideration for his or her services with respect to viatical settlements that involved unlicensed viatical settlement providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911 and who were not licensed life agents.

4. Dealing in bad faith with viators.

Section 22. Section 626.621, Florida Statutes, is amended to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or


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appointment.—The department may, in its discretion, require a license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(1) Any cause for which issuance of the license or appointment could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this code or of any other law applicable to the business of insurance in the course of dealing under the license or appointment.

(3) Violation of any lawful order or rule of the department, commission, or office.

(4) Failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming into his or her hands belonging to the insurer.

(5) Violation of the provision against twisting, as defined in s. 626.9541(1)(l).

(6) In the conduct of business under the license or appointment, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part IX of this chapter, or having otherwise shown himself or herself to be a source of injury or loss to the public.

(7) Willful overinsurance of any property or health

insurance risk.

(8) If a life agent, violation of the code of ethics.

(9) Cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator. Communication of test center and examination procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(11) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the insurance code or any order or rule of the department, commission, or office.

(12) Has been the subject of or has had a license, permit, appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted


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thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

(13) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify, enforce, or collect support.

(14) Directly or indirectly accepting any compensation, inducement, or reward from an inspector for the referral of the owner of the inspected property to the inspector or inspection company. This prohibition applies to an inspection intended for submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

(16) Taking an action that allows the personal financial or medical information of a consumer or customer to be made available or accessible to the general public, regardless of the format in which the record is stored.

(17) Initiating in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer unless requested by the prospective customer.

(18) Cancellation of the applicant’s, licensee’s, or appointee’s resident license in a state other than Florida.

Section 23. Subsection (1) of section 626.731, Florida

Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department may ~~shall~~ not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet ~~each~~ all of the following qualifications:

(a) The applicant is a natural person at least 18 years of age.

(b) The applicant is 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. ~~An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, 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 such 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.~~

(c) The applicant's place of business will be located in this state and he or she will be actively engaged in the business of insurance and will maintain a place of business, the location of which is identifiable by and accessible to the public.

(d) The license is not being sought for the purpose of writing or handling controlled business, in violation of s. 626.730.

(e) The applicant is qualified as to knowledge, experience,

or instruction in the business of insurance and meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for license required under s. 626.221.

Section 24. Subsection (2) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 25. Section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet all of the following qualifications:

(1)~~(a)~~ Is ~~Must be~~ a natural person of at least 18 years of age.

(2)~~(b)~~ Is ~~Must be~~ 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.


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(3) ~~(c)~~ Is ~~Must~~ not ~~be~~ an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4) ~~(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination for license required under s. 626.221.

(5) ~~(e)~~ Is ~~Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 26. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—

(4) Title insurers, acting through designated corporate officers, or attorneys duly admitted to practice law in this state and in good standing with The Florida Bar are exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements.

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating~~


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~~to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 27. Subsection (24) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 28. Section 627.797, Florida Statutes, is repealed.

Section 29. Subsection (11) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(11) Notwithstanding subsection (8), a single-family or two-family dwelling may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling being used as or converted into:

(a) ~~That is~~ A certified recovery residence, as defined in s. 397.311, or ~~that is~~ a recovery residence, as defined in s. 397.311, that has a charter from an entity recognized or sanctioned by Congress;

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people

who are living with a mental health disorder and which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom; or

(c) Residential migrant housing as defined in s. 381.008(8) which has a permit from the Department of Health pursuant to s. 381.0081 ~~may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such use~~.

Section 30. Subsection (4) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in accordance with s. 626.171(4) ~~and a recent credential-sized, fullface photograph of the applicant~~. The department may ~~shall~~ not authorize an applicant to take the required examination until the department has received a report from the Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

Section 31. Subsection (2) of section 648.382, Florida Statutes, is amended to read:

648.382 Appointment of bail bond agents and bail bond agencies; effective date of appointment.—

(2) Before any appointment, an appropriate officer or official of the appointing insurer must obtain all of the following information ~~submit~~:

(a) A certified statement or affidavit to the department


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stating what investigation has been made concerning the proposed appointee and the proposed appointee's background and the appointing person's opinion to the best of his or her knowledge and belief as to the moral character and reputation of the proposed appointee. In lieu of such certified statement or affidavit, by authorizing the effectuation of an appointment for a licensee, the appointing entity certifies to the department that such investigation has been made and that the results of the investigation and the appointing person's opinion is that the proposed appointee is a person of good moral character and reputation and is fit to engage in the bail bond business.~~:~~

(b) An affidavit under oath on a form prescribed by the department, signed by the proposed appointee, stating that premiums are not owed to any insurer and that the appointee will discharge all outstanding forfeitures and judgments on bonds previously written. If the appointee does not satisfy or discharge such forfeitures or judgments, the former insurer shall file a notice, with supporting documents, with the appointing insurer, the former agent or agency, and the department, stating under oath that the licensee has failed to timely satisfy forfeitures and judgments on bonds written and that the insurer has satisfied the forfeiture or judgment from its own funds. Upon receipt of such notification and supporting documents, the appointing insurer shall immediately cancel the licensee's appointment. The licensee may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the licensee have been discharged. The appointing insurer or former agent or agency may, within 10 days, file a petition with the department seeking


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relief from this paragraph. Filing of the petition stays the duty of the appointing insurer to cancel the appointment until the department grants or denies the petition.~~;~~

(c) Any other information that the department reasonably requires concerning the proposed appointee.~~; and~~

(d) Effective January 1, 2025, a certification that the appointing entity obtained from each appointee the following sworn statement:

> Pursuant to section 648.382(2)(b), Florida Statutes, I do solemnly swear that I owe no premium to any insurer or agency and that I will discharge all outstanding forfeitures and judgments on bonds that have been previously written. I acknowledge that failure to do this will result in my active appointments being canceled.

An appointed bail bond agency must have the attestation under this paragraph signed by its owner.

Section 32. Section 717.001, Florida Statutes, is amended to read:

717.001 Short title.—This chapter may be cited as the "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property Act."

Section 33. Present subsections (1) through (4), (5) through (8), (10) through (13), (15) through (20), (21), (22) through (28), (31), (32), and (33) of section 717.101, Florida Statutes, are redesignated as subsections (4) through (7), (9) through (12), (13) through (16), (17) through (22), (24), (26)


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through (32), and (33), (34), and (35), respectively, new subsections (1), (2), (3), (8), (23), and (25) are added to that section, and present subsections (1), (2), (5), (6), (8), (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30) of that section are amended, to read:

717.101 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Abandoned property" means property held by a holder for which all of the following are true:

(a) The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period established under this chapter.

(b) The holder has complied with the due diligence requirements set forth in this chapter, including the issuance of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

For purposes of this chapter, property is presumed abandoned upon expiration of the applicable dormancy period established under this chapter. Once the dormancy period has expired, the holder must comply with the due diligence requirements set forth in s. 717.117. If the holder does not receive response or contact sufficient to demonstrate continued interest in the property after completion of its due diligence efforts, the property is deemed abandoned and subject to reporting and remittance to the department for custodial holding on behalf of the owner.

(2) "Abandoned Property Purchase Agreement" means the form


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adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.

(3) "Abandoned Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

(4) ~~(1)~~ "Aggregate" means the amounts reported for owners of abandoned ~~unclaimed~~ property of less than $10 or where there is no name for the individual or entity listed on the holder's records, regardless of the amount to be reported.

(5) ~~(2)~~ "Apparent owner" means the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances ~~person entitled to property held, issued, or owing by the holder~~.

(8) "Authorized representative" means a person or entity legally empowered to act on behalf of the apparent owner or his or her estate, including, but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

(9) ~~(5)~~ "Banking or financial organization" means any and all banks, trust companies, private bankers, savings banks, industrial banks, safe-deposit companies, savings and loan associations, credit unions, savings associations, banking organizations, international bank agencies, cooperative banks,


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building and loan associations, and investment companies in this state, organized under or subject to the laws of this state or of the United States, including entities organized under 12 U.S.C. s. 611, but does not include federal reserve banks. The term also includes any corporation, business association, or other organization that:

(a) Is a wholly or partially owned subsidiary of any banking, banking corporation, or bank holding company that performs any or all of the functions of a banking organization; or

(b) Performs functions pursuant to the terms of a contract with any banking organization.

(10) ~~(6)~~ "Business association" means any for-profit or nonprofit corporation other than a public corporation; joint stock company; investment company; unincorporated association or association of two or more individuals for business purposes, whether or not for profit; partnership; joint venture; limited liability company; sole proprietorship; business trust; trust company; land bank; safe-deposit company; safekeeping depository; banking or financial organization; insurance company; federally chartered entity; utility company; transfer agent; or other business entity, whether or not for profit.

(12) ~~(8)~~ "Claimant ~~Claimant's~~ representative" means an attorney who is a member in good standing with ~~of~~ The Florida Bar, a certified public accountant licensed in this state, or a private investigator ~~who is duly~~ licensed ~~to do business~~ in this ~~the~~ state~~,~~ who is registered with the department~~,~~ and authorized to file claims on behalf of persons with the department ~~by the claimant to claim unclaimed property on the claimant's behalf~~.


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The term does not include a person acting in a representative or fiduciary capacity, such as a personal representative, guardian, trustee, or attorney, whose representation is not contingent upon the discovery or location of abandoned ~~unclaimed~~ property, and it expressly excludes locators who engage in locating owners of abandoned property for a fee but are not registered with the department~~; provided, however, that any agreement entered into for the purpose of evading s. 717.135 is invalid and unenforceable~~.

~~(9) "Credit balance" means an account balance in the customer's favor.~~

(15)~~(12)~~ "Due diligence" means the use of reasonable and prudent methods under particular circumstances to locate apparent owners of presumed abandoned property ~~inactive accounts~~ using the taxpayer identification number or social security number, if known, which may include, but are not limited to, using a nationwide database, cross-indexing with other records of the holder, mailing to the last known address unless the last known address is known to be inaccurate, providing written notice as described in this chapter by electronic mail if an apparent owner has elected such delivery, or engaging a licensed agency or company capable of conducting such search and providing updated addresses.

~~(14) "Financial organization" means a savings association, savings and loan association, savings bank, industrial bank, bank, banking organization, trust company, international bank agency, cooperative bank, building and loan association, or credit union.~~

(18)~~(16)~~ "Holder" means a person who is in possession of


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property belonging to another or who owes a debt or an obligation to another person, including, but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies~~:~~

~~(a) A person who is in possession or control or has custody of property or the rights to property belonging to another; is indebted to another on an obligation; or is obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter; or~~

~~(b) A trustee in case of a trust~~.

(20)~~(18)~~ "Intangible property" includes, by way of illustration and not limitation:

(a) Moneys, checks, virtual currency, drafts, deposits, interest, dividends, and income.

(b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.

(c) Stocks, and other intangible ownership interests in business associations except for:

1. A non-freely transferable security; or

2. A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.


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(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(21) ~~(19)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term ~~"last known address"~~ includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(22) ~~(20)~~ "Lawful charges" means charges against the property or the account in which the property is held which ~~dormant accounts that~~ are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with the department.

(25) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust and Clearing Corporation or similar custodian of


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securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(26) ~~(22)~~ "Owner" means the ~~a~~ person~~, or the person's legal representative,~~ entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a valid claim with the department pursuant ~~or claim against property subject~~ to this chapter~~; a depositor in the case of a deposit; a beneficiary in the case of a trust or a deposit in trust; or a payee in the case of a negotiable instrument or other intangible property~~.

(29) ~~(25)~~ "Record" means information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies ~~inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form~~.

~~(29) "Unclaimed Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to purchase unclaimed property from an owner.~~

~~(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to obtain an owner's consent and authority to~~


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~~recover unclaimed property on the owner's behalf.~~

Section 34. Section 717.102, Florida Statutes, is amended to read:

717.102 Property presumed abandoned ~~unclaimed~~; general rule.—

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned ~~claim such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter~~. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

(2) ~~Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.~~

~~(3)~~ A presumption that property is abandoned may be ~~unclaimed is~~ rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized


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representative ~~an apparent owner's expression of interest in the property~~. Such demonstration ~~An owner's expression~~ of continued interest ~~in property~~ includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.~~;~~

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the apparent owner's~~ communication.~~;~~

(c) Presentment of a check or other instrument for ~~of~~ payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other distributions related to the property. ~~distribution, with respect to an account, underlying security, or interest in a business association;~~

(d) Any account activity initiated ~~directed~~ by an apparent owner or authorized representative ~~in the account in which the property is held~~, including accessing the account or directing changes to information concerning the account~~,~~ or to the amount or type of property held, excluding routine automatic transactions previously authorized, ~~a direction by the apparent owner~~ to increase, decrease, or otherwise change the amount or type of property held in the account.~~;~~

(e) Any ~~A~~ deposit into or withdrawal from the property or the ~~an~~ account in which the property is held ~~at a financial~~


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~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or reinvestments ~~deposit or withdrawal~~ previously authorized by the apparent owner or authorized representative. ~~an automatic reinvestment of dividends or interest, which does not constitute an expression of interest; or~~

(f) Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in ~~knows that~~ the property ~~exists~~.

(3)~~(4)~~ If a holder learns or receives confirmation of an apparent owner's death, the property shall be presumed abandoned ~~unclaimed~~ 2 years after the date of death, unless an authorized representative makes an affirmative demonstration ~~a fiduciary appointed to represent the estate of the apparent owner has made an expression~~ of interest in the property before the expiration of the 2-year period. This subsection may not be construed to extend the otherwise applicable dormancy period prescribed by this chapter.

Section 35. Section 717.103, Florida Statutes, is amended to read:

717.103 General rules for taking custody of intangible abandoned ~~unclaimed~~ property.—Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of the department as abandoned ~~unclaimed~~ property when ~~if~~ the conditions leading to a presumption that the property is abandoned ~~unclaimed~~ as described in ss. 717.102 and 717.105-717.116 are satisfied and the holder has fulfilled all required due diligence obligations without receiving any response or claim from the apparent owner,


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and one or more of the following criteria apply:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state.~~;~~

(2) The records of the holder do not identify the name of the apparent owner, but do reflect ~~the identity of the person entitled to the property, and it is established~~ that the last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~;~~

(3) The records of the holder do not reflect the last known address of the apparent owner, but ~~and~~ it is established that either of the following conditions apply:

(a) The last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~; or~~

(b) The holder is domiciled in this state, ~~a domiciliary~~ or is a government entity or ~~governmental~~ subdivision ~~or agency~~ of this state, and has not previously paid the property to the state of the last known address of the apparent owner. ~~or other person entitled to the property;~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction ~~state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or unclaimed property laws ~~custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~, and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity or governmental subdivision or agency of this state.~~;~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the


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holder is domiciled in this state ~~a domiciliary~~ or is a government entity or governmental subdivision ~~or agency~~ of this state.~~; or~~

(6) The transaction out of which the property arose occurred in this state~~,~~ and both of the following are true:~~;~~

(a)~~1.~~ The last known address of the apparent owner ~~or other person entitled to the property~~ is unknown.~~; or~~

~~2. The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property; and~~

(b) The holder is domiciled in a jurisdiction ~~a domiciliary of a state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or ~~custodial taking of the property, or its escheat or~~ unclaimed property laws ~~law is not applicable to the property~~.

Section 36. Section 717.1035, Florida Statutes, is repealed.

Section 37. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler’s checks and money orders.—

(1) Subject to subsection (4), any sum payable on a traveler’s check that has been outstanding for more than 15 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 15 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as~~


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~~evidenced by a memorandum or other record on file with the issuer~~.

(2) Subject to subsection (4), any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than 7 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 7 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer~~.

(3) A ~~No~~ holder may not deduct from the amount of any traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the holder ~~issuer~~ and the apparent owner of the property pursuant to which the holder ~~issuer~~ may impose those charges and the holder ~~issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

(4) No sum payable on a traveler's check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) may be subjected to the custody of this state as abandoned ~~unclaimed~~ property unless any of the following conditions are met:

(a) The records of the holder ~~issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.~~;~~

(b) The holder ~~issuer~~ has its principal place of business


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in this state and its ~~the~~ records ~~of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.~~; or~~

(c) The holder ~~issuer~~ has its principal place of business in this state; the holder's records ~~of the issuer~~ show the state in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the~~ state of purchase does not provide applicable ~~do not provide for the~~ escheat, abandoned, or unclaimed property laws ~~or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~.

(5) Notwithstanding any other provision of this chapter, subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned ~~unclaimed~~ on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Section 38. Section 717.1045, Florida Statutes, is amended to read:

717.1045 Gift certificates and similar credit items.—Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned ~~unclaimed~~ property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of

a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~ property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

Section 39. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable, including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization~~.

(2) A ~~No~~ holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless


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there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

Section 40. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative has, within 5 years, engaged in any of the following activities:

(a) Increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest.~~;~~

(b) Communicated in writing or by documented telephone contact with the banking or financial organization concerning the property.~~;~~

(c) Otherwise demonstrated a continued ~~indicated an~~ interest in the property as evidenced by a memorandum or other record on file with the banking or financial organization.~~;~~

(d) Owned other property to which paragraph (a), paragraph (b), or paragraph (c) is applicable and if the banking or

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financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other property regularly are sent.~~; or~~

(e) Had another relationship with the banking or financial organization concerning which the apparent owner has:

1. Communicated in writing with the banking or financial organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) A ~~No~~ holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of $2, the holder, no more than 3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be


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imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection (1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

(5) If the documents establishing a deposit described in subsection (1) state the address of a beneficiary of the deposit, and the account has a value of at least $50, notice shall be given to the beneficiary as provided for notice to the apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection shall apply to accounts opened on or after October 1, 1990.

Section 41. Subsection (1) of section 717.1065, Florida Statutes, is amended to read:

717.1065 Virtual currency.—

(1) Any virtual currency held or owing by a banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity is presumed


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unclaimed unless the owner, within 7 ~~5~~ years, has communicated in writing with the banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity concerning the virtual currency or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity.

Section 42. Subsection (1) of section 717.107, Florida Statutes, is amended to read:

717.107 Funds owing under life insurance policies, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned ~~unclaimed~~ if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if such property is not claimed for more than 2 years. The amount presumed abandoned ~~unclaimed~~ shall include any amount due and payable under s. 627.4615.

Section 43. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned ~~unclaimed~~ demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a


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demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 44. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.


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Section 45. Section 717.109, Florida Statutes, is amended to read:

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1 year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned ~~unclaimed~~.

Section 46. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

(1)(a) Stock, ~~or~~ other equity interests, or debt of ~~interest in~~ a business association is presumed abandoned ~~unclaimed~~ on the date of the earliest of any of the following:

1. Three years after the date a communication, other than communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account ~~owner-generated~~ activity or communication initiated by the apparent owner or authorized representative which demonstrates continued interest in the ~~related to the~~ account, as recorded


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and maintained by ~~in~~ the holder. Routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest. ~~holder's database and records systems sufficient enough to demonstrate the owner's continued awareness or interest in the property;~~

3.~~2.~~ Two ~~Three~~ years after the date of the death of the apparent owner, as evidenced by:

a. Notice to the holder of the apparent owner's death by an authorized representative ~~administrator, beneficiary, relative, or trustee, or by a personal representative or other legal representative of the owner's estate~~;

b. Receipt by the holder of a copy of the death certificate of the apparent owner;

c. Confirmation by the holder of the apparent owner's death through ~~though~~ other means; or

d. Other evidence from which the holder may reasonably conclude that the apparent owner is deceased.~~; or~~

~~3. One year after the date on which the holder receives notice under subparagraph 2. if the notice is received 2 years or less after the owner's death and the holder lacked knowledge of the owner's death during that period of 2 years or less.~~

(b) If the holder does not send communication to the apparent owner of a security by first-class United States mail on an annual basis, the holder shall attempt to confirm the apparent owner's interest in the equity interest by sending the apparent owner an e-mail communication not later than 3 years after the apparent owner's or authorized representative's last


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demonstration of continued interest in the equity interest. However, the holder shall promptly attempt to contact the apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the apparent owner an e-mail communication or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

2. The holder received notification that the e-mail communication was not received; or

3. The apparent owner does not respond to the e-mail communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph (b) is returned to the holder undelivered by the United States Postal Service, the equity interest is presumed abandoned in accordance with paragraph (1)(a).

(d) Unmatured or unredeemed debt, other than a bearer bond or an original issue discount bond, is presumed abandoned 5 ~~unclaimed 3~~ years after the date of the most recent interest payment unclaimed by the owner.

(e) ~~(c)~~ Matured or redeemed debt is presumed abandoned 5 ~~unclaimed 3~~ years after the date of maturity or redemption.

(f) ~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~ under paragraph (a) or paragraph (b), any other property right accrued or accruing to the owner as a result of the property interest and not previously presumed abandoned ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under


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s. 717.102, including by any of the following actions ~~person~~:

(a)~~1.~~ Communicating ~~Communicates~~ in writing or by other means with the association or its agent regarding the interest, ~~or a~~ dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent~~; or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent~~.

(b) Presenting ~~Presents~~ an instrument issued to pay interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned ~~unclaimed~~ commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned ~~unclaimed~~ under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, is presumed abandoned ~~unclaimed~~.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.


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Section 47. Section 717.111, Florida Statutes, is amended to read:

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned ~~unclaimed~~.

Section 48. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is presumed abandoned ~~unclaimed~~ unless the apparent owner has within 5 years after it has become payable or distributable increased or decreased the principal, accepted payment of principal or income, communicated in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of record~~,~~ is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted


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payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 49. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code.

Section 50. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the


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provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 51. Section 717.115, Florida Statutes, is amended to read:

717.115 Wages.—Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business that have not been claimed by the apparent owner for more than 1 year after becoming payable are presumed abandoned ~~unclaimed~~.

Section 52. Section 717.116, Florida Statutes, is amended to read:

717.116 Contents of safe-deposit box or other safekeeping repository.—All tangible and intangible property held by a banking or financial organization in a safe-deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business, and proceeds resulting from the sale of the property permitted by law, that has not been claimed by the apparent owner or authorized representative for more than 3 years after the lease or rental period on the box or other repository has expired are presumed abandoned ~~unclaimed~~.

Section 53. Section 717.117, Florida Statutes, is amended to read:

717.117 Holder due diligence and report of abandoned ~~unclaimed~~ property.—

(1) Property is presumed abandoned upon expiration of the applicable dormancy period under this chapter. However, such


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property is not deemed abandoned for purposes of reporting or remittance to the department until the holder has conducted reasonable due diligence as required by this section, resulting in no indication of interest from the apparent owner or authorized representative.

(2) Holders of property presumed abandoned that has a value of $50 or more shall use due diligence to locate and notify the apparent owner that the holder is in possession of property subject to this chapter. At least 90 days, but not more than 180 days, before filing the report required by this section, a holder in possession of presumed abandoned property shall send written notice by first-class United States mail to the apparent owner's last known address as shown in the holder's records or from other available sources, or by e-mail if the apparent owner has elected for e-mail delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, provided that the holder's records contain a mailing or e-mail address for the apparent owner which is not known by the holder to be inaccurate. The holder may provide notice by mail, by e-mail, or by both methods. If the holder's records indicate that the mailing address is inaccurate, notice may be provided by e-mail if the apparent owner has elected e-mail delivery.

(3) If the value of the property is greater than $1,000, the holder shall send a second written notice by certified United States mail, return receipt requested, to the apparent owner's last known address at least 60 days before filing the report required by this section, if the holder's records contain a mailing address for the apparent owner which is not known by the holder to be inaccurate. Reasonable costs paid to the United


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States Postal Service for certified mail, return receipt requested, may be deducted from the property as a service charge. A signed return receipt received in response to the certified mail notice constitutes an affirmative demonstration of continued interest as described in s. 717.102.

(4) The written notice required under this section must include:

(a) A heading that reads substantially as follows: "Notice: The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ...(insert date that is at least 30 days after the date of notice)...."

(b) A description of the type, nature, and, unless the property does not have a fixed value, value of the property that is the subject of the notice.

(c) A statement that the property will be turned over to the custody of the department as abandoned property if no response is received.

(d) A statement that noncash property will be sold or liquidated by the department.

(e) A statement that, after the property is remitted to the department, a claim must be filed with the department to recover the property.

(f) A statement that the property is currently in the custody of the holder and that the apparent owner may prevent transfer of the property by contacting the holder before the deadline stated in the notice.

(g) If the property is virtual currency, a statement that


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the virtual currency will be liquidated by the holder before it is remitted to the department and that only the proceeds of the liquidation will be transferred.

(5) Every holder of abandoned ~~person holding funds or other~~ property, tangible or intangible, ~~presumed unclaimed and~~ subject to custody ~~as unclaimed property~~ under this chapter shall submit a report to the department via electronic medium as the department may prescribe by rule. The report must include:

(a) Except for traveler's checks and money orders, the name, social security number or taxpayer identification number, date of birth, if known, and last known address, if any, of each apparent ~~person appearing from the records of the holder to be the~~ owner of any property which is abandoned ~~presumed unclaimed~~ and which has a value of $10 or more.

(b) For abandoned ~~unclaimed~~ funds that have a value of $10 or more held or owing under any life or endowment insurance policy or annuity contract, the identifying information provided in paragraph (a) for both the insured or annuitant and the beneficiary according to records of the insurance company holding or owing the funds.

(c) For all tangible property held in a safe-deposit box or other safekeeping repository, a description of the property and the place where the property is held and may be inspected by the department, and any amounts owing to the holder. Contents of a safe-deposit box or other safekeeping repository which consist of documents or writings ~~of a private nature and~~ which have little or no commercial value may ~~apparent value shall~~ not be reported as abandoned property ~~presumed unclaimed~~.

(d) The nature or type of property, any accounting or


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identifying number associated with the property, a description of the property, and the amount appearing from the records to be due. Items of value of less than $10 each may be reported in the aggregate.

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.

(f) Any other information the department may prescribe by rule as necessary for the administration of this chapter.

(6) ~~(2)~~ If the total value of all abandoned ~~presumed unclaimed~~ property, whether tangible or intangible, held by a person is less than $10, a zero balance report may be filed for that reporting period.

(7) ~~(3)~~ Credit balances, customer overpayments, security deposits, and refunds having a value of less than $10 may not be reported as abandoned property ~~shall not be presumed unclaimed~~.

(8) A security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder shall report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

(9) ~~(4)~~ If the holder of abandoned property ~~presumed unclaimed and~~ subject to custody under this chapter ~~as unclaimed property~~ is a successor holder or if the holder has changed the holder’s name while in possession of the property, the holder shall file with the holder’s report all known names and addresses of each prior holder of the property. Compliance with


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this subsection means the holder exercises reasonable and prudent efforts to determine the names of all prior holders.

(10) The report must be signed by or on behalf of the holder and verified as to its completeness and accuracy, and the holder must state that it has complied with the due diligence requirements of this section.

(11)~~(5)~~ The report must be filed before May 1 of each year. The report applies to the preceding calendar year. Upon written request by any person required to file a report, and upon a showing of good cause, the department may extend the reporting date. The department may impose and collect a penalty of $10 per day up to a maximum of $500 for the failure to timely report, if an extension was not provided or if the holder of the property failed to include in a report information required by this chapter which was in the holder’s possession at the time of reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of $50 or more shall use due diligence to locate and notify apparent~~

~~owners that the entity is holding unclaimed property available for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first-class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records a mailing or electronic address for the apparent owner which the holder's records do not disclose to be inaccurate. These two means of contact are not mutually exclusive; if the mailing address is determined to be inaccurate, electronic mail may be used if so elected by the apparent owner.~~

~~(7) The written notice to the apparent owner required under this section must:~~

~~(a) Contain a heading that reads substantially as follows: "Notice. The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ...(insert date that is at least 30 days after the date of notice)...."~~

~~(b) Identify the type, nature, and, except for property that does not have a fixed value, value of the property that is the subject of the notice.~~

~~(c) State that the property will be turned over to the~~


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~~custody of the department as unclaimed property if no response to this letter is received.~~

~~(d) State that any property that is not legal tender of the United States may be sold or liquidated by the department.~~

~~(e) State that after the property is turned over to the department, an apparent owner seeking return of the property may file a claim with the department.~~

~~(f) State that the property is currently with a holder and provide instructions that the apparent owner must follow to prevent the holder from reporting and paying for the property or from delivering the property to the department.~~

(12)~~(8)~~ Any holder of intangible property may file with the department a petition for determination that the property is abandoned and ~~unclaimed~~ requesting the department to accept custody of the property. The petition shall state any special circumstances that exist, contain the information required by subsection (9) ~~subsection (4)~~, and show that a diligent search has been made to locate the apparent owner. If the department finds that the proof of diligent search is satisfactory, it shall give notice as provided in s. 717.118 and accept custody of the property.

(13)~~(9)~~ Upon written request by any entity or person required to file a report, stating such entity's or person's justification for such action, the department may place that entity or person in an inactive status as an abandoned ~~unclaimed~~ property "holder."

(14)~~(10)~~(a) This section does not apply to the abandoned ~~unclaimed~~ patronage refunds as provided for by contract or through bylaw provisions of entities organized under chapter 425


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or that are exempt from ad valorem taxation pursuant to s. 196.2002.

(b) This section does not apply to intangible property held, issued, or owing by a business association subject to the jurisdiction of the United States Surface Transportation Board or its successor federal agency if the apparent owner of such intangible property is a business association. The holder of such property does not have any obligation to report, to pay, or to deliver such property to the department.

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.

(15) ~~(11)~~ (a) As used in this subsection, the term "property identifier" means the descriptor used by the holder to identify the abandoned ~~unclaimed~~ property.

(b) Social security numbers and property identifiers contained in reports required under this section, held by the department, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This exemption applies to social security numbers and property identifiers held by the department before, on, or after the effective date of this exemption.

(16) Notwithstanding any other provision of this section, equity interests in business associations and securities accounts are not presumed abandoned solely due to inactivity if the holder knows the location of the apparent owner.


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(a) For purposes of this subsection, a holder shall perform annual data matching of owner records maintained in its database against commercially available third-party data comparison sources to identify updated owner address information and indicators of deceased status. Using any updated information, together with existing information of record, the holder is deemed to know the location of the apparent owner under this subsection if:

1. The holder communicates with the apparent owner at least annually by first-class United States mail or electronic means, including, but not limited to, electronic mail, text message, mobile application, or similar mechanism;

2. Such communication is successfully delivered, meaning not returned as undeliverable;

3. One or more additional account-level indicators demonstrate an owner indication of interest occurring at least once every 10 years, including:

a. Owner-initiated activity, such as authenticated access to website, mobile engagement via mobile messaging, or other authenticated third-party account servicing software;

b. Updated contact information received through an authorized financial adviser;

c. Responses to account notifications or alerts;

d. Negotiation of distributions, including dividends; and

e. Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in the property.

(b) Automatic deposits, reinvestments, or other recurring


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transactions initiated by the holder may not independently constitute an indication of apparent owner interest for purposes of this subsection.

(c) If the conditions in paragraph (a) are not satisfied and the owner's location is deemed unknown, the equity interest or securities account may be presumed abandoned:

1. Ten years after the owner's most recent indication of interest in the property; or

2. Five years after the date a communication is returned as undeliverable, unless the owner responds to a due-diligence notice before the reporting deadline.

(d) The equity interest or securities account may be presumed abandoned only after reasonable efforts to locate the owner have been unsuccessful and the holder has complied with the due-diligence requirements of this chapter.

(e) This subsection applies to equity interests and securities accounts held directly by the owner or indirectly through a brokerage account or similar account.

Section 54. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned ~~unclaimed~~ property.—

(1) It is specifically recognized that the state has an obligation to make an effort to notify apparent owners in a cost-effective manner that their abandoned property has been reported and remitted to the department ~~of unclaimed property in a cost-effective manner~~. In order to provide all the citizens of this state an effective and efficient program for the recovery of abandoned personal ~~unclaimed~~ property, the department shall


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use cost-effective means to make at least one active attempt to notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~ valued at $50 or more, abandoned tangible property, and abandoned shares of stock for which ~~more than $250 with~~ a reported address or taxpayer identification number is available. Such active attempt to notify apparent owners shall include any attempt by the department to directly contact the apparent owner. Other means of notification, such as publication of the names of apparent owners in the newspaper, on television, on the Internet, or through other promotional efforts and items in which the department does not directly attempt to contact the apparent owner are expressly declared to be passive attempts. ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other agencies or entities of state government from notifying owners of the existence of abandoned ~~unclaimed~~ property or attempting to notify apparent owners of abandoned ~~unclaimed~~ property.

(2) Notification provided directly to individual apparent owners shall contain ~~consist of~~ a description of the abandoned property and information regarding recovery of the ~~unclaimed~~ property from the department. The form and content of the department's notice shall be tailored to the type of property reported and shall include any information necessary to reasonably inform the apparent owner of the consequences of failure to claim the property, including potential sale or disposition under s. 717.122.

(3) The department shall maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list


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property valued at $10 or more and provide instructions for filing a claim. Abandoned property valued at less than $10 remains recoverable from the department in accordance with this chapter.

(4) This section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments ~~presumed unclaimed~~ under s. 717.104, or any other abandoned property reported without the necessary identifying information to establish ownership.

Section 55. Section 717.119, Florida Statutes, is amended to read:

717.119 Payment or delivery of abandoned ~~unclaimed~~ property.—

(1) Every person who is required to file a report under s. 717.117 shall simultaneously pay or deliver to the department all abandoned ~~unclaimed~~ property required to be reported. Such payment or delivery shall accompany the report as required in this chapter for the preceding calendar year.

(2) Payment of abandoned ~~unclaimed~~ funds may be made to the department by electronic funds transfer.

(3) If the apparent owner establishes the right to receive the abandoned ~~unclaimed~~ property to the satisfaction of the holder before the property has been delivered to the department or it appears that for some other reason ~~the presumption~~ that the property was erroneously classified as abandoned ~~is unclaimed is erroneous~~, the holder need not pay or deliver the property to the department. In lieu of delivery, the holder shall file a verified written explanation of the proof of claim or of the error in classification of ~~the presumption that~~ the


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property as abandoned ~~was unclaimed~~.

(4) All virtual currency reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. The holder shall liquidate the virtual currency and remit the proceeds to the department. The liquidation must occur within 30 days before the filing of the report. Upon delivery of the virtual currency proceeds to the department, the holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the virtual currency proceeds.

(5) All stock or other intangible ownership interest reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. Upon delivery of the stock or other intangible ownership interest to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the stock or other intangible ownership interest.

(6) All intangible and tangible property held in a safe-deposit box or any other safekeeping repository reported under s. 717.117 shall not be delivered to the department until 120 days after the report due date. The delivery of the property, through the United States mail or any other carrier, shall be insured by the holder at an amount equal to the estimated value of the property. Each package shall be clearly marked on the outside “Deliver Unopened.” A holder’s safe-deposit box contents


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shall be delivered to the department in a single shipment. In lieu of a single shipment, holders may provide the department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section.

(a) Holders may remit the value of cash and coins found in abandoned ~~unclaimed~~ safe-deposit boxes to the department by cashier's check or by electronic funds transfer, unless the cash or coins have a value above face value. The department shall identify by rule those cash and coin items having a numismatic value. Cash and coin items identified as having a numismatic value shall be remitted to the department in their original form.

(b) Any firearm or ammunition found in an abandoned ~~unclaimed~~ safe-deposit box or any other safekeeping repository shall be delivered by the holder to a law enforcement agency for property handling or disposal pursuant to s. 705.103(2)(b). If the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. ~~However,~~ The department is authorized to make a reasonable attempt to ascertain the historical value to collectors of any firearm that has been delivered to the department. Any firearm appearing to have historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the


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law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

(c) If such property is not paid or delivered to the department on or before the applicable payment or delivery date, the holder shall pay to the department a penalty for each safe-deposit box shipment received late. The penalty shall be $100 for a safe-deposit box shipment container that is late 30 days or less. Thereafter, the penalty shall be $500 for a safe-deposit box shipment container that is late for each additional successive 30-day period. The penalty assessed against a holder for a late safe-deposit box shipment container shall not exceed $4,000 annually. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing.

(d) The department may waive any penalty due with appropriate justification, as provided by rule.

(e) If a will or trust instrument is included among the contents of an abandoned ~~a~~ safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate or another government-certified record evidencing ~~evidence of~~ the death of the testator or settlor.

(7) Any holder may request an extension in writing of up to 60 days for the delivery of property if extenuating

circumstances exist for the late delivery of the property. Any such extension the department may grant shall be in writing.

(8) A holder may not assign or otherwise transfer its obligation to report, pay, or deliver property or to comply with the provisions of this chapter, other than to a parent, subsidiary, or affiliate of the holder.

(a) Unless otherwise agreed to by the parties to a transaction, the holder's successor by merger or consolidation, or any person or entity that acquires all or substantially all of the holder's capital stock or assets, is responsible for fulfilling the holder's obligation to report, pay, or deliver property or to comply with the duties of this chapter regarding the transfer of property owed to the holder's successor and being held for an owner resulting from the merger, consolidation, or acquisition.

(b) This subsection does not prohibit a holder from contracting with a third party for the reporting of abandoned ~~unclaimed~~ property, but the holder remains responsible to the department for the complete, accurate, and timely reporting of the property.

Section 56. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

717.1201 Custody by state; holder liability; reimbursement of holder paying claim; reclaiming for owner; payment of safe-deposit box or repository charges.—

(1) Upon the good faith payment or delivery of abandoned ~~unclaimed~~ property to the department, the state assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers abandoned ~~unclaimed~~ property to the


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department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made with ~~in~~ respect to the property.

(a) A holder's substantial compliance with the due diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith payment or delivery of abandoned ~~unclaimed~~ property to the department releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code or Florida Probate Code.

(b) If the holder pays or delivers property to the department in good faith and thereafter any other person claims the property from the holder paying or delivering, or another state claims the money or property under that state's laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim, except that a holder may not be indemnified against penalties imposed by another state.

(2) For the purposes of this section, a payment or delivery of abandoned ~~unclaimed~~ property is made in good faith if:

(a) The payment or delivery was made in conjunction with an accurate and acceptable report.

(b) The payment or delivery was made in a reasonable attempt to comply with this chapter and other applicable general law.

(c) The holder had a reasonable basis for believing, based on the facts then known, that the property was abandoned ~~unclaimed~~ and subject to this chapter.

(d) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(4) Any holder who has delivered property, including a certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has claimed it ~~the property~~ from the holder.

Section 57. Section 717.122, Florida Statutes, is amended to read:

717.122 Public sale of abandoned ~~unclaimed~~ property.—

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines


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appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an ~~the owner's~~ account for an abandoned ~~when~~ safe-deposit box when the contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

(2)(a) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department deems advisable. The department may authorize the agent or broker acting on behalf of the department to deduct fees from the proceeds of these sales at a rate agreed upon in advance by the agent or broker and the department. The department shall reimburse owners' accounts for these brokerage fees from the State School Fund unless the securities are sold at the owner's request.

(b) Unless the department deems it to be in the public interest to do otherwise, all abandoned securities ~~presumed unclaimed and~~ delivered to the department may be sold upon receipt. Any person making a claim pursuant to this chapter is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, but no


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person has any claim under this chapter against the state, the holder, any transfer agent, any registrar, or any other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

Section 58. Section 717.123, Florida Statutes, is amended to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Unclaimed Property Trust Fund. The department

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shall retain, from funds received under this chapter, an amount not exceeding $15 million from which the department shall make prompt payment of claims allowed by the department and shall pay the costs incurred by the department in administering and enforcing this chapter. All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the abandoned ~~unclaimed~~ property in the total amounts of $5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

Section 59. Section 717.1235, Florida Statutes, is amended to read:

717.1235 Dormant campaign accounts~~; report of unclaimed property~~.—Abandoned ~~Unclaimed~~ funds reported in the name of a campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 60. Section 717.124, Florida Statutes, is amended to read:

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department


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under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned


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~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

(a) Within 90 days after receipt of a claim, the department may return any claim that provides for the receipt of fees and costs greater than that permitted under this chapter or that contains any apparent errors or omissions. The department may also request that the claimant or the claimant ~~claimant's~~ representative provide additional information. The department shall retain a copy or electronic image of the claim.

(b) A claim is ~~considered to have been~~ withdrawn ~~by a claimant or the claimant's representative~~ if any of the following applies: ~~the department does not receive a response to its request for additional information within 60 days after the notification of any apparent errors or omissions.~~

1. The department receives a written acknowledgment from the claimant confirming withdrawal of the claim.

2. The department receives a written notice to withdraw the claim from a claimant representative which is accompanied by written authorization from the claimant expressly approving withdrawal of the claim.

a. The authorization must state the reason for the withdrawal, contain an acknowledgment that the claimant understands that withdrawal will affect the processing of that claim and may affect the processing of other pending claims, and must be signed by the claimant.

b. The claimant's authorization must be submitted concurrently with, or as part of, the withdrawal notice.

3. The claimant or the claimant's representative fails to respond to the department's written request for additional information within 60 days after the department provides notice

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of any apparent errors or omissions.

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be extended by 60 days if the department has good cause to need additional time or if the abandoned ~~unclaimed~~ property:

1. Is owned by a person who has been a debtor in bankruptcy;

2. Was reported with an address outside of the United States;

3. Is being claimed by a person outside of the United States; or

4. Contains documents filed in support of the claim that are not in the English language and have not been accompanied by an English language translation.

(2) A claim for a cashier's check or a stock certificate without the original instrument may require an indemnity bond equal to the value of the claim to be provided prior to issue of the stock or payment of the claim by the department.

(3) The department may require an affidavit swearing to the authenticity of the claim, lack of documentation, and an agreement to allow the department to provide the name and address of the claimant to subsequent claimants coming forward with substantiated proof to claim the account. This shall apply to claims equal to or less than $250. The exclusive remedy of a subsequent claimant to the property shall be against the person

who received the property from the department.

(4)(a) Except as otherwise provided in this chapter, if a claim is determined in favor of the claimant, the department shall deliver or pay over to the claimant the property or the amount the department actually received or the proceeds if it has been sold by the department, together with any additional amount required by s. 717.121.

(b) If a claimant ~~an owner~~ authorizes a claimant representative ~~an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, and~~ registered with the department under this chapter~~,~~ to claim the abandoned ~~unclaimed~~ property on the claimant's ~~owner's~~ behalf, the department is authorized to make distribution of the property or money in accordance with the Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement under s. 717.135. The original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement must be executed by the claimant or seller and must be filed with the department.

(c)1. Payments of approved claims for unclaimed cash accounts must be made to the owner after deducting any fees and costs authorized by the claimant under an Abandoned ~~Unclaimed~~ Property Recovery Agreement. The contents of a safe-deposit box or shares of securities must be delivered directly to the claimant.

2. Payments of fees and costs authorized under an Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved claims must be made or issued to the law firm of the designated attorney


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licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

(5) The department is ~~shall~~ not be administratively, civilly, or criminally liable for any property or funds distributed pursuant to this section, provided such distribution is made in good faith.

(6) This section does not supersede the licensing requirements of chapter 493.

(7) The department may allow an apparent owner to electronically submit a claim for abandoned ~~unclaimed~~ property to the department. If a claim is submitted electronically for $2,000 or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at $2,000 or less, after being received by the department and

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added to the abandoned ~~unclaimed~~ property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this subsection.

(9)(a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received by the department and added to the abandoned ~~unclaimed~~ property database, for which the apparent owner entity is:

1. A state agency in this state or a subdivision or successor agency thereof;

2. A county government in this state or a subdivision thereof;

3. A public school district in this state or a subdivision thereof;

4. A municipality in this state or a subdivision thereof; or

5. A special taxing district or authority in this state,

may be disbursed to the apparent owner entity or successor entity. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement.

(b) The department may adopt rules to implement this

subsection.

(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may electronically submit to the department an electronic image of a completed claim and claims-related documents under this chapter, including an Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement that has been signed and dated by a claimant or seller under s. 717.135, after the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ must include a statement by the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~. All original documents must be kept in the original form, by claim number, under the secure control of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and must be available for inspection by the department in accordance with s. 717.1315. The department may adopt rules to implement this subsection.

(11) This section applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 61. Section 717.12403, Florida Statutes, is amended

to read:

717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking account in a financial institution held in the name of more than one person.—

(1)(a) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account in the name of two or more persons who are not beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "or" account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and


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convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(4) The department shall be deemed to have made a distribution in good faith if the department remits funds consistent with this section.

Section 62. Subsection (2) of section 717.12404, Florida Statutes, is amended to read:

717.12404 Claims on behalf of a business entity or trust.—

(2) Claims on behalf of an active or ~~a~~ dissolved corporation, a business entity ~~other than an active corporation~~, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the ~~dissolved~~ corporation, business entity ~~other than an active corporation~~, or trust. If the person has not been issued a valid driver license, the department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the


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person’s identity and states the person’s full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary’s full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

Section 63. Section 717.12405, Florida Statutes, is amended to read:

717.12405 Claims by estates.—An estate or any person representing an estate or acting on behalf of an estate may claim abandoned ~~unclaimed~~ property only after the heir or legatee of the decedent entitled to the property has been located. Any estate, or any person representing an estate or acting on behalf of an estate, that receives abandoned ~~unclaimed~~ property before the heir or legatee of the decedent entitled to the property has been located, is personally liable for the abandoned ~~unclaimed~~ property and must immediately return the full amount of the abandoned ~~unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.

Section 64. Section 717.12406, Florida Statutes, is amended to read:

717.12406 Joint ownership of abandoned ~~unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of abandoned ~~unclaimed~~ securities or dividends, the term:


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(1) "TEN COM" means tenants in common.

(2) "TEN ENT" means tenants by the entireties.

(3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.

(4) "And" means tenants in common with each person entitled to an equal pro rata share.

(5) "Or" means that each person listed on the account is entitled to all of the funds.

Section 65. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative.

(2) When conflicting claims have been received by the department for the same abandoned ~~unclaimed~~ property account or accounts, the property shall be remitted in accordance with the claim filed by the person as follows, notwithstanding the withdrawal of a claim:

(a) To the person submitting the first claim received by the ~~Division of Unclaimed Property of the~~ department that is complete or made complete.

(b) If a claimant's claim and a claimant ~~claimant's~~


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representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and both claims are complete, to the claimant.

(c) If a buyer's claim or a purchasing claimant representative's claim and a claimant's claim or a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and the claims are complete, to the buyer.

(d) As between two or more claimant representatives' ~~claimant's representative's~~ claims received by the ~~Division of Unclaimed Property of~~ the department that are complete or made complete on the same day, to the claimant ~~claimant's~~ representative who has agreed to receive the lowest fee. If the two or more claimant ~~claimant's~~ representatives whose claims received by ~~the Division of Unclaimed Property of~~ the department were complete or made complete on the same day are charging the same ~~lowest~~ fee, the fee shall be divided equally between the claimant ~~claimant's~~ representatives.

(e) If more than one buyer's claim received by the ~~Division of Unclaimed Property of the~~ department is complete or made complete on the same day, the department shall remit the abandoned ~~unclaimed~~ property to the buyer who paid the highest amount to the seller. If the buyers paid the same amount to the seller, the department shall remit the abandoned ~~unclaimed~~ property to the buyers divided in equal amounts.

(3) ~~(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish


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or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the buyer or the claimant ~~claimant's~~ representative, or both. Nothing in this section forecloses the right of a person to challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

(4) ~~(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

Section 66. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to this chapter, the department determines the merits of claims and entitlement to abandoned ~~unclaimed~~ property paid or delivered to the department under this chapter. Consistent with this legislative intent, any beneficiary, devisee, heir, personal representative, or other interested person, as those terms are defined in the Florida Probate Code and the Florida Trust Code, of an estate seeking to obtain property paid or


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delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 67. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

(4) This section applies only if all of the abandoned ~~unclaimed~~ property held by the department on behalf of the owner has an aggregate value of $20,000 or less and no probate proceeding is pending.

Section 68. Section 717.1244, Florida Statutes, is amended to read:

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

Section 69. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 70. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

717.125 Claim of another state to recover property; procedure.—

(1) At any time after property has been paid or delivered to the department under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned ~~unclaimed~~ under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment or being unclaimed by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that


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state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subject to custody by this state under s. 717.103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a traveler’s check, money order, or other similar instrument that was subjected to custody by this state under s. 717.104, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

Section 71. Subsection (1) of section 717.126, Florida Statutes, is amended to read:

717.126 Administrative hearing; burden of proof; proof of entitlement; venue.—

(1) Any person aggrieved by a decision of the department may petition for a hearing as provided in ss. 120.569 and 120.57. In any proceeding for determination of a claim to property paid or delivered to the department under this chapter, the burden shall be upon the claimant to establish entitlement to the property by a preponderance of evidence. Having the same name as that reported to the department is not sufficient, in the absence of other evidence, to prove entitlement to abandoned


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~~unclaimed~~ property.

Section 72. Section 717.1261, Florida Statutes, is amended to read:

717.1261 Death certificates.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by means of the death of one or more persons shall file a copy of the death certificate of the decedent or decedents that has been certified as being authentic by the issuing governmental agency.

Section 73. Section 717.1262, Florida Statutes, is amended to read:

717.1262 Court documents.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by reason of a court document shall file a certified copy of the court document with the department. A certified copy of each pleading filed with the court to obtain a court document establishing entitlement, filed within 180 days before the date the claim form was signed by the claimant or claimant ~~claimant's~~ representative, must also be filed with the department.

Section 74. Section 717.129, Florida Statutes, is amended to read:

717.129 Periods of limitation.—

(1) The expiration before or after July 1, 1987, of any period of time specified by contract, statute, or court order, during which a claim for money or property may be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned ~~unclaimed~~ or affect any duty to file a report or to pay or deliver abandoned ~~unclaimed~~ property to the department as


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required by this chapter.

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 75. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

(3) The department may authorize a compliance review of a report for a specified reporting year. The review must be limited to the contents of the report filed, as required by s. 717.117 and subsection (2), and all supporting documents related to the reports. If the review results in a finding of a deficiency in abandoned ~~unclaimed~~ property due and payable to the department, the department shall notify the holder in writing of the amount of deficiency within 1 year after the authorization of the compliance review. If the holder fails to pay the deficiency within 90 days, the department may seek to enforce the assessment under subsection (1). The department is not required to conduct a review under this section before initiating an audit.

(4) Notwithstanding any other provision of law, in a contract providing for the location or collection of abandoned ~~unclaimed~~ property, the department may authorize the contractor


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to deduct its fees and expenses for services provided under the contract from the abandoned ~~unclaimed~~ property that the contractor has recovered or collected under the contract. The department shall annually report to the Chief Financial Officer the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Section 76. Section 717.1315, Florida Statutes, is amended to read:

717.1315 Retention of records by claimant ~~claimant's~~ representatives and buyers of abandoned ~~unclaimed~~ property.—

(1) Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall keep and use in his or her business such books, accounts, and records of the business conducted under this chapter to enable the department to determine whether such person is complying with this chapter and the rules adopted by the department under this chapter. Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall preserve such books, accounts, and records, including every Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement between the owner and such claimant ~~claimant's~~ representative or buyer, for at least 3 years after the date of the initial agreement.

(2) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, operating at two or more places of business in this state, may maintain the books, accounts, and records of all such offices at any one of such offices, or at any other office maintained by such claimant ~~claimant's~~


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representative or buyer of abandoned ~~unclaimed~~ property, upon the filing of a written notice with the department designating in the written notice the office at which such records are maintained.

(3) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property shall make all books, accounts, and records available at a convenient location in this state upon request of the department.

Section 77. Subsection (2) of section 717.132, Florida Statutes, is amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(2) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department may issue and serve upon a person an order to cease and desist and to take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department. For purposes of this subsection, the term "corrective action" includes refunding excessive charges, requiring a person to return abandoned ~~unclaimed~~ property, requiring a holder to remit abandoned ~~unclaimed~~ property, and requiring a holder to correct a report that contains errors or omissions. Any such order shall contain a notice of rights provided by ss. 120.569 and 120.57.

Section 78. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:


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717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and constitute grounds for an administrative enforcement action by the department in accordance with the requirements of chapter 120 and for civil enforcement by the department in a court of competent jurisdiction:

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter~~, regardless of reliance by or damage to the owner or apparent owner~~.

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493,~~ or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned ~~unclaimed~~ property owned by another, unless such person is a registered claimant representative ~~registered with the department~~ under this chapter ~~and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private investigator licensed under chapter 493~~. This paragraph does not apply to a person who has been granted a durable power of


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attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order doing any of the following:

(a) Revoking for a minimum of 5 years or suspending for a maximum of 5 years a registration previously granted under this chapter during which time the registrant may not reapply for a registration under this chapter.~~;~~

(b) Placing a claimant representative ~~registrant~~ or an applicant for a registration on probation for a period of time and subject to such conditions as the department may specify.~~;~~

(c) Placing permanent restrictions or conditions upon issuance or maintenance of a registration under this chapter.~~;~~

(d) Issuing a reprimand.~~;~~

(e) Imposing an administrative fine not to exceed $2,000 for each such act.~~; or~~

(f) Prohibiting any person from being a director, officer, agent, employee, or ultimate equitable owner of a 10 percent ~~10-percent~~ or greater interest in an employer of a claimant representative ~~registrant~~.

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer


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if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

(b) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity or repetition of specific offenses, or both. It is the legislative intent that minor violations be distinguished from more serious violations; that such guidelines consider the amount of the claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully


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submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 79. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

717.133 Interstate agreements and cooperation; joint and reciprocal actions with other states.—

(1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine abandoned ~~unclaimed~~ property that it or another state may be entitled to subject to a claim of custody. The department may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(3) At the request of another state, the department may bring an action in the name of the other state in any court of competent jurisdiction to enforce the abandoned ~~unclaimed~~ property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred in bringing the action.

Section 80. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

717.1333 Evidence; estimations; audit reports and worksheets, investigator reports and worksheets, other related documents.—

(2) If the records of the holder that are available for the periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due


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and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 81. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1)(a) A ~~No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department against amounts owed to an owner representative;

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned

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~~unclaimed~~ property that the person is not entitled to receive.

(4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing~~,~~ a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than $50,000, commits ~~is guilty of~~ a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than $10,000 up to $50,000, commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than $250 up to $10,000, commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(d) Greater than $50 up to $250, commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to $50, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 82. Section 717.135, Florida Statutes, is amended to read:

717.135 Recovery agreements and purchase agreements for claims filed by a claimant ~~claimant's~~ representative; fees and costs or total net gain.—

(1) In order to protect the interests of owners of abandoned ~~unclaimed~~ property, the department shall adopt by rule a form entitled "Abandoned ~~Unclaimed~~ Property Recovery


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Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property Purchase Agreement."

(2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must include and disclose all of the following:

(a) The total dollar amount of abandoned ~~unclaimed~~ property accounts claimed or sold.

(b) The total percentage of all authorized fees and costs to be paid to the claimant ~~claimant's~~ representative or the percentage of the value of the property to be paid as net gain to the purchasing claimant ~~claimant's~~ representative.

(c) The total dollar amount to be deducted and received from the claimant as fees and costs by the claimant ~~claimant's~~ representative or the total net dollar amount to be received by the purchasing claimant ~~claimant's~~ representative.

(d) The net dollar amount to be received by the claimant or the seller.

(e) For each account claimed, the abandoned ~~unclaimed~~ property account number.

(f) For the Abandoned ~~Unclaimed~~ Property Purchase Agreement, a statement that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The name, address, e-mail address, phone number, and license number of the claimant ~~claimant's~~ representative.

(h)1. The manual signature of the claimant or seller and the date signed, affixed on the agreement by the claimant or seller.

2. Notwithstanding any other provision of this chapter to


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the contrary, the department may allow ~~an apparent owner, who is also~~ the claimant or seller~~,~~ to sign the agreement electronically. All electronic signatures on the Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must be affixed on the agreement by the claimant or seller using the specific, exclusive eSignature product and protocol authorized by the department.

(i) The social security number or taxpayer identification number of the claimant or seller, if a number has been issued to the claimant or seller.

(j) The total fees and costs, or the total discount in the case of a purchase agreement, which may not exceed 30 percent of the claimed amount. In the case of a recovery agreement, if the total fees and costs exceed 30 percent, the fees and costs shall be reduced to 30 percent and the net balance shall be remitted directly by the department to the claimant. In the case of a purchase agreement, if the total net gain of the claimant ~~claimant's~~ representative exceeds 30 percent, the claim will be denied.

(3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement form, proof that the purchaser has made payment must be filed with the department along with the claim. If proof of payment is not provided, the claim is void.

(4) A claimant ~~claimant's~~ representative must use the Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of entering into an agreement or a contract with a claimant or seller to file a claim with the department.


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(5) Fees and costs may be owed or paid to, or received by, a claimant ~~claimant's~~ representative only after a filed claim has been approved and if the claimant's representative used an agreement authorized by this section.

(6) A claimant ~~claimant's~~ representative may not use or distribute any other agreement of any type, conveyed by any method, with respect to the claimant or seller which relates, directly or indirectly, to abandoned ~~unclaimed~~ property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement, authorization, recovery, or fee agreement that is not authorized by this section is void. A claimant ~~claimant's~~ representative is subject to administrative and civil enforcement under s. 717.1322 if he or she uses an agreement that is not authorized by this section and if the agreement is used to apply, directly or indirectly, to abandoned ~~unclaimed~~ property held by this state. This subsection does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

(7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may not contain language that makes the agreement irrevocable or that creates an assignment of any portion of abandoned ~~unclaimed~~ property held by the department.

(8) When a claim is approved, the department may pay any additional account that is owned by the claimant but has not been claimed at the time of approval, provided that a subsequent claim has not been filed or is not pending for the claimant at the time of approval.

(9) This section does not supersede s. 717.1241.


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~~(10) This section does not apply to the sale and purchase of Florida-held unclaimed property accounts through a bankruptcy estate representative or other person or entity authorized pursuant to Title XI of the United States Code or an order of a bankruptcy court to act on behalf or for the benefit of the debtor, its creditors, and its bankruptcy estate.~~

Section 83. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

(1) Agreements for the purchase of abandoned property reported to the department shall be valid only if all of the following conditions are met:

(a) The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.

(b) The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.

(c) The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the department, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of the abandoned property, the agreement must contain the following:

1. The total dollar amount of all abandoned property to be sold.

2. The total percentage of the value of the abandoned


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property to be paid as net gain to the purchaser.

3. The total net dollar amount to be received by the purchaser.

4. The net dollar amount to be received by the seller.

(d) The agreement states the abandoned property account number for each abandoned property account sold.

(e) The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.

(f) The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The agreement includes the name, address, e-mail address, and phone number of the purchaser.

(h) The agreement states that the abandoned property is currently in the department's custody and that the seller can claim the property directly from the department on its electronically searchable website without being charged a fee. The agreement must provide the department's website address.

(2) A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to . . .(name of purchaser). . ., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."


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(3) A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the department may not approve the claim.

(4) A purchase agreement under this section which discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

(5)(a) For purposes of this subsection, the term:

1. "Asset purchaser" means a business association that has purchased property from a large business association.

2. "Large business association" means a business association or group of business associations which:

a. Generates $100 million or more in annual gross receipts or sales;

b. Employs 100 or more full-time employees in the United States; or

c. Has equity securities publicly traded on an exchange regulated by the United States Securities and Exchange Commission.

(b) Claims filed by an asset purchaser under this section must include:

1. A complete copy of the asset purchase agreement or similar contract between the asset purchaser and the seller; and

2. An attestation by the seller, either in the asset purchase agreement or in a separate written affirmation from the owner, that the owner:

a. Is a large business association as defined in paragraph

(a); and

b. Is aware that it is selling unclaimed property that may be recovered from the administrator without paying a fee.

(c) If the seller is a publicly traded entity, the asset purchaser may provide a copy, or a link to an online copy, of the most recent Form 10K filed with the United States Securities and Exchange Commission in lieu of the attestation required by subparagraph (b)2.

(d) This subsection does not apply to asset purchase agreements involving the assets of a business association arising out of a bankruptcy proceeding under Title 11 of the United States Code or corporate dissolution or a similar proceeding under applicable state law, such as receiverships and assignments for the benefit of creditors.

(e) This subsection does not apply to asset purchase agreements between an asset purchaser and sellers that comprise a large business association.

(f) The requirements of this subsection apply only to claims filed based on asset purchase agreements executed on or after the effective date of this act.

(g) This subsection does not limit the ability of the department to request or receive additional evidence sufficient to establish to the satisfaction of the department that the claimant is the owner of the property pursuant to this chapter.

(h) The department may adopt rules to implement this subsection. The department may change by administrative rule the annual gross receipts or sales threshold to an amount less than $100 million as specified in sub-subparagraph (a)2.a.

Section 84. Section 717.138, Florida Statutes, is amended


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to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported and remitted pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 85. Section 717.1382, Florida Statutes, is amended to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2)(a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in


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Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such


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bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

Section 86. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it.


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It is the intent of the Legislature that property reported under this chapter remains the property of the owner and that the State of Florida acts solely as a custodian, not as the owner, of such property. Title to abandoned property may not transfer to the state except as expressly provided by law and only after all reasonable efforts to identify and return the property to its rightful owner have been exhausted.

Section 87. Section 717.1400, Florida Statutes, is amended to read:

717.1400 Registration.—

(1) In order to file claims as a claimant ~~claimant's~~ representative, receive a distribution of fees and costs for approved claims from the department, and obtain information regarding abandoned ~~unclaimed~~ property dollar amounts and numbers of reported shares of stock held by the department, an individual must meet all of the following requirements:

(a) Be one of the following:

1. A Florida-licensed private investigator holding a Class "C" individual license under chapter 493;

2. A Florida-certified public accountant; or

3. A Florida-licensed attorney.

(b) Have obtained a certificate of registration from ~~Must register with~~ the department.

(2) An application for registration as a claimant representative must be submitted in writing on a form prescribed by the department and must be accompanied by all of the following:

(a) A legible color copy of the applicant's current driver license showing the full name and current address of such


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person. If a current driver license is not available, another form of photo identification must be provided which shows the full name and current address of such person.

(b) If the applicant is a private investigator:

1. ~~on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a private investigator must provide:~~

~~(a)~~ A legible copy of the applicant's Class "A" business license under chapter 493 or that of the applicant's firm or employer which holds a Class "A" business license under chapter 493; and~~.~~

2.~~(b)~~ A legible copy of the applicant's Class "C" individual license issued under chapter 493.

(c) If the applicant is a certified public accountant, the applicant's Florida Board of Accountancy number.

(d) If the applicant is a licensed attorney, the applicant's Florida Bar number.

(e)~~(c)~~ The business address, ~~and~~ telephone number, tax identification number, and state of domicile or incorporation of the applicant's ~~private investigative~~ firm or employer.

(f)~~(d)~~ The names of agents, ~~or~~ employees, or independent contractors, if any, who are designated or authorized to act on behalf of the applicant ~~private investigator~~, together with a legible color copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.

(g) A statement that the applicant has not, during the 5-year period immediately preceding the submission of the application, violated any part of the Florida Disposition of

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Abandoned Personal Property Act.

(h) A statement that the applicant has not been convicted of, or plead guilty to, a felony or any offense involving moral turpitude; dishonesty; deceit; or breach of fiduciary duty, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, or perjury.

(i) ~~(e)~~ Sufficient information to enable the department to disburse funds by electronic funds transfer.

(j) The applicant's notarized signature immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under the laws of this state

~~(f) The tax identification number of the private investigator's firm or employer which holds a Class "A" business license under chapter 493.~~

~~(2) In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, a Florida-certified public accountant must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a Florida-certified public accountant must provide:~~

~~(a) The applicant's Florida Board of Accountancy number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address~~

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~~of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's public accounting firm or employer.~~

~~(d) The names of agents or employees, if any, who are designated to act on behalf of the Florida-certified public accountant, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(e) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the accountant's public accounting firm employer~~.

(3) ~~In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, an attorney licensed to practice in this state must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, such attorney must provide:~~

~~(a) The applicant's Florida Bar number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's firm or employer.~~

~~(d) The names of agents or employees, if any, who are~~

~~designated to act on behalf of the attorney, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(c) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the attorney's firm or employer.~~

~~(4)~~ Information and documents already on file with the department before the effective date of this provision need not be resubmitted in order to complete the registration.

(4)~~(5)~~ If a material change in the status of a registration occurs, the claimant representative ~~a registrant~~ must, within 30 days, provide the department with the updated documentation and information in writing. Material changes include, but are not limited to, the following,~~:~~ a designated agent or employee ceasing to act on behalf of the designating person, a surrender, suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the department ~~the Division of Unclaimed Property~~ in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division in writing of the surrender, suspension, or revocation.

(c) If a private investigator's Class "C" individual license under chapter 493 or a private investigator's employer's


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Class "A" business license under chapter 493 is renewed, the private investigator must provide a copy of the renewed license to the department within 30 days after the receipt of the renewed license by the private investigator or the private investigator's employer.

(5)~~(6)~~ An applicant's claimant representative's ~~A registrant's~~ firm or employer may not have a name that might lead another person to conclude that the claimant representative's ~~registrant's~~ firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. The department shall deny an application for registration or revoke a registration if the applicant's or claimant representative's ~~registrant's~~ firm or employer has a name that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. Names that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state, include, but are not limited to, the words United States, Florida, state, bureau, division, department, or government.

(6)~~(7)~~ The licensing and other requirements of this section must be maintained as a condition of registration with the department.

(7) To maintain active registration under this section, a claimant representative must file and obtain payment on at least 10 claims per calendar year following the date of initial

registration.

(a) If a claimant representative fails to meet this requirement, the department must notify the claimant representative in writing and provide 30 days to demonstrate compliance or good cause for noncompliance.

(b) If the claimant representative does not cure the deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 88. Subsection (1) of section 1001.281, Florida Statutes, is amended to read:

1001.281 Operating Trust Fund.—

(1) The Operating Trust Fund~~, FLAIR number 48-2-510,~~ is created within the Department of Education.

Section 89. Subsection (1) of section 1001.282, Florida Statutes, is amended to read:

1001.282 Administrative Trust Fund.—

(1) The Administrative Trust Fund~~, FLAIR number 48-2-021,~~ is created within the Department of Education.

Section 90. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the


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homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT
.... COUNTY, FLORIDA

Tax Deed #.....
Certificate #.....
Property Description: .....

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a

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surplus of $...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for funds when they are distributed, you must file a notarized statement of claim with this office within 120 days after ~~of~~ this notice. If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due. Any lienholder claim that is not filed within the 120-day deadline is barred.

A copy of this notice must be attached to your statement of claim. After the office examines the filed claim statements, it will notify you if you are entitled to any payment.

Dated: ....

Clerk of Court

Section 91. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors*


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prohibited.—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 92. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section


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or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a


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proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Section 93. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it


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occurs in this act with the date this act becomes a law.

Section 94. 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 the Department of Financial Services; amending s. 17.11, F.S.; revising the subsystem used for a certain report of disbursements made; amending s. 17.13, F.S.; requiring the replacement, rather than the duplication, of lost or destroyed warrants; amending s. 110.113, F.S.; deleting the Department of Financial Services' authority to make semimonthly salary payments; amending s. 112.3135, F.S.; authorizing a public official to take specified actions regarding the employment of a relative as a firefighter; amending s. 215.5586, F.S.; defining terms; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the circumstances under which applicants may submit a subsequent hurricane mitigation inspection application; deleting the requirement that licensed inspectors determine mitigation measures during initial inspections of eligible homes; deleting inspectors' authorization to inspect townhouses; revising the criteria for eligibility for a hurricane

mitigation grant; deleting an expiration date; revising the improvements for which grants may be used; requiring that improvements be identified in the final hurricane mitigation inspection to receive grant funds; deleting a provision related to grants for townhouses; authorizing the program to accept a specified certification directly from applicants; requiring applicants who receive grants to finalize construction and request a final inspection within a specified timeframe; specifying that an application is deemed abandoned, rather than withdrawn, under certain circumstances; requiring the department to notify applicants within a specified timeframe before an application is deemed abandoned; authorizing applicants to submit a subsequent application under certain circumstances; authorizing the department to determine that an application is not abandoned under certain circumstances; amending s. 215.55871, F.S.; defining the term “area median income”; deleting the definition of the term “service area”; revising eligibility requirements for the My Safe Florida Condominium Pilot Program; requiring the department to adopt rules to verify household income; authorizing the department to require periodic recertification of income eligibility for a specified purpose; authorizing condominiums with mixed-income occupancies to participate in the pilot program if a certain condition is met; requiring an application for a mitigation grant to include documentation to verify

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household income; limiting the award of grant funds to specified mitigation improvements; requiring an association to complete a certain percentage of opening protection improvements; providing applicability; amending s. 215.89, F.S.; deleting provisions regarding the reporting structure for charts of accounts relating to the use of public funds by governmental entities; amending s. 215.93, F.S.; revising the subsystems of the Florida Financial Management Information System; requiring that certain requests for records be made to a specified entity; prohibiting such requests from being made to the functional owner of the subsystem; providing an exception; amending s. 215.94, F.S.; providing that the department is the functional owner of the Financial Management Subsystem rather than the Florida Accounting Information Resource Subsystem; revising the functions of such subsystem; amending s. 215.96, F.S.; revising the composition of the coordinating council; deleting a requirement for the design and coordination staff; requiring that minutes of meetings be available to interested persons; revising the composition of ex officio members of the council; revising the duties, powers, and responsibilities of the council to include reviewing and coordinating annual workplans for a specified purpose; amending ss. 215.985, 216.102, and 216.141, F.S.; conforming provisions to changes made by the act; amending s. 440.13, F.S.; revising the timeframe in which health

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care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which carriers must submit certain documentation to the department; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant"; specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to specified disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; prohibiting the board from issuing approval for a license until an applicant provides proof that certain fines, costs, fees, and restitution have been paid; specifying that the applicant has certain burdens to demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an


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exemption; specifying that the board has discretion to grant or deny an exemption; specifying that certain decisions are subject to ch. 120, F.S.; providing applicability and construction; amending s. 497.142, F.S.; prohibiting an application from being deemed complete under certain circumstances; revising the list of crimes to be disclosed on a license application; amending s. 553.80, F.S.; specifying that certain dwellings do no not have a change of occupancy under certain circumstances; amending s. 626.0428, F.S.; conforming a provision to changes made by the act; amending s. 626.171, F.S.; deleting reinsurance intermediaries from certain application requirements; revising the list of persons from whom the department is required to accept uniform applications; making clarifying changes regarding the voluntary submission of cellular telephone numbers; revising the exemption from the application filing fee for members of the United States Armed Forces; amending s. 626.292, F.S.; revising applicant requirements for a license transfer; amending s. 626.611, F.S.; requiring the department to require license reexamination of certain persons and to suspend or revoke the eligibility of such persons to hold a license or appointment under certain circumstances; amending the grounds for suspension or revocation; amending 626.621, F.S.; authorizing the department to require a license reexamination for certain persons; amending s. 626.731, F.S.; revising the qualifications for a


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general lines agent’s license; amending s. 626.785, F.S.; revising the qualifications for a life agent’s license; amending s. 626.831, F.S.; revising the qualifications for a health agent’s license; amending s. 626.8417, F.S.; revising the persons who are exempt from certain provisions relating to title insurance licensing and appointment requirements; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond to certain claims status requests with specific information within a specified timeframe and document in the file the response or information provided; repealing s. 627.797, F.S., relating to agents exempt from title insurance licensing; amending s. 633.208, F.S.; prohibiting certain dwellings from being reclassified for certain purposes; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising a short title; amending s. 717.101, F.S.; revising definitions and defining terms; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain


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circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption; requiring that property be presumed abandoned under certain circumstances; providing an exception; amending s. 717.103, F.S.; requiring that intangible property be subject to the custody of the department under certain circumstances; revising criteria for when intangible property is subject to the custody of the department; repealing s. 717.1035, F.S., relating to property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, created, or otherwise located in the state; amending ss. 717.104, 717.1045, 717.105, and 717.106, F.S.; conforming provisions to changes made by the act; amending s. 717.1065, F.S.; revising the timeframe for communication with certain entities by the owner of virtual currency so that the virtual currency is not presumed unclaimed; amending ss. 717.107, 717.1071, 717.108, and 717.109, F.S.; conforming provisions to changes made by the act; amending s. 717.1101, F.S.; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned; requiring the holder to attempt to confirm the apparent owner’s interest in the equity interest by sending an e-mail communication within a specified timeframe under certain circumstances; requiring the holder to attempt to contact the apparent owner by first-class United


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States mail under certain circumstances; specifying that equity interest is presumed abandoned under certain circumstances; revising the timeframe in which unmatured, unredeemed, matured, or redeemed debt is presumed abandoned; specifying that the applicable dormancy period ceases under certain circumstances; revising the timeframe in which a sum held for or owing by a business association is presumed abandoned; amending ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and 717.116, F.S.; conforming provisions to changes made by the act; amending s. 717.117, F.S.; specifying that property is presumed abandoned upon the expiration of the applicable dormancy period; specifying that property is not deemed abandoned for certain purposes until the holder meets certain requirements; requiring holders of property presumed abandoned which has a specified value to use due diligence to locate and notify the apparent owner; requiring, before a specified timeframe, a holder in possession of presumed abandoned property to send a specified written notice to the apparent owner; specifying the method of delivery of such notice; requiring, before a specified timeframe, the holder to send a second written notice under certain circumstances; authorizing the reasonable costs for the notice to be deducted from the property; specifying that a signed return receipt constitutes an affirmative demonstration of continued interest; specifying requirements of the written notice;


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requiring holders of abandoned property to submit a specified report to the department; prohibiting certain balances, overpayments, deposits, and refunds from being reported as abandoned property; prohibiting certain securities from being included in the report; requiring the holder to report and deliver such securities under certain circumstances; requiring the report to be signed and verified and contain a specified statement; deleting certain provisions relating to the due diligence and notices to apparent owners; specifying that certain equity interests are not presumed abandoned under certain circumstances; requiring a holder to perform annual data matching of certain records for a specified purpose; specifying that the holder is deemed to know the location of the apparent owner under certain circumstances; prohibiting certain transactions from constituting indication of apparent owner interest; specifying that certain accounts may be presumed abandoned under certain circumstances; providing applicability; amending s. 717.118, F.S.; revising the state's obligation to notify apparent owners that their abandoned property has been reported and remitted to the department; requiring the department to use a cost-effective means to make an attempt to notify certain apparent owners; specifying requirements for the notice; requiring the department to maintain a specified website; revising applicability; amending s. 717.119, F.S.; conforming provisions to changes made

by the act; revising requirements for firearms or ammunition found in an abandoned safe-deposit box or safekeeping repository; revising required actions the department must take if a will or trust instrument is included among the contents of an abandoned safe-deposit box or safekeeping repository; amending ss. 717.1201, 717.122, 717.123, and 717.1235, F.S.; conforming provisions to changes made by the act; amending s. 717.124, F.S.; conforming provisions to changes made by the act; deleting provisions related to requirements of claimants' representatives; specifying that a claim is withdrawn under certain circumstances; specifying that the department is authorized to make a distribution of property or money in accordance with a specified agreement under certain circumstances; requiring that shares of securities be delivered directly to the claimant under certain circumstances; revising a provision authorizing the department to develop a process by which a claimant representative may electronically submit certain images and documents; deleting provisions relating to a buyer of unclaimed property's filing of a claim; amending s. 717.12403, F.S.; conforming provisions to changes made by the act; amending s. 717.12404, F.S.; requiring claims on behalf of an active corporation to include a specified driver license; conforming provisions to changes made by the act; amending ss. 717.12405 and 717.12406, F.S.; conforming provisions to changes made by the act; amending s. 717.1241,

F.S.; defining the term "conflicting claim"; conforming provisions to changes made by the act; revising requirements for remitting property when conflicting claims have been received by the department; amending ss. 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and 717.132, F.S.; conforming provisions to changes made by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; requiring that such agreement contain certain language; requiring that a copy of an executed Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; defining the terms "asset purchaser" and "large business association";

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requiring that claims filed by asset purchasers include certain information; authorizing the asset purchaser to provide a copy of a specified form in lieu of certain requirements if the seller is a publicly traded entity; providing applicability and construction; authorizing the department to adopt rules; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing legislative findings; revising a statement of public policy; deleting a legislative declaration; providing legislative intent; prohibiting title to abandoned property from transferring to the state except under certain circumstances; amending s. 717.1400, F.S.; requiring an individual to meet certain requirements in order to file claims as a claimant representative; revising application requirements for registering as a claimant representative; requiring claimant representatives to file and obtain payment on a specified number of claims within a specified timeframe to maintain active registration; requiring the department to notify the claimant representative in writing and provide a certain timeframe to demonstrate compliance or good cause for noncompliance under certain circumstances; requiring the department to revoke a registration under certain circumstances; prohibiting a claimant representative from reapplying under certain


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circumstances; amending ss. 1001.281 and 1001.282, F.S.; conforming provisions to changes made by the act; amending ss. 197.582 and 626.9541, F.S.; conforming cross-references; reenacting s. 772.13(6)(a), F.S., relating to postjudgment execution proceedings to enforce a judgment entered against a terrorist party, to incorporate the amendment made to s. 717.101, F.S., in a reference thereto; providing a directive to the Division of Law Revision; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
	.	
	.	
	.	

The Committee on Rules (Truenow) recommended the following:

Senate Substitute for Amendment (557824) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Financial Management ~~Florida Accounting Information Resource~~ Subsystem no less than quarterly the

disbursements which agencies made to small businesses, as defined in the Florida Small and Minority Business Assistance Act; to certified minority business enterprises in the aggregate; and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups. This information shall be made available to the agencies, the Office of Supplier Diversity, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the accuracy of information entered into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem for use in this reporting.

Section 2. Section 17.13, Florida Statutes, is amended to read:

17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

(1) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrants that may have been lost or destroyed, or may hereafter be lost or destroyed, upon the owner thereof or the owner's agent or attorney presenting the Chief Financial Officer the statement, under oath, reciting the number, date, and amount of any warrant or the best and most definite description in his or her knowledge and the circumstances of its loss; if the Chief Financial Officer deems it necessary, the owner or the owner's agent or attorney shall file in the office of the Chief Financial Officer a surety bond, or a bond with securities, to be approved by one of the judges of the circuit court or one of the justices of the Supreme Court, in a penalty of not less than twice the amount of any warrants so replaced ~~duplicated~~, conditioned to indemnify

the state and any innocent holders thereof from any damages that may accrue from such replacement ~~duplication~~.

(2) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrant that may have been lost or destroyed, or may hereafter be lost or destroyed, when sent to any payee via any state agency when such warrant is lost or destroyed prior to being received by the payee and provided the director of the state agency to whom the warrant was sent presents to the Chief Financial Officer a statement, under oath, reciting the number, date, and amount of the warrant lost or destroyed, the circumstances surrounding the loss or destruction of such warrant, and any additional information that the Chief Financial Officer shall request in regard to such warrant.

(3) Any replacement ~~duplicate~~ Chief Financial Officer's warrant issued in pursuance of the above provisions shall be of the same validity as the original was before its loss.

Section 3. Subsection (1) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(1) The normal pay period for salaries of state officers and employees shall be 1 month. The Department of Financial Services shall issue either monthly or biweekly salary payments by state warrants or by direct deposit pursuant to s. 17.076 ~~or make semimonthly salary payments by direct deposit pursuant to s. 17.076~~, as requested by the head of each state agency and approved by the Executive Office of the Governor and the Department of Financial Services.

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Section 4. Paragraph (c) is added to subsection (2) of section 112.3135, Florida Statutes, to read:

112.3135 Restriction on employment of relatives.—

(2)

(c) To aid the recruitment of firefighters within this state, notwithstanding paragraph (a), a public official may appoint, employ, promote, or advance, or advocate for the appointment, employment, promotion, or advancement of, a relative as a firefighter as defined in s. 633.102 if such appointment, employment, promotion, or advancement is part of a competitive process provided for in a collective bargaining agreement.

Section 5. Present subsections (4) through (10) of section 215.5586, Florida Statutes, are redesignated as subsections (5) through (11), respectively, a new subsection (4) is added to that section, and paragraphs (a) through (e) of subsection (1), subsections (2) and (3), paragraph (a) of present subsection (8), and present subsection (10) of that section are amended, to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability

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of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a)1. For the purposes of this paragraph, the term:

a. "Attached" means a dwelling unit that shares a wall with another dwelling unit.

b. "Detached" means a dwelling that does not share a wall with another dwelling unit or building and has greater than zero clearance between it and any other building. This term includes a garage that is located under a contiguous roof with a residence.

c. "Single-family" means a residence designed for and containing only one dwelling unit.

2. An applicant is ~~To be~~ eligible for a hurricane mitigation inspection under the program if all of the following conditions are met:

a.~~1.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ a single-family~~,~~ unit on an individual parcel of land which

is:

(I) A detached residential property; or

(II) An attached residential property not exceeding three stories. ~~A townhouse as defined in s. 481.203;~~

b.~~2.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ site-built and owner-occupied.~~; and~~

c.~~3.~~ The applicant is ~~homeowner must have been~~ granted a homestead exemption on the home under chapter 196.

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of material errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she ~~the home~~ is

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eligible under the new requirements; or

d. More than 24 months have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of the ~~a~~ home through ~~under~~ the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide initial ~~home~~ inspections of eligible homes to determine ~~what mitigation measures are needed,~~ what insurance premium discounts may be available~~,~~ and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. ~~An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(e)1. would provide improvements to mitigate hurricane damage.~~

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The initial inspections provided to applicants ~~homeowners~~, at a minimum, must include:

1. A home inspection and report that summarizes the inspection results and identifies recommended improvements an applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts,

correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of $700,000 or less. ~~Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.~~

3. The home must undergo an initial ~~acceptable~~ hurricane mitigation inspection through the program as provided in subsection (1) within the 24 months immediately preceding the date of application.

4. The ~~building permit application for initial construction of the~~ home must have been built ~~made~~ before January 1, 2008, as reflected on the county property appraiser's website.

5. The applicant ~~homeowner~~ must agree to make his or her home available for a final inspection once a mitigation project is completed.

6. The applicant ~~homeowner~~ must agree to provide to the department information received from the applicant's ~~homeowner's~~ insurer identifying the discounts realized by the applicant ~~homeowner~~ because of the mitigation improvements funded through the program.


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7.~~a.~~ The applicant ~~homeowner~~ must be a low-income person or moderate-income person as defined in s. 420.0004.

~~b. The hurricane mitigation inspection must have occurred within the previous 24 months from the date of application.~~

~~c. Notwithstanding subparagraph 2., homeowners who are low-income persons, as defined in s. 420.0004(11), are not exempt from the requirement that the home must be a dwelling with an insured value of $700,000 or less.~~

~~d. This subparagraph expires July 1, 2026.~~

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the


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applicant ~~homeowner~~ which contains the name and state license number of the contractor that the applicant ~~homeowner~~ acknowledges as the intended contractor for the mitigation work. The program must ~~electronically~~ verify that the contractor's state license number is valid ~~accurate and up to date before grant approval~~.

(c) All grants must be matched on the basis of $1 provided by the applicant for $2 provided by the state up to a maximum state contribution of $10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

(e) When recommended by an initial ~~a~~ hurricane mitigation inspection, grants for eligible applicants ~~homes~~ may be used for all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

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

c.~~4.~~ Installing secondary water resistance for roof and replacing the roof covering.

(f) Improvements must be identified by the final hurricane mitigation inspection to receive grant funds ~~When recommended by~~

~~a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection~~.

(g) The department may require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing an applicant ~~a homeowner~~ approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) ~~or paragraph (f)~~.

(h) Low-income applicants ~~homeowners~~, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to $10,000 and are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old; and

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004~~; and~~

~~e. Last, all other applications~~.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications; and

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications~~; and~~

~~e. From all other applicants, beginning 60 days after the program initially starts accepting applications~~.

4. The program may accept a certification directly from a low-income applicant ~~homeowner~~ or moderate-income applicant ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12), respectively, if the applicant ~~homeowner~~ provides such certification in a signed or electronically verified statement made under penalty of perjury.

5. The program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified


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statement made under penalty of perjury.

(j) An applicant ~~A homeowner~~ who receives a grant shall finalize construction and request a final inspection~~, or request an extension for an additional 6 months,~~ within 18 months ~~1 year~~ after grant application approval. If an applicant ~~a homeowner~~ fails to comply with this paragraph, his or her application is deemed abandoned and the grant money reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request that an applicant provide additional information. An application is deemed abandoned ~~withdrawn~~ by the applicant if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent error or omission.

(4) ABANDONED APPLICATIONS.—The department shall notify an applicant at least 5 business days before an application is deemed abandoned. If the applicant responds to such notification within 5 business days after receiving the notice and demonstrates good cause for why the application should not be deemed abandoned, the applicant may submit a subsequent grant application or the department may determine the application is not abandoned.

(9)~~(8)~~ CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income applicants ~~homeowners~~, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business

operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(11)~~(10)~~ REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts applicants ~~homeowners~~ received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 6. Subsections (1) and (2) and paragraphs (a) and (j) of subsection (5) of section 215.55871, Florida Statutes, are amended to read:

215.55871 My Safe Florida Condominium Pilot Program.—There is established within the Department of Financial Services the My Safe Florida Condominium Pilot Program to be implemented pursuant to appropriations. The department shall provide fiscal accountability, contract management, and strategic leadership for the pilot program, consistent with this section. This section does not create an entitlement for associations or unit owners or obligate the state in any way to fund the inspection or retrofitting of condominiums in the state. Implementation of this pilot program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Condominium Pilot Program provide licensed


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inspectors to perform inspections for and grants to eligible associations as funding allows.

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

(a) "Area median income" means the median household income, as published annually by the United States Department of Housing and Urban Development, for the county in which the condominium property is located.

(b) ~~(a)~~ "Association" has the same meaning as in s. 718.103.

(c) ~~(b)~~ "Association property" means property, real and personal, which is owned or leased by, or is dedicated by a recorded plat to, an association for the use and benefit of its members ~~and is located in the service area~~.

(d) ~~(c)~~ "Board of administration" has the same meaning as in s. 718.103.

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

(f) ~~(e)~~ "Condominium property" means the lands, leaseholds, and personal property that are subjected to condominium ownership, whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium ~~and are located in the service area~~.

(g) ~~(f)~~ "Department" means the Department of Financial Services.

(h) ~~(g)~~ "Property" means association property and condominium property, as applicable~~, located in the service area~~.

~~(h) "Service area" means the area of the state which is 15~~

~~miles inward of a coastline, as that term is defined in s. 376.031.~~

(i) "Unit" has the same meaning as in s. 718.103.

(j) "Unit owner" has the same meaning as in s. 718.103.

(2) PARTICIPATION.—

(a) Participation in the pilot program is limited to:

1. Condominium associations in which at least 80 percent of the occupied units within the condominium are owned or occupied by a person or family whose annual income is at or below 80 percent of the area median income, adjusted for household size, applicable to the county in which the condominium is located. Eligibility must be determined using the area median income published at the time an application is submitted. For purposes of determining whether a condominium association meets the 80 percent unit-occupied threshold:

a. Only occupied residential units may be counted.

b. Both owner-occupied and tenant-occupied residential units may be counted as long as the persons or families living in such residential units provide income documentation to the department and the department has verified that such persons or families meet the income requirements of this subparagraph.

2. Structures or buildings on the condominium property which are three or more stories in height, provided that each structure or building that is the subject of a mitigation grant contains at least two single-family dwellings.

(b) The department shall adopt rules establishing acceptable methods for verifying household income, including, but not limited to, owner self-certification, tax returns, income statements, or other documentation deemed sufficient by

the department. The department may require periodic recertification of income eligibility to ensure compliance with this section.

(c) A condominium with mixed-income occupancies is eligible to participate in the pilot program under this section if the income threshold in subparagraph (a)1. is met.

(d) ~~(b)~~ In order to apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property, an association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in the pilot program. An association may not apply for an inspection under subsection (4) or a grant under subsection (5) for association property or condominium property unless the association has complied with the inspection requirements in ss. 553.899 and 718.112(2)(g) and (h). An association may not apply for a grant under subparagraph (5)(e)1. for association property or condominium property unless the windows of the association property or condominium property are established as common elements in the declaration.

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

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

2. Approval by at least 75 percent of all unit owners who reside within the structure or building that is the subject of the mitigation grant.


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(f) ~~(d)~~ A unit owner may participate in the pilot program through a mitigation grant awarded to the association but may not participate individually in the pilot program.

(g) ~~(e)~~ The votes required under this subsection may take place at the annual budget meeting of the association or at a unit owner meeting called for the purpose of taking such vote. Before a vote of the unit owners may be taken, the association must provide to the unit owners a clear disclosure of the pilot program on a form created by the department. The president and the treasurer of the board of administration must sign the disclosure form indicating that a copy of the form was provided to each unit owner of the association. The signed disclosure form and the minutes from the meeting at which the unit owners voted to participate in the pilot program must be maintained as part of the official records of the association. Within 14 days after an affirmative vote to participate in the pilot program, the association must provide written notice in the same manner as required under s. 718.112(2)(d) to all unit owners of the decision to participate in the pilot program.

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

(a) An application for a mitigation grant must:

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

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

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

4. Include documentation deemed sufficient by the department under paragraph (2)(b) for verifying household income.

(j) Grant funds may only be awarded for a mitigation improvement that addresses the common elements of the condominium property ~~that will result in a mitigation credit, discount, or other rate differential for the building or structure to which the improvement is made~~. As a condition of receiving ~~awarding~~ a grant, the association ~~department~~ must complete 100 percent of the opening protection improvements to the common elements which were recommended in the final hurricane mitigation inspection report ~~require mitigation improvements to be made to all openings~~, including exterior doors, garage doors, windows, and skylights that are a part of the common elements~~, if doing so is necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential~~.

Section 7. Subsection (3) of section 215.89, Florida

Statutes, is amended to read:

215.89 Charts of account.—

~~(3) REPORTING STRUCTURE.—~~

~~(a) The Chief Financial Officer shall accept comments from state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.~~

~~(b) By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.~~

Section 8. Subsections (1) and (5) of section 215.93, Florida Statutes, are amended to read:

215.93 Florida Financial Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial Management Information System. The Florida Financial Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating

council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall include, but shall not be limited to, the following:

(a) Planning and Budgeting Subsystem.

~~(b) Florida Accounting Information Resource Subsystem.~~

(b) ~~(c)~~ Financial Management Subsystem.

(c) ~~(d)~~ Purchasing Subsystem.

(d) ~~(e)~~ Personnel Information System.

(5) Functional owners are legally responsible for the security and integrity of all data records existing within or transferred from their information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System. A request for a copy of a document or an accounting record, whether made by public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not

be made to the functional owner of the subsystem unless the document or accounting record was recorded for such entity.

Section 9. Subsections (2) and (3) of section 215.94, Florida Statutes, are amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Financial Services shall be the functional owner of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem established pursuant to ss. 17.03, 215.86, 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

~~(3) The Chief Financial Officer shall be the functional owner of the Financial Management Subsystem. The Chief Financial Officer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:~~

(c) ~~(a)~~ Recording and reconciling credits and debits to treasury fund accounts.

(d) ~~(b)~~ Monitoring cash levels and activities in state bank accounts.

(e) ~~(c)~~ Monitoring short-term investments of idle cash.

(f) ~~(d)~~ Administering the provisions of the Federal Cash

Management Improvement Act of 1990.

Section 10. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:

215.96 Coordinating council and design and coordination staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of Revenue; and the Director of Planning and Budgeting, Executive Office of the Governor, or their designees. The Chief Financial Officer, or his or her designee, shall be chair of the council, and the design and coordination staff shall provide administrative and clerical support to the council and the board. ~~The design and coordination staff shall maintain the~~ Minutes of each meeting shall be ~~and make such minutes~~ available to any interested person. The Auditor General, the State Courts Administrator, a ~~an executive officer of the Florida Association of~~ state agency administrative services director selected by the council ~~Directors~~, and a ~~an executive officer of the Florida Association of~~ state budget officer selected by the council ~~Officers~~, or their designees, shall serve without voting rights as ex officio members of the council. The chair may call meetings of the council as often as necessary to transact business; however, the council shall meet at least once a year. Action of the council shall be by motion, duly made, seconded and passed by a majority of the council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.


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(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Management Information System:

(a) To review and coordinate annual workplans to ensure that the Florida Financial Management Information System remains aligned across participating entities. The coordination council shall ensure that each participating entity submits an annual workplan by October 1 of each year. The coordinating council shall review and discuss the workplans, identify potential impacts or conflicts, facilitate resolutions when practicable, and expedite unresolved issues as appropriate.

(b) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, and the development of integrated financial management policies that address the information and management needs of the functional owner subsystems. The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and any interested person.

(c) ~~(b)~~ To recommend to the board solutions, policy alternatives, and legislative budget request issues that will provide ~~ensure~~ a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems ~~and~~

~~to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring~~.

~~(c) To report to the board all actions taken by the coordinating council for final action.~~

~~(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.~~

Section 11. Paragraph (a) of subsection (4) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(4) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, shall establish and maintain a website that provides information relating to the approved operating budget for each branch of state government and state agency.

(a) At a minimum, the information must include:

1. Disbursement data for each appropriation by the account value ~~object code~~ associated with each expenditure established within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the voucher ~~statewide document~~ number. Such

data must be searchable by the name of the payee, the paying agency, and fiscal year, and must be downloadable in a format that allows offline analysis.

2. For each appropriation, any adjustments, including vetoes, approved supplemental appropriations included in legislation other than the General Appropriations Act, budget amendments, other actions approved pursuant to chapter 216, and other adjustments authorized by law.

3. Status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.

4. Position and rate information for positions provided in the General Appropriations Act or approved through an amendment to the approved operating budget and position information for positions established in the legislative branch.

5. Allotments for planned expenditures of state appropriations established by state agencies in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem, and the current balances of such allotments.

6. Trust fund balance reports, including cash available, investments, and receipts.

7. General revenue fund balance reports, including revenue received and amounts disbursed.

8. Fixed capital outlay project data, including original appropriation and disbursements throughout the life of the project.

9. A 10-year history of appropriations indicated by agency.

10. Links to state audits or reports related to the expenditure and dispersal of state funds.

11. Links to program or activity descriptions for which funds may be expended.

Section 12. Subsections (1) and (2) and paragraph (f) of subsection (3) of section 216.102, Florida Statutes, are amended to read:

216.102 Filing of financial information; handling by Chief Financial Officer; penalty for noncompliance.—

(1) By September 30 of each year, each agency supported by any form of taxation, licenses, fees, imposts, or exactions, the judicial branch, and, for financial reporting purposes, each component unit of the state as determined by the Chief Financial Officer shall prepare, using generally accepted accounting principles, and file with the Chief Financial Officer the financial and other information necessary for the preparation of annual financial statements for the State of Florida as of June 30. In addition, each such agency and the judicial branch shall prepare financial statements showing the financial position and results of agency or branch operations as of June 30 for internal management purposes.

(a) Each state agency and the judicial branch shall record the receipt and disbursement of funds from federal sources in a form and format prescribed by the Chief Financial Officer. The access to federal funds by the administering agencies or the judicial branch may not be authorized until:

1. The deposit has been recorded in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem using proper, consistent codes that designate deposits as federal funds.

2. The deposit and appropriate recording required by this


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paragraph have been verified by the office of the Chief Financial Officer.

(b) The Chief Financial Officer shall publish a statewide policy detailing the requirements for recording receipt and disbursement of federal funds into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and provide technical assistance to the agencies and the judicial branch to implement the policy.

(2) Financial information must be contained within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Other information must be submitted in the form and format prescribed by the Chief Financial Officer.

(a) Each component unit shall file financial information and other information necessary for the preparation of annual financial statements with the agency or branch designated by the Chief Financial Officer by the date specified by the Chief Financial Officer.

(b) The state agency or branch designated by the Chief Financial Officer to receive financial information and other information from component units shall include the financial information in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and shall include the component units' other information in its submission to the Chief Financial Officer.

(3) The Chief Financial Officer shall:

(f) Consult with and elicit comments from the Executive Office of the Governor on changes to the Financial Management ~~Florida Accounting Information Resource~~ Subsystem which clearly affect the accounting of federal funds, so as to ensure

consistency of information entered into the Federal Aid Tracking System by state executive and judicial branch entities. While efforts shall be made to ensure the compatibility of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and the Federal Aid Tracking System, any successive systems serving identical or similar functions shall preserve such compatibility.

The Chief Financial Officer may furnish and publish in electronic form the financial statements and the annual comprehensive financial report required under paragraphs (a), (b), and (c).

Section 13. Subsection (3) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(3) The Chief Financial Officer, as chief fiscal officer, shall use the Financial Management ~~Florida Accounting Information Resource~~ Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.

Section 14. Paragraphs (a) and (b) of subsection (7) and paragraph (j) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for

violations; limitations.—

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider who elects to contest the disallowance or adjustment of payment by a carrier under subsection (6) must, within 60 ~~45~~ days after receipt of notice of disallowance or adjustment of payment, petition the department to resolve the dispute. The petitioner must serve, by United States Postal Service certified mail or by a common carrier with verifiable tracking methods, a copy of the petition on the carrier and on all affected parties listed on the notice of disallowance or adjustment ~~by certified mail~~. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the department results in dismissal of the petition.

(b) The carrier must submit to the department within 45 ~~30~~ days after receipt of the petition all documentation substantiating the carrier's disallowance or adjustment. Failure of the carrier to timely submit such documentation to the department within 45 ~~30~~ days constitutes a waiver of all objections to the petition.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(j) In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:

1. Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to health care providers and health care

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facilities for inpatient and outpatient treatment and care.

2. Survey health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.

3. Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.

4. Submit recommendations on or before January 15, 2031 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug

repackager within 60 days of the dispensing practitioner taking possession of that medication.

Section 15. Section 497.1411, Florida Statutes, is created to read:

497.1411 Disqualification of applicants and licenses; penalties against licensees; rulemaking.—

(1) For purposes of this section, the term "applicant" means an individual applying for licensure or relicensure under this chapter, or an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following offenses, regardless of adjudication, is permanently barred from licensure under this chapter:

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

(3) An applicant who has been found guilty of, or has entered a plea of guilty or nolo contendere to an offense not subject to the permanent bar under subsection (2), regardless of adjudication, is subject to the following disqualifying periods:

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply. Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying

period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.

(b) A 5-year disqualifying period for all misdemeanors directly related to chapter 497.

(4) The board shall adopt rules to administer this section. Such rules must provide additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. The rules must also establish mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than 5 years and may not be applied to reduce the 5-year disqualifying period provided in paragraph (3)(b).

(5) For purposes of this section, a disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The board may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has expired, the burden is on the applicant to demonstrate to the board that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by this chapter, and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), an applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of

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civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution, or a pardon or the restoration of civil rights under the laws of another jurisdiction with respect to a conviction in that jurisdiction, is not barred or disqualified from licensure under this chapter; however, such a pardon or restoration of civil rights does not require the board to award such license.

(8)(a) The board may grant an exemption from disqualification to any person disqualified from licensure under subsection (3) if:

1. The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and

2. At least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

(b) For the board to grant an exemption under this subsection, the applicant must clearly and convincingly demonstrate that he or she would not pose a risk to persons or property if licensed under this chapter, evidence of which must include, but need not be limited to, facts and circumstances surrounding the disqualifying offense, the time that has elapsed since the offense, the nature of the offense and harm caused to the victim, the applicant’s history before and after the offense, and any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified.

(c) The board has discretion whether to grant or deny an exemption under this subsection. The board's decision is subject to chapter 120.

(9) The disqualification periods provided in this section do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license held by the applicant. This section does not affect any criminal history disclosure requirements of this chapter.

Section 16. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read:

497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been~~, within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction, the application may ~~shall~~ not be deemed complete until such time as the applicant provides such certified true copies of the court records evidencing the conviction, finding, or plea, as required in this section or as the licensing authority may by rule require.

(10)

(c) Crimes to be disclosed are:

1. Any felony ~~or misdemeanor,~~ no matter when committed~~,~~ ~~that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery~~

~~preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation~~.

2. Any misdemeanor, no matter when committed, that was directly related to the practice or activities regulated ~~Any other felony not already disclosed under subparagraph 1. that was committed within the 20 years immediately preceding the application~~ under this chapter.

3. Any other misdemeanor not already disclosed under subparagraph 2. which ~~subparagraph 1. that~~ was committed within the 5 years immediately preceding the application under this chapter.

Section 17. Subsection (11) is added to section 553.80, Florida Statutes, to read:

553.80 Enforcement.—

(11) For purposes of the design, construction, erection, alteration, fire protection, fire suppression, modification, repair, and demolition of a single-family or two-family dwelling, such dwelling does not have a change of occupancy as defined in the Florida Building Code solely due to its being used as or converted into a dwelling used:

(a) By a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people who are living with a mental health disorder, provided the dwelling has no fewer than two and no more than four bedrooms, is occupied by a group of or family of no more than six ambulatory adults living with a mental disorder, and has no more than two adults assigned to any bedroom; or

(b) For residential migrant housing as defined in s. 381.008(8) which has a permit from the Department of Health pursuant to s. 381.0081.

Section 18. 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 19. 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 or through a debit card transaction shall be treated the same. 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 20. 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 21. Subsection (3) of section 626.0428, Florida Statutes, is amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(3) An employee or an authorized representative located at a designated branch of an agent or agency may not initiate contact with any person for the purpose of soliciting insurance unless licensed and appointed as an agent or customer representative. As to title insurance, an employee of an agent or agency may not initiate contact with any individual proposed insured for the purpose of soliciting title insurance unless licensed as a title insurance agent or exempt from such licensure pursuant to s. 626.8417(4) ~~and (5)~~.

Section 22. Section 626.171, Florida Statutes, is amended to read:

626.171 Application for license as an agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~.—

(1) The department may not issue a license as agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~ to any person except upon written application filed with the department, meeting the qualifications for the license applied for as determined by the department, and payment in advance of all applicable fees. The application must be made under the oath of the applicant and be signed by the applicant. An applicant may permit a third party to complete, submit, and sign an application on the applicant's behalf, but is responsible for ensuring that the information on


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the application is true and correct and is accountable for any misstatements or misrepresentations. The department shall accept the uniform application for resident and nonresident agent and adjuster licensing. The department may adopt revised versions of the uniform application by rule.

(2) In the application, the applicant must include all of the following ~~shall set forth~~:

(a) The applicant's ~~His or her~~ full name, age, social security number, residence address, business address, mailing address, contact telephone numbers, including a business telephone number, and e-mail address.

(b) A statement indicating the method the applicant used or is using to meet any required prelicensing education, knowledge, experience, or instructional requirements for the type of license applied for.

(c) Whether the applicant ~~he or she~~ has been refused or has voluntarily surrendered or has had suspended or revoked a license to solicit insurance by the department or by the supervising officials of any state.

(d) Whether any insurer or any managing general agent claims the applicant is indebted under any agency contract or otherwise and, if so, the name of the claimant, the nature of the claim, and the applicant's defense thereto, if any.

(e) Proof that the applicant meets the requirements for the type of license for which he or she is applying.

(f) The applicant's gender (male or female).

(g) The applicant's native language.

(h) The highest level of education achieved by the applicant.

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(i) The applicant's race or ethnicity (African American, white, American Indian, Asian, Hispanic, or other).

(j) Such other or additional information as the department may deem proper to enable it to determine the character, experience, ability, and other qualifications of the applicant to hold himself or herself out to the public as an insurance representative.

However, the application must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations. The department may ~~shall~~ make provisions for applicants to voluntarily submit their cellular telephone numbers as part of the application process solely ~~on a voluntary basis only~~ for the purpose of two-factor authentication of secure login credentials ~~only~~.

(3) Each application must be accompanied by payment of any applicable fee.

(4) An applicant for a license issued by the department under this chapter must submit a set of the individual applicant's fingerprints, or, if the applicant is not an individual, a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, to the department and must pay the fingerprint processing fee set forth in s. 624.501. Fingerprints must be processed in accordance with s. 624.34 and used to investigate the applicant's qualifications

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pursuant to s. 626.201. The fingerprints must be taken by a law enforcement agency or other department-approved entity. The department may not approve an application for licensure as an agent, customer ~~service~~ representative, adjuster, or service representative~~, or reinsurance intermediary~~ if fingerprints have not been submitted.

(5) The application for license filing fee prescribed in s. 624.501 is not subject to refund.

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 23. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual

applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of the applicant's home state identifying the type of license and lines of authority under the license and stating that~~, at the time the license from the home state was canceled,~~ the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested. An applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

2. A set of the applicant's fingerprints in accordance with s. 626.171(4).

Section 24. Subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall require license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent,

title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the license or appointment as specified in this code.

(b) Material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Failure to pass to the satisfaction of the department any examination required under this code, including cheating on an examination required for licensure or violating test center or examination procedures delivered orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator.

(d) If the license or appointment is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this code.

(e) Willful misrepresentation of any insurance policy or annuity contract or willful deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or

benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

(g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

(h) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment.

(i) Fraudulent or dishonest practices in the conduct of business under the license or appointment.

(j) Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment.

(k) Unlawfully rebating, attempting to unlawfully rebate, or unlawfully dividing or offering to divide his or her commission with another.

(l) Having obtained or attempted to obtain, or having used or using, a license or appointment as agent or customer representative for the purpose of soliciting or handling "controlled business" as defined in s. 626.730 with respect to general lines agents, s. 626.784 with respect to life agents, and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business, any felony, or any crime punishable by imprisonment of 1 year or more under the law of the United

States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440 containing false or misleading information as to employee payroll or classification for the purpose of avoiding or reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

3. Having received a fee, commission, or other valuable consideration for his or her services with respect to viatical settlements that involved unlicensed viatical settlement providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911 and who were not licensed life agents.

4. Dealing in bad faith with viators.

Section 25. Section 626.621, Florida Statutes, is amended to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or


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appointment.—The department may, in its discretion, require a license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(1) Any cause for which issuance of the license or appointment could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this code or of any other law applicable to the business of insurance in the course of dealing under the license or appointment.

(3) Violation of any lawful order or rule of the department, commission, or office.

(4) Failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming into his or her hands belonging to the insurer.

(5) Violation of the provision against twisting, as defined in s. 626.9541(1)(l).

(6) In the conduct of business under the license or appointment, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part IX of this chapter, or having otherwise shown himself or herself to be a source of injury or loss to the public.

(7) Willful overinsurance of any property or health

insurance risk.

(8) If a life agent, violation of the code of ethics.

(9) Cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator. Communication of test center and examination procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(11) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the insurance code or any order or rule of the department, commission, or office.

(12) Has been the subject of or has had a license, permit, appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted

thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

(13) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify, enforce, or collect support.

(14) Directly or indirectly accepting any compensation, inducement, or reward from an inspector for the referral of the owner of the inspected property to the inspector or inspection company. This prohibition applies to an inspection intended for submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

(16) Taking an action that allows the personal financial or medical information of a consumer or customer to be made available or accessible to the general public, regardless of the format in which the record is stored.

(17) Initiating in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer unless requested by the prospective customer.

(18) Cancellation of the applicant’s, licensee’s, or appointee’s resident license in a state other than Florida.

Section 26. Subsection (1) of section 626.731, Florida

Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department may ~~shall~~ not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet ~~each~~ all of the following qualifications:

(a) The applicant is a natural person at least 18 years of age.

(b) The applicant is 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. ~~An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, 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 such 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.~~

(c) The applicant's place of business will be located in this state and he or she will be actively engaged in the business of insurance and will maintain a place of business, the location of which is identifiable by and accessible to the public.

(d) The license is not being sought for the purpose of writing or handling controlled business, in violation of s. 626.730.

(e) The applicant is qualified as to knowledge, experience,

or instruction in the business of insurance and meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for license required under s. 626.221.

Section 27. Subsection (2) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 28. Section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet all of the following qualifications:

(1)~~(a)~~ Is ~~Must be~~ a natural person of at least 18 years of age.

(2)~~(b)~~ Is ~~Must be~~ 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.

(3) ~~(c)~~ Is ~~Must~~ not ~~be~~ an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4) ~~(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination for license required under s. 626.221.

(5) ~~(e)~~ Is ~~Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 29. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—

(4) Title insurers, acting through designated corporate officers, or attorneys duly admitted to practice law in this state and in good standing with The Florida Bar are exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements.

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating~~

~~to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 30. Subsection (24) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 31. Section 627.797, Florida Statutes, is repealed.

Section 32. Subsection (11) of section 633.208, Florida Statutes, is amended to read:

633.208 Minimum firesafety standards.—

(11) Notwithstanding subsection (8), a single-family or two-family dwelling may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such dwelling being used as or converted into:

(a) ~~That is~~ A certified recovery residence, as defined in s. 397.311, or ~~that is~~ a recovery residence, as defined in s. 397.311, that has a charter from an entity recognized or sanctioned by Congress;

(b) A residence owned by a tax-exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code whose stated corporate purpose relates to the support of people

who are living with a mental health disorder and which has no fewer than two and no more than four bedrooms, is occupied by a group or family of no more than six ambulatory adults living with a mental health disorder, and has no more than two adults assigned to any bedroom; or

(c) Residential migrant housing as defined in s. 381.008(8) which has a permit from the Department of Health pursuant to s. 381.0081 ~~may not be reclassified for purposes of enforcing the Florida Fire Prevention Code solely due to such use~~.

Section 33. Subsection (4) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in accordance with s. 626.171(4) ~~and a recent credential-sized, fullface photograph of the applicant~~. The department may ~~shall~~ not authorize an applicant to take the required examination until the department has received a report from the Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

Section 34. Subsection (2) of section 648.382, Florida Statutes, is amended to read:

648.382 Appointment of bail bond agents and bail bond agencies; effective date of appointment.—

(2) Before any appointment, an appropriate officer or official of the appointing insurer must obtain all of the following information ~~submit~~:

(a) A certified statement or affidavit to the department

stating what investigation has been made concerning the proposed appointee and the proposed appointee's background and the appointing person's opinion to the best of his or her knowledge and belief as to the moral character and reputation of the proposed appointee. In lieu of such certified statement or affidavit, by authorizing the effectuation of an appointment for a licensee, the appointing entity certifies to the department that such investigation has been made and that the results of the investigation and the appointing person's opinion is that the proposed appointee is a person of good moral character and reputation and is fit to engage in the bail bond business.~~;~~

(b) An affidavit under oath on a form prescribed by the department, signed by the proposed appointee, stating that premiums are not owed to any insurer and that the appointee will discharge all outstanding forfeitures and judgments on bonds previously written. If the appointee does not satisfy or discharge such forfeitures or judgments, the former insurer shall file a notice, with supporting documents, with the appointing insurer, the former agent or agency, and the department, stating under oath that the licensee has failed to timely satisfy forfeitures and judgments on bonds written and that the insurer has satisfied the forfeiture or judgment from its own funds. Upon receipt of such notification and supporting documents, the appointing insurer shall immediately cancel the licensee's appointment. The licensee may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the licensee have been discharged. The appointing insurer or former agent or agency may, within 10 days, file a petition with the department seeking


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relief from this paragraph. Filing of the petition stays the duty of the appointing insurer to cancel the appointment until the department grants or denies the petition.~~;~~

(c) Any other information that the department reasonably requires concerning the proposed appointee.~~; and~~

(d) Effective January 1, 2025, a certification that the appointing entity obtained from each appointee the following sworn statement:

> Pursuant to section 648.382(2)(b), Florida Statutes, I do solemnly swear that I owe no premium to any insurer or agency and that I will discharge all outstanding forfeitures and judgments on bonds that have been previously written. I acknowledge that failure to do this will result in my active appointments being canceled.

An appointed bail bond agency must have the attestation under this paragraph signed by its owner.

Section 35. Section 717.001, Florida Statutes, is amended to read:

717.001 Short title.—This chapter may be cited as the "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property Act."

Section 36. Present subsections (1) through (4), (5) through (8), (10) through (13), (15) through (20), (21), (22) through (28), (31), (32), and (33) of section 717.101, Florida Statutes, are redesignated as subsections (4) through (7), (9) through (12), (13) through (16), (17) through (22), (24), (26)


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through (32), and (33), (34), and (35), respectively, new subsections (1), (2), (3), (8), (23), and (25) are added to that section, and present subsections (1), (2), (5), (6), (8), (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30) of that section are amended, to read:

717.101 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Abandoned property" means property held by a holder for which all of the following are true:

(a) The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period established under this chapter.

(b) The holder has complied with the due diligence requirements set forth in this chapter, including the issuance of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

For purposes of this chapter, property is presumed abandoned upon expiration of the applicable dormancy period established under this chapter. Once the dormancy period has expired, the holder must comply with the due diligence requirements set forth in s. 717.117. If the holder does not receive response or contact sufficient to demonstrate continued interest in the property after completion of its due diligence efforts, the property is deemed abandoned and subject to reporting and remittance to the department for custodial holding on behalf of the owner.

(2) "Abandoned Property Purchase Agreement" means the form


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adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.

(3) "Abandoned Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

(4) ~~(1)~~ "Aggregate" means the amounts reported for owners of abandoned ~~unclaimed~~ property of less than $10 or where there is no name for the individual or entity listed on the holder's records, regardless of the amount to be reported.

(5) ~~(2)~~ "Apparent owner" means the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances ~~person entitled to property held, issued, or owing by the holder~~.

(8) "Authorized representative" means a person or entity legally empowered to act on behalf of the apparent owner or his or her estate, including, but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

(9) ~~(5)~~ "Banking or financial organization" means any and all banks, trust companies, private bankers, savings banks, industrial banks, safe-deposit companies, savings and loan associations, credit unions, savings associations, banking organizations, international bank agencies, cooperative banks,

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building and loan associations, and investment companies in this state, organized under or subject to the laws of this state or of the United States, including entities organized under 12 U.S.C. s. 611, but does not include federal reserve banks. The term also includes any corporation, business association, or other organization that:

(a) Is a wholly or partially owned subsidiary of any banking, banking corporation, or bank holding company that performs any or all of the functions of a banking organization; or

(b) Performs functions pursuant to the terms of a contract with any banking organization.

(10) ~~(6)~~ "Business association" means any for-profit or nonprofit corporation other than a public corporation; joint stock company; investment company; unincorporated association or association of two or more individuals for business purposes, whether or not for profit; partnership; joint venture; limited liability company; sole proprietorship; business trust; trust company; land bank; safe-deposit company; safekeeping depository; banking or financial organization; insurance company; federally chartered entity; utility company; transfer agent; or other business entity, whether or not for profit.

(12) ~~(8)~~ "Claimant ~~Claimant's~~ representative" means an attorney who is a member in good standing with ~~of~~ The Florida Bar, a certified public accountant licensed in this state, or a private investigator ~~who is duly~~ licensed ~~to do business~~ in this ~~the~~ state~~,~~ who is registered with the department~~,~~ and authorized to file claims on behalf of persons with the department ~~by the claimant to claim unclaimed property on the claimant's behalf~~.

The term does not include a person acting in a representative or fiduciary capacity, such as a personal representative, guardian, trustee, or attorney, whose representation is not contingent upon the discovery or location of abandoned ~~unclaimed~~ property, and it expressly excludes locators who engage in locating owners of abandoned property for a fee but are not registered with the department~~; provided, however, that any agreement entered into for the purpose of evading s. 717.135 is invalid and unenforceable~~.

~~(9) "Credit balance" means an account balance in the customer's favor.~~

(15)~~(12)~~ "Due diligence" means the use of reasonable and prudent methods under particular circumstances to locate apparent owners of presumed abandoned property ~~inactive accounts~~ using the taxpayer identification number or social security number, if known, which may include, but are not limited to, using a nationwide database, cross-indexing with other records of the holder, mailing to the last known address unless the last known address is known to be inaccurate, providing written notice as described in this chapter by electronic mail if an apparent owner has elected such delivery, or engaging a licensed agency or company capable of conducting such search and providing updated addresses.

~~(14) "Financial organization" means a savings association, savings and loan association, savings bank, industrial bank, bank, banking organization, trust company, international bank agency, cooperative bank, building and loan association, or credit union.~~

(18)~~(16)~~ "Holder" means a person who is in possession of

property belonging to another or who owes a debt or an obligation to another person, including, but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies~~:~~

~~(a) A person who is in possession or control or has custody of property or the rights to property belonging to another; is indebted to another on an obligation; or is obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter; or~~

~~(b) A trustee in case of a trust~~.

(20)~~(18)~~ "Intangible property" includes, by way of illustration and not limitation:

(a) Moneys, checks, virtual currency, drafts, deposits, interest, dividends, and income.

(b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.

(c) Stocks, and other intangible ownership interests in business associations except for:

1. A non-freely transferable security; or

2. A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.

(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(21) ~~(19)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term ~~"last known address"~~ includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(22) ~~(20)~~ "Lawful charges" means charges against the property or the account in which the property is held which ~~dormant accounts that~~ are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with the department.

(25) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust and Clearing Corporation or similar custodian of


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securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(26) ~~(22)~~ "Owner" means the ~~a~~ person~~, or the person's legal representative,~~ entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a valid claim with the department pursuant ~~or claim against property subject~~ to this chapter~~; a depositor in the case of a deposit; a beneficiary in the case of a trust or a deposit in trust; or a payee in the case of a negotiable instrument or other intangible property~~.

(29) ~~(25)~~ "Record" means information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies ~~inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form~~.

~~(29) "Unclaimed Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to purchase unclaimed property from an owner.~~

~~(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to obtain an owner's consent and authority to~~

~~recover unclaimed property on the owner's behalf.~~

Section 37. Section 717.102, Florida Statutes, is amended to read:

717.102 Property presumed abandoned ~~unclaimed~~; general rule.—

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned ~~claim such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter~~. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

(2) ~~Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.~~

~~(3)~~ A presumption that property is abandoned may be ~~unclaimed is~~ rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized


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representative ~~an apparent owner's expression of interest in the property~~. Such demonstration ~~An owner's expression~~ of continued interest ~~in property~~ includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.~~;~~

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the apparent owner's~~ communication.~~;~~

(c) Presentment of a check or other instrument for ~~of~~ payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other distributions related to the property. ~~distribution, with respect to an account, underlying security, or interest in a business association;~~

(d) Any account activity initiated ~~directed~~ by an apparent owner or authorized representative ~~in the account in which the property is held~~, including accessing the account or directing changes to information concerning the account~~,~~ or to the amount or type of property held, excluding routine automatic transactions previously authorized, ~~a direction by the apparent owner~~ to increase, decrease, or otherwise change the amount or type of property held in the account.~~;~~

(e) Any ~~A~~ deposit into or withdrawal from the property or the ~~an~~ account in which the property is held ~~at a financial~~


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~~organization~~, excluding ~~an~~ automatic deposits, withdrawals, or reinvestments ~~deposit or withdrawal~~ previously authorized by the apparent owner or authorized representative. ~~an automatic reinvestment of dividends or interest, which does not constitute an expression of interest; or~~

(f) Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in ~~knows that~~ the property ~~exists~~.

(3)~~(4)~~ If a holder learns or receives confirmation of an apparent owner's death, the property shall be presumed abandoned ~~unclaimed~~ 2 years after the date of death, unless an authorized representative makes an affirmative demonstration ~~a fiduciary appointed to represent the estate of the apparent owner has made an expression~~ of interest in the property before the expiration of the 2-year period. This subsection may not be construed to extend the otherwise applicable dormancy period prescribed by this chapter.

Section 38. Section 717.103, Florida Statutes, is amended to read:

717.103 General rules for taking custody of intangible abandoned ~~unclaimed~~ property.—Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of the department as abandoned ~~unclaimed~~ property when ~~if~~ the conditions leading to a presumption that the property is abandoned ~~unclaimed~~ as described in ss. 717.102 and 717.105-717.116 are satisfied and the holder has fulfilled all required due diligence obligations without receiving any response or claim from the apparent owner,


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and one or more of the following criteria apply:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state.~~;~~

(2) The records of the holder do not identify the name of the apparent owner, but do reflect ~~the identity of the person entitled to the property, and it is established~~ that the last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~;~~

(3) The records of the holder do not reflect the last known address of the apparent owner, but ~~and~~ it is established that either of the following conditions apply:

(a) The last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~; or~~

(b) The holder is domiciled in this state, ~~a domiciliary~~ or is a government entity or ~~governmental~~ subdivision ~~or agency~~ of this state, and has not previously paid the property to the state of the last known address of the apparent owner. ~~or other person entitled to the property;~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction ~~state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or unclaimed property laws ~~custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~, and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity or governmental subdivision or agency of this state.~~;~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the

holder is domiciled in this state ~~a domiciliary~~ or is a government entity or governmental subdivision ~~or agency~~ of this state.~~; or~~

(6) The transaction out of which the property arose occurred in this state~~,~~ and both of the following are true:~~:~~

(a)~~1.~~ The last known address of the apparent owner ~~or other person entitled to the property~~ is unknown.~~; or~~

~~2. The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property; and~~

(b) The holder is domiciled in a jurisdiction ~~a domiciliary of a state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or ~~custodial taking of the property, or its escheat or~~ unclaimed property laws ~~law is not applicable to the property~~.

Section 39. Section 717.1035, Florida Statutes, is repealed.

Section 40. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler’s checks and money orders.—

(1) Subject to subsection (4), any sum payable on a traveler’s check that has been outstanding for more than 15 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 15 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated~~ ~~an interest as~~

~~evidenced by a memorandum or other record on file with the issuer~~.

(2) Subject to subsection (4), any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than 7 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 7 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer~~.

(3) A ~~No~~ holder may not deduct from the amount of any traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the holder ~~issuer~~ and the apparent owner of the property pursuant to which the holder ~~issuer~~ may impose those charges and the holder ~~issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

(4) No sum payable on a traveler's check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) may be subjected to the custody of this state as abandoned ~~unclaimed~~ property unless any of the following conditions are met:

(a) The records of the holder ~~issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.~~;~~

(b) The holder ~~issuer~~ has its principal place of business

in this state and its ~~the~~ records ~~of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.~~; or~~

(c) The holder ~~issuer~~ has its principal place of business in this state; the holder's records ~~of the issuer~~ show the state in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the~~ state of purchase does not provide applicable ~~do not provide for the~~ escheat, abandoned, or unclaimed property laws ~~or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~.

(5) Notwithstanding any other provision of this chapter, subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned ~~unclaimed~~ on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Section 41. Section 717.1045, Florida Statutes, is amended to read:

717.1045 Gift certificates and similar credit items.—Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned ~~unclaimed~~ property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of

a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~ property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

Section 42. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable, including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization~~.

(2) A ~~No~~ holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless

there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

Section 43. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative has, within 5 years, engaged in any of the following activities:

(a) Increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest.~~;~~

(b) Communicated in writing or by documented telephone contact with the banking or financial organization concerning the property.~~;~~

(c) Otherwise demonstrated a continued ~~indicated an~~ interest in the property as evidenced by a memorandum or other record on file with the banking or financial organization.~~;~~

(d) Owned other property to which paragraph (a), paragraph (b), or paragraph (c) is applicable and if the banking or


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financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other property regularly are sent.~~; or~~

(e) Had another relationship with the banking or financial organization concerning which the apparent owner has:

1. Communicated in writing with the banking or financial organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) A ~~No~~ holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of $2, the holder, no more than 3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be

imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection (1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

(5) If the documents establishing a deposit described in subsection (1) state the address of a beneficiary of the deposit, and the account has a value of at least $50, notice shall be given to the beneficiary as provided for notice to the apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection shall apply to accounts opened on or after October 1, 1990.

Section 44. Subsection (1) of section 717.1065, Florida Statutes, is amended to read:

717.1065 Virtual currency.—

(1) Any virtual currency held or owing by a banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity is presumed

unclaimed unless the owner, within 7 ~~5~~ years, has communicated in writing with the banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity concerning the virtual currency or otherwise indicated an interest as evidenced by a memorandum or other record on file with the banking organization, corporation, custodian, exchange, or other entity engaged in virtual currency business activity.

Section 45. Subsection (1) of section 717.107, Florida Statutes, is amended to read:

717.107 Funds owing under life insurance policies, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned ~~unclaimed~~ if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if such property is not claimed for more than 2 years. The amount presumed abandoned ~~unclaimed~~ shall include any amount due and payable under s. 627.4615.

Section 46. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned ~~unclaimed~~ demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a

demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 47. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

Section 48. Section 717.109, Florida Statutes, is amended to read:

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1 year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned ~~unclaimed~~.

Section 49. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

(1)(a) Stock, ~~or~~ other equity interests, or debt of ~~interest in~~ a business association is presumed abandoned ~~unclaimed~~ on the date of the earliest of any of the following:

1. Three years after the date a communication, other than communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account ~~owner-generated~~ activity or communication initiated by the apparent owner or authorized representative which demonstrates continued interest in the ~~related to the~~ account, as recorded

and maintained by ~~in~~ the holder. Routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest. ~~holder's database and records systems sufficient enough to demonstrate the owner's continued awareness or interest in the property;~~

3.~~2.~~ Two ~~Three~~ years after the date of the death of the apparent owner, as evidenced by:

a. Notice to the holder of the apparent owner's death by an authorized representative ~~administrator, beneficiary, relative, or trustee, or by a personal representative or other legal representative of the owner's estate~~;

b. Receipt by the holder of a copy of the death certificate of the apparent owner;

c. Confirmation by the holder of the apparent owner's death through ~~though~~ other means; or

d. Other evidence from which the holder may reasonably conclude that the apparent owner is deceased.~~; or~~

~~3. One year after the date on which the holder receives notice under subparagraph 2. if the notice is received 2 years or less after the owner's death and the holder lacked knowledge of the owner's death during that period of 2 years or less.~~

(b) If the holder does not send communication to the apparent owner of a security by first-class United States mail on an annual basis, the holder shall attempt to confirm the apparent owner's interest in the equity interest by sending the apparent owner an e-mail communication not later than 3 years after the apparent owner's or authorized representative's last

demonstration of continued interest in the equity interest. However, the holder shall promptly attempt to contact the apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the apparent owner an e-mail communication or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

2. The holder received notification that the e-mail communication was not received; or

3. The apparent owner does not respond to the e-mail communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph (b) is returned to the holder undelivered by the United States Postal Service, the equity interest is presumed abandoned in accordance with paragraph (1)(a).

(d) Unmatured or unredeemed debt, other than a bearer bond or an original issue discount bond, is presumed abandoned 5 ~~unclaimed 3~~ years after the date of the most recent interest payment unclaimed by the owner.

(e) ~~(c)~~ Matured or redeemed debt is presumed abandoned 5 ~~unclaimed 3~~ years after the date of maturity or redemption.

(f) ~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~ under paragraph (a) or paragraph (b), any other property right accrued or accruing to the owner as a result of the property interest and not previously presumed abandoned ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under

s. 717.102, including by any of the following actions ~~person~~:

(a)~~1.~~ Communicating ~~Communicates~~ in writing or by other means with the association or its agent regarding the interest, ~~or a~~ dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent~~; or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent~~.

(b) Presenting ~~Presents~~ an instrument issued to pay interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned ~~unclaimed~~ commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned ~~unclaimed~~ under this section, any dividend, distribution, or other sum then held for or owing to the owner as a result of the interest, is presumed abandoned ~~unclaimed~~.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.


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Section 50. Section 717.111, Florida Statutes, is amended to read:

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned ~~unclaimed~~.

Section 51. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is presumed abandoned ~~unclaimed~~ unless the apparent owner has within 5 years after it has become payable or distributable increased or decreased the principal, accepted payment of principal or income, communicated in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of record~~,~~ is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted

payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 52. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code.

Section 53. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the

provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 54. Section 717.115, Florida Statutes, is amended to read:

717.115 Wages.—Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business that have not been claimed by the apparent owner for more than 1 year after becoming payable are presumed abandoned ~~unclaimed~~.

Section 55. Section 717.116, Florida Statutes, is amended to read:

717.116 Contents of safe-deposit box or other safekeeping repository.—All tangible and intangible property held by a banking or financial organization in a safe-deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business, and proceeds resulting from the sale of the property permitted by law, that has not been claimed by the apparent owner or authorized representative for more than 3 years after the lease or rental period on the box or other repository has expired are presumed abandoned ~~unclaimed~~.

Section 56. Section 717.117, Florida Statutes, is amended to read:

717.117 Holder due diligence and report of abandoned ~~unclaimed~~ property.—

(1) Property is presumed abandoned upon expiration of the applicable dormancy period under this chapter. However, such

property is not deemed abandoned for purposes of reporting or remittance to the department until the holder has conducted reasonable due diligence as required by this section, resulting in no indication of interest from the apparent owner or authorized representative.

(2) Holders of property presumed abandoned that has a value of $50 or more shall use due diligence to locate and notify the apparent owner that the holder is in possession of property subject to this chapter. At least 90 days, but not more than 180 days, before filing the report required by this section, a holder in possession of presumed abandoned property shall send written notice by first-class United States mail to the apparent owner's last known address as shown in the holder's records or from other available sources, or by e-mail if the apparent owner has elected for e-mail delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, provided that the holder's records contain a mailing or e-mail address for the apparent owner which is not known by the holder to be inaccurate. The holder may provide notice by mail, by e-mail, or by both methods. If the holder's records indicate that the mailing address is inaccurate, notice may be provided by e-mail if the apparent owner has elected e-mail delivery.

(3) If the value of the property is greater than $1,000, the holder shall send a second written notice by certified United States mail, return receipt requested, to the apparent owner's last known address at least 60 days before filing the report required by this section, if the holder's records contain a mailing address for the apparent owner which is not known by the holder to be inaccurate. Reasonable costs paid to the United

States Postal Service for certified mail, return receipt requested, may be deducted from the property as a service charge. A signed return receipt received in response to the certified mail notice constitutes an affirmative demonstration of continued interest as described in s. 717.102.

(4) The written notice required under this section must include:

(a) A heading that reads substantially as follows: "Notice: The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ...(insert date that is at least 30 days after the date of notice)...."

(b) A description of the type, nature, and, unless the property does not have a fixed value, value of the property that is the subject of the notice.

(c) A statement that the property will be turned over to the custody of the department as abandoned property if no response is received.

(d) A statement that noncash property will be sold or liquidated by the department.

(e) A statement that, after the property is remitted to the department, a claim must be filed with the department to recover the property.

(f) A statement that the property is currently in the custody of the holder and that the apparent owner may prevent transfer of the property by contacting the holder before the deadline stated in the notice.

(g) If the property is virtual currency, a statement that

the virtual currency will be liquidated by the holder before it is remitted to the department and that only the proceeds of the liquidation will be transferred.

(5) Every holder of abandoned ~~person holding funds or other~~ property, tangible or intangible, ~~presumed unclaimed and~~ subject to custody ~~as unclaimed property~~ under this chapter shall submit a report to the department via electronic medium as the department may prescribe by rule. The report must include:

(a) Except for traveler's checks and money orders, the name, social security number or taxpayer identification number, date of birth, if known, and last known address, if any, of each apparent ~~person appearing from the records of the holder to be the~~ owner of any property which is abandoned ~~presumed unclaimed~~ and which has a value of $10 or more.

(b) For abandoned ~~unclaimed~~ funds that have a value of $10 or more held or owing under any life or endowment insurance policy or annuity contract, the identifying information provided in paragraph (a) for both the insured or annuitant and the beneficiary according to records of the insurance company holding or owing the funds.

(c) For all tangible property held in a safe-deposit box or other safekeeping repository, a description of the property and the place where the property is held and may be inspected by the department, and any amounts owing to the holder. Contents of a safe-deposit box or other safekeeping repository which consist of documents or writings ~~of a private nature and~~ which have little or no commercial value may ~~apparent value shall~~ not be reported as abandoned property ~~presumed unclaimed~~.

(d) The nature or type of property, any accounting or

identifying number associated with the property, a description of the property, and the amount appearing from the records to be due. Items of value of less than $10 each may be reported in the aggregate.

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.

(f) Any other information the department may prescribe by rule as necessary for the administration of this chapter.

(6) ~~(2)~~ If the total value of all abandoned ~~presumed unclaimed~~ property, whether tangible or intangible, held by a person is less than $10, a zero balance report may be filed for that reporting period.

(7) ~~(3)~~ Credit balances, customer overpayments, security deposits, and refunds having a value of less than $10 may not be reported as abandoned property ~~shall not be presumed unclaimed~~.

(8) A security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder shall report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

(9) ~~(4)~~ If the holder of abandoned property ~~presumed unclaimed and~~ subject to custody under this chapter ~~as unclaimed property~~ is a successor holder or if the holder has changed the holder’s name while in possession of the property, the holder shall file with the holder’s report all known names and addresses of each prior holder of the property. Compliance with

this subsection means the holder exercises reasonable and prudent efforts to determine the names of all prior holders.

(10) The report must be signed by or on behalf of the holder and verified as to its completeness and accuracy, and the holder must state that it has complied with the due diligence requirements of this section.

(11) ~~(5)~~ The report must be filed before May 1 of each year. The report applies to the preceding calendar year. Upon written request by any person required to file a report, and upon a showing of good cause, the department may extend the reporting date. The department may impose and collect a penalty of $10 per day up to a maximum of $500 for the failure to timely report, if an extension was not provided or if the holder of the property failed to include in a report information required by this chapter which was in the holder's possession at the time of reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of $50 or more shall use due diligence to locate and notify apparent~~

~~owners that the entity is holding unclaimed property available for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first-class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records a mailing or electronic address for the apparent owner which the holder's records do not disclose to be inaccurate. These two means of contact are not mutually exclusive; if the mailing address is determined to be inaccurate, electronic mail may be used if so elected by the apparent owner.~~

~~(7) The written notice to the apparent owner required under this section must:~~

~~(a) Contain a heading that reads substantially as follows: "Notice. The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ...(insert date that is at least 30 days after the date of notice)...."~~

~~(b) Identify the type, nature, and, except for property that does not have a fixed value, value of the property that is the subject of the notice.~~

~~(c) State that the property will be turned over to the~~

~~custody of the department as unclaimed property if no response to this letter is received.~~

~~(d) State that any property that is not legal tender of the United States may be sold or liquidated by the department.~~

~~(e) State that after the property is turned over to the department, an apparent owner seeking return of the property may file a claim with the department.~~

~~(f) State that the property is currently with a holder and provide instructions that the apparent owner must follow to prevent the holder from reporting and paying for the property or from delivering the property to the department.~~

(12)~~(8)~~ Any holder of intangible property may file with the department a petition for determination that the property is abandoned and ~~unclaimed~~ requesting the department to accept custody of the property. The petition shall state any special circumstances that exist, contain the information required by subsection (9) ~~subsection (4)~~, and show that a diligent search has been made to locate the apparent owner. If the department finds that the proof of diligent search is satisfactory, it shall give notice as provided in s. 717.118 and accept custody of the property.

(13)~~(9)~~ Upon written request by any entity or person required to file a report, stating such entity's or person's justification for such action, the department may place that entity or person in an inactive status as an abandoned ~~unclaimed~~ property "holder."

(14)~~(10)~~(a) This section does not apply to the abandoned ~~unclaimed~~ patronage refunds as provided for by contract or through bylaw provisions of entities organized under chapter 425

or that are exempt from ad valorem taxation pursuant to s. 196.2002.

(b) This section does not apply to intangible property held, issued, or owing by a business association subject to the jurisdiction of the United States Surface Transportation Board or its successor federal agency if the apparent owner of such intangible property is a business association. The holder of such property does not have any obligation to report, to pay, or to deliver such property to the department.

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.

(15) ~~(11)~~ (a) As used in this subsection, the term "property identifier" means the descriptor used by the holder to identify the abandoned ~~unclaimed~~ property.

(b) Social security numbers and property identifiers contained in reports required under this section, held by the department, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This exemption applies to social security numbers and property identifiers held by the department before, on, or after the effective date of this exemption.

(16) Notwithstanding any other provision of this section, equity interests in business associations and securities accounts are not presumed abandoned solely due to inactivity if the holder knows the location of the apparent owner.

(a) For purposes of this subsection, a holder shall perform annual data matching of owner records maintained in its database against commercially available third-party data comparison sources to identify updated owner address information and indicators of deceased status. Using any updated information, together with existing information of record, the holder is deemed to know the location of the apparent owner under this subsection if:

1. The holder communicates with the apparent owner at least annually by first-class United States mail or electronic means, including, but not limited to, electronic mail, text message, mobile application, or similar mechanism;

2. Such communication is successfully delivered, meaning not returned as undeliverable;

3. One or more additional account-level indicators demonstrate an owner indication of interest occurring at least once every 10 years, including:

a. Owner-initiated activity, such as authenticated access to website, mobile engagement via mobile messaging, or other authenticated third-party account servicing software;

b. Updated contact information received through an authorized financial adviser;

c. Responses to account notifications or alerts;

d. Negotiation of distributions, including dividends; and

e. Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in the property.

(b) Automatic deposits, reinvestments, or other recurring


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transactions initiated by the holder may not independently constitute an indication of apparent owner interest for purposes of this subsection.

(c) If the conditions in paragraph (a) are not satisfied and the owner's location is deemed unknown, the equity interest or securities account may be presumed abandoned:

1. Ten years after the owner's most recent indication of interest in the property; or

2. Five years after the date a communication is returned as undeliverable, unless the owner responds to a due-diligence notice before the reporting deadline.

(d) The equity interest or securities account may be presumed abandoned only after reasonable efforts to locate the owner have been unsuccessful and the holder has complied with the due-diligence requirements of this chapter.

(e) This subsection applies to equity interests and securities accounts held directly by the owner or indirectly through a brokerage account or similar account.

Section 57. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned ~~unclaimed~~ property.—

(1) It is specifically recognized that the state has an obligation to make an effort to notify apparent owners in a cost-effective manner that their abandoned property has been reported and remitted to the department ~~of unclaimed property in a cost-effective manner~~. In order to provide all the citizens of this state an effective and efficient program for the recovery of abandoned personal ~~unclaimed~~ property, the department shall

use cost-effective means to make at least one active attempt to notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~ valued at $50 or more, abandoned tangible property, and abandoned shares of stock for which ~~more than $250 with~~ a reported address or taxpayer identification number is available. Such active attempt to notify apparent owners shall include any attempt by the department to directly contact the apparent owner. Other means of notification, such as publication of the names of apparent owners in the newspaper, on television, on the Internet, or through other promotional efforts and items in which the department does not directly attempt to contact the apparent owner are expressly declared to be passive attempts. ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other agencies or entities of state government from notifying owners of the existence of abandoned ~~unclaimed~~ property or attempting to notify apparent owners of abandoned ~~unclaimed~~ property.

(2) Notification provided directly to individual apparent owners shall contain ~~consist of~~ a description of the abandoned property and information regarding recovery of the ~~unclaimed~~ property from the department. The form and content of the department's notice shall be tailored to the type of property reported and shall include any information necessary to reasonably inform the apparent owner of the consequences of failure to claim the property, including potential sale or disposition under s. 717.122.

(3) The department shall maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list


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property valued at $10 or more and provide instructions for filing a claim. Abandoned property valued at less than $10 remains recoverable from the department in accordance with this chapter.

(4) This section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments ~~presumed unclaimed~~ under s. 717.104, or any other abandoned property reported without the necessary identifying information to establish ownership.

Section 58. Section 717.119, Florida Statutes, is amended to read:

717.119 Payment or delivery of abandoned ~~unclaimed~~ property.—

(1) Every person who is required to file a report under s. 717.117 shall simultaneously pay or deliver to the department all abandoned ~~unclaimed~~ property required to be reported. Such payment or delivery shall accompany the report as required in this chapter for the preceding calendar year.

(2) Payment of abandoned ~~unclaimed~~ funds may be made to the department by electronic funds transfer.

(3) If the apparent owner establishes the right to receive the abandoned ~~unclaimed~~ property to the satisfaction of the holder before the property has been delivered to the department or it appears that for some other reason ~~the presumption~~ that the property was erroneously classified as abandoned ~~is unclaimed is erroneous~~, the holder need not pay or deliver the property to the department. In lieu of delivery, the holder shall file a verified written explanation of the proof of claim or of the error in classification of ~~the presumption that~~ the

property as abandoned ~~was unclaimed~~.

(4) All virtual currency reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. The holder shall liquidate the virtual currency and remit the proceeds to the department. The liquidation must occur within 30 days before the filing of the report. Upon delivery of the virtual currency proceeds to the department, the holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the virtual currency proceeds.

(5) All stock or other intangible ownership interest reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. Upon delivery of the stock or other intangible ownership interest to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the stock or other intangible ownership interest.

(6) All intangible and tangible property held in a safe-deposit box or any other safekeeping repository reported under s. 717.117 shall not be delivered to the department until 120 days after the report due date. The delivery of the property, through the United States mail or any other carrier, shall be insured by the holder at an amount equal to the estimated value of the property. Each package shall be clearly marked on the outside “Deliver Unopened.” A holder’s safe-deposit box contents


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shall be delivered to the department in a single shipment. In lieu of a single shipment, holders may provide the department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section.

(a) Holders may remit the value of cash and coins found in abandoned ~~unclaimed~~ safe-deposit boxes to the department by cashier's check or by electronic funds transfer, unless the cash or coins have a value above face value. The department shall identify by rule those cash and coin items having a numismatic value. Cash and coin items identified as having a numismatic value shall be remitted to the department in their original form.

(b) Any firearm or ammunition found in an abandoned ~~unclaimed~~ safe-deposit box or any other safekeeping repository shall be delivered by the holder to a law enforcement agency for property handling or disposal pursuant to s. 705.103(2)(b). If the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. ~~However,~~ The department is authorized to make a reasonable attempt to ascertain the historical value to collectors of any firearm that has been delivered to the department. Any firearm appearing to have historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the

law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

(c) If such property is not paid or delivered to the department on or before the applicable payment or delivery date, the holder shall pay to the department a penalty for each safe-deposit box shipment received late. The penalty shall be $100 for a safe-deposit box shipment container that is late 30 days or less. Thereafter, the penalty shall be $500 for a safe-deposit box shipment container that is late for each additional successive 30-day period. The penalty assessed against a holder for a late safe-deposit box shipment container shall not exceed $4,000 annually. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing.

(d) The department may waive any penalty due with appropriate justification, as provided by rule.

(e) If a will or trust instrument is included among the contents of an abandoned ~~a~~ safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate or another government-certified record evidencing ~~evidence of~~ the death of the testator or settlor.

(7) Any holder may request an extension in writing of up to 60 days for the delivery of property if extenuating

circumstances exist for the late delivery of the property. Any such extension the department may grant shall be in writing.

(8) A holder may not assign or otherwise transfer its obligation to report, pay, or deliver property or to comply with the provisions of this chapter, other than to a parent, subsidiary, or affiliate of the holder.

(a) Unless otherwise agreed to by the parties to a transaction, the holder's successor by merger or consolidation, or any person or entity that acquires all or substantially all of the holder's capital stock or assets, is responsible for fulfilling the holder's obligation to report, pay, or deliver property or to comply with the duties of this chapter regarding the transfer of property owed to the holder's successor and being held for an owner resulting from the merger, consolidation, or acquisition.

(b) This subsection does not prohibit a holder from contracting with a third party for the reporting of abandoned ~~unclaimed~~ property, but the holder remains responsible to the department for the complete, accurate, and timely reporting of the property.

Section 59. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

717.1201 Custody by state; holder liability; reimbursement of holder paying claim; reclaiming for owner; payment of safe-deposit box or repository charges.—

(1) Upon the good faith payment or delivery of abandoned ~~unclaimed~~ property to the department, the state assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers abandoned ~~unclaimed~~ property to the


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department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made with ~~in~~ respect to the property.

(a) A holder's substantial compliance with the due diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith payment or delivery of abandoned ~~unclaimed~~ property to the department releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code or Florida Probate Code.

(b) If the holder pays or delivers property to the department in good faith and thereafter any other person claims the property from the holder paying or delivering, or another state claims the money or property under that state's laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim, except that a holder may not be indemnified against penalties imposed by another state.

(2) For the purposes of this section, a payment or delivery of abandoned ~~unclaimed~~ property is made in good faith if:

(a) The payment or delivery was made in conjunction with an accurate and acceptable report.

(b) The payment or delivery was made in a reasonable attempt to comply with this chapter and other applicable general law.

(c) The holder had a reasonable basis for believing, based on the facts then known, that the property was abandoned ~~unclaimed~~ and subject to this chapter.

(d) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(4) Any holder who has delivered property, including a certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has claimed it ~~the property~~ from the holder.

Section 60. Section 717.122, Florida Statutes, is amended to read:

717.122 Public sale of abandoned ~~unclaimed~~ property.—

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines


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appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an ~~the owner's~~ account for an abandoned ~~when~~ safe-deposit box when the contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

(2)(a) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department deems advisable. The department may authorize the agent or broker acting on behalf of the department to deduct fees from the proceeds of these sales at a rate agreed upon in advance by the agent or broker and the department. The department shall reimburse owners' accounts for these brokerage fees from the State School Fund unless the securities are sold at the owner's request.

(b) Unless the department deems it to be in the public interest to do otherwise, all abandoned securities ~~presumed unclaimed and~~ delivered to the department may be sold upon receipt. Any person making a claim pursuant to this chapter is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, but no

person has any claim under this chapter against the state, the holder, any transfer agent, any registrar, or any other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

Section 61. Section 717.123, Florida Statutes, is amended to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Unclaimed Property Trust Fund. The department

shall retain, from funds received under this chapter, an amount not exceeding $15 million from which the department shall make prompt payment of claims allowed by the department and shall pay the costs incurred by the department in administering and enforcing this chapter. All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the abandoned ~~unclaimed~~ property in the total amounts of $5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

Section 62. Section 717.1235, Florida Statutes, is amended to read:

717.1235 Dormant campaign accounts~~; report of unclaimed property~~.—Abandoned ~~Unclaimed~~ funds reported in the name of a campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 63. Section 717.124, Florida Statutes, is amended to read:

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department

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under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned

~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

(a) Within 90 days after receipt of a claim, the department may return any claim that provides for the receipt of fees and costs greater than that permitted under this chapter or that contains any apparent errors or omissions. The department may also request that the claimant or the claimant ~~claimant's~~ representative provide additional information. The department shall retain a copy or electronic image of the claim.

(b) A claim is ~~considered to have been~~ withdrawn ~~by a claimant or the claimant's representative~~ if any of the following applies: ~~the department does not receive a response to its request for additional information within 60 days after the notification of any apparent errors or omissions.~~

1. The department receives a written acknowledgment from the claimant confirming withdrawal of the claim.

2. The department receives a written notice to withdraw the claim from a claimant representative which is accompanied by written authorization from the claimant expressly approving withdrawal of the claim.

a. The authorization must state the reason for the withdrawal, contain an acknowledgment that the claimant understands that withdrawal will affect the processing of that claim and may affect the processing of other pending claims, and must be signed by the claimant.

b. The claimant's authorization must be submitted concurrently with, or as part of, the withdrawal notice.

3. The claimant or the claimant's representative fails to respond to the department's written request for additional information within 60 days after the department provides notice

of any apparent errors or omissions.

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be extended by 60 days if the department has good cause to need additional time or if the abandoned ~~unclaimed~~ property:

1. Is owned by a person who has been a debtor in bankruptcy;

2. Was reported with an address outside of the United States;

3. Is being claimed by a person outside of the United States; or

4. Contains documents filed in support of the claim that are not in the English language and have not been accompanied by an English language translation.

(2) A claim for a cashier's check or a stock certificate without the original instrument may require an indemnity bond equal to the value of the claim to be provided prior to issue of the stock or payment of the claim by the department.

(3) The department may require an affidavit swearing to the authenticity of the claim, lack of documentation, and an agreement to allow the department to provide the name and address of the claimant to subsequent claimants coming forward with substantiated proof to claim the account. This shall apply to claims equal to or less than $250. The exclusive remedy of a subsequent claimant to the property shall be against the person

who received the property from the department.

(4)(a) Except as otherwise provided in this chapter, if a claim is determined in favor of the claimant, the department shall deliver or pay over to the claimant the property or the amount the department actually received or the proceeds if it has been sold by the department, together with any additional amount required by s. 717.121.

(b) If a claimant ~~an owner~~ authorizes a claimant representative ~~an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, and~~ registered with the department under this chapter~~,~~ to claim the abandoned ~~unclaimed~~ property on the claimant's ~~owner's~~ behalf, the department is authorized to make distribution of the property or money in accordance with the Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement under s. 717.135. The original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement must be executed by the claimant or seller and must be filed with the department.

(c)1. Payments of approved claims for unclaimed cash accounts must be made to the owner after deducting any fees and costs authorized by the claimant under an Abandoned ~~Unclaimed~~ Property Recovery Agreement. The contents of a safe-deposit box or shares of securities must be delivered directly to the claimant.

2. Payments of fees and costs authorized under an Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved claims must be made or issued to the law firm of the designated attorney

licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

(5) The department is ~~shall~~ not be administratively, civilly, or criminally liable for any property or funds distributed pursuant to this section, provided such distribution is made in good faith.

(6) This section does not supersede the licensing requirements of chapter 493.

(7) The department may allow an apparent owner to electronically submit a claim for abandoned ~~unclaimed~~ property to the department. If a claim is submitted electronically for $2,000 or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at $2,000 or less, after being received by the department and

added to the abandoned ~~unclaimed~~ property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this subsection.

(9)(a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received by the department and added to the abandoned ~~unclaimed~~ property database, for which the apparent owner entity is:

1. A state agency in this state or a subdivision or successor agency thereof;

2. A county government in this state or a subdivision thereof;

3. A public school district in this state or a subdivision thereof;

4. A municipality in this state or a subdivision thereof; or

5. A special taxing district or authority in this state,

may be disbursed to the apparent owner entity or successor entity. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement.

(b) The department may adopt rules to implement this

subsection.

(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may electronically submit to the department an electronic image of a completed claim and claims-related documents under this chapter, including an Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement that has been signed and dated by a claimant or seller under s. 717.135, after the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ must include a statement by the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~. All original documents must be kept in the original form, by claim number, under the secure control of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and must be available for inspection by the department in accordance with s. 717.1315. The department may adopt rules to implement this subsection.

(11) This section applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 64. Section 717.12403, Florida Statutes, is amended

to read:

717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking account in a financial institution held in the name of more than one person.—

(1)(a) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account in the name of two or more persons who are not beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "or" account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and


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convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(4) The department shall be deemed to have made a distribution in good faith if the department remits funds consistent with this section.

Section 65. Subsection (2) of section 717.12404, Florida Statutes, is amended to read:

717.12404 Claims on behalf of a business entity or trust.—

(2) Claims on behalf of an active or ~~a~~ dissolved corporation, a business entity ~~other than an active corporation~~, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the ~~dissolved~~ corporation, business entity ~~other than an active corporation~~, or trust. If the person has not been issued a valid driver license, the department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the

person’s identity and states the person’s full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary’s full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

Section 66. Section 717.12405, Florida Statutes, is amended to read:

717.12405 Claims by estates.—An estate or any person representing an estate or acting on behalf of an estate may claim abandoned ~~unclaimed~~ property only after the heir or legatee of the decedent entitled to the property has been located. Any estate, or any person representing an estate or acting on behalf of an estate, that receives abandoned ~~unclaimed~~ property before the heir or legatee of the decedent entitled to the property has been located, is personally liable for the abandoned ~~unclaimed~~ property and must immediately return the full amount of the abandoned ~~unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.

Section 67. Section 717.12406, Florida Statutes, is amended to read:

717.12406 Joint ownership of abandoned ~~unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of abandoned ~~unclaimed~~ securities or dividends, the term:

(1) "TEN COM" means tenants in common.

(2) "TEN ENT" means tenants by the entireties.

(3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.

(4) "And" means tenants in common with each person entitled to an equal pro rata share.

(5) "Or" means that each person listed on the account is entitled to all of the funds.

Section 68. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative.

(2) When conflicting claims have been received by the department for the same abandoned ~~unclaimed~~ property account or accounts, the property shall be remitted in accordance with the claim filed by the person as follows, notwithstanding the withdrawal of a claim:

(a) To the person submitting the first claim received by the ~~Division of Unclaimed Property of the~~ department that is complete or made complete.

(b) If a claimant's claim and a claimant ~~claimant's~~

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representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and both claims are complete, to the claimant.

(c) If a buyer's claim or a purchasing claimant representative's claim and a claimant's claim or a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and the claims are complete, to the buyer.

(d) As between two or more claimant representatives' ~~claimant's representative's~~ claims received by the ~~Division of Unclaimed Property of~~ the department that are complete or made complete on the same day, to the claimant ~~claimant's~~ representative who has agreed to receive the lowest fee. If the two or more claimant ~~claimant's~~ representatives whose claims received by ~~the Division of Unclaimed Property of~~ the department were complete or made complete on the same day are charging the same ~~lowest~~ fee, the fee shall be divided equally between the claimant ~~claimant's~~ representatives.

(e) If more than one buyer's claim received by the ~~Division of Unclaimed Property of the~~ department is complete or made complete on the same day, the department shall remit the abandoned ~~unclaimed~~ property to the buyer who paid the highest amount to the seller. If the buyers paid the same amount to the seller, the department shall remit the abandoned ~~unclaimed~~ property to the buyers divided in equal amounts.

(3) ~~(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish

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or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the buyer or the claimant ~~claimant's~~ representative, or both. Nothing in this section forecloses the right of a person to challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

(4) ~~(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

Section 69. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to this chapter, the department determines the merits of claims and entitlement to abandoned ~~unclaimed~~ property paid or delivered to the department under this chapter. Consistent with this legislative intent, any beneficiary, devisee, heir, personal representative, or other interested person, as those terms are defined in the Florida Probate Code and the Florida Trust Code, of an estate seeking to obtain property paid or

delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 70. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

(4) This section applies only if all of the abandoned ~~unclaimed~~ property held by the department on behalf of the owner has an aggregate value of $20,000 or less and no probate proceeding is pending.

Section 71. Section 717.1244, Florida Statutes, is amended to read:

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

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Section 72. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 73. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

717.125 Claim of another state to recover property; procedure.—

(1) At any time after property has been paid or delivered to the department under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned ~~unclaimed~~ under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment or being unclaimed by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that

state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subject to custody by this state under s. 717.103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under s. 717.104, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

Section 74. Subsection (1) of section 717.126, Florida Statutes, is amended to read:

717.126 Administrative hearing; burden of proof; proof of entitlement; venue.—

(1) Any person aggrieved by a decision of the department may petition for a hearing as provided in ss. 120.569 and 120.57. In any proceeding for determination of a claim to property paid or delivered to the department under this chapter, the burden shall be upon the claimant to establish entitlement to the property by a preponderance of evidence. Having the same name as that reported to the department is not sufficient, in the absence of other evidence, to prove entitlement to abandoned

~~unclaimed~~ property.

Section 75. Section 717.1261, Florida Statutes, is amended to read:

717.1261 Death certificates.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by means of the death of one or more persons shall file a copy of the death certificate of the decedent or decedents that has been certified as being authentic by the issuing governmental agency.

Section 76. Section 717.1262, Florida Statutes, is amended to read:

717.1262 Court documents.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by reason of a court document shall file a certified copy of the court document with the department. A certified copy of each pleading filed with the court to obtain a court document establishing entitlement, filed within 180 days before the date the claim form was signed by the claimant or claimant ~~claimant's~~ representative, must also be filed with the department.

Section 77. Section 717.129, Florida Statutes, is amended to read:

717.129 Periods of limitation.—

(1) The expiration before or after July 1, 1987, of any period of time specified by contract, statute, or court order, during which a claim for money or property may be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned ~~unclaimed~~ or affect any duty to file a report or to pay or deliver abandoned ~~unclaimed~~ property to the department as

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required by this chapter.

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 78. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

(3) The department may authorize a compliance review of a report for a specified reporting year. The review must be limited to the contents of the report filed, as required by s. 717.117 and subsection (2), and all supporting documents related to the reports. If the review results in a finding of a deficiency in abandoned ~~unclaimed~~ property due and payable to the department, the department shall notify the holder in writing of the amount of deficiency within 1 year after the authorization of the compliance review. If the holder fails to pay the deficiency within 90 days, the department may seek to enforce the assessment under subsection (1). The department is not required to conduct a review under this section before initiating an audit.

(4) Notwithstanding any other provision of law, in a contract providing for the location or collection of abandoned ~~unclaimed~~ property, the department may authorize the contractor

to deduct its fees and expenses for services provided under the contract from the abandoned ~~unclaimed~~ property that the contractor has recovered or collected under the contract. The department shall annually report to the Chief Financial Officer the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Section 79. Section 717.1315, Florida Statutes, is amended to read:

717.1315 Retention of records by claimant ~~claimant's~~ representatives and buyers of abandoned ~~unclaimed~~ property.—

(1) Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall keep and use in his or her business such books, accounts, and records of the business conducted under this chapter to enable the department to determine whether such person is complying with this chapter and the rules adopted by the department under this chapter. Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall preserve such books, accounts, and records, including every Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement between the owner and such claimant ~~claimant's~~ representative or buyer, for at least 3 years after the date of the initial agreement.

(2) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, operating at two or more places of business in this state, may maintain the books, accounts, and records of all such offices at any one of such offices, or at any other office maintained by such claimant ~~claimant's~~

representative or buyer of abandoned ~~unclaimed~~ property, upon the filing of a written notice with the department designating in the written notice the office at which such records are maintained.

(3) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property shall make all books, accounts, and records available at a convenient location in this state upon request of the department.

Section 80. Subsection (2) of section 717.132, Florida Statutes, is amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(2) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department may issue and serve upon a person an order to cease and desist and to take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department. For purposes of this subsection, the term "corrective action" includes refunding excessive charges, requiring a person to return abandoned ~~unclaimed~~ property, requiring a holder to remit abandoned ~~unclaimed~~ property, and requiring a holder to correct a report that contains errors or omissions. Any such order shall contain a notice of rights provided by ss. 120.569 and 120.57.

Section 81. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and constitute grounds for an administrative enforcement action by the department in accordance with the requirements of chapter 120 and for civil enforcement by the department in a court of competent jurisdiction:

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter~~, regardless of reliance by or damage to the owner or apparent owner~~.

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493,~~ or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned ~~unclaimed~~ property owned by another, unless such person is a registered claimant representative ~~registered with the department~~ under this chapter ~~and an attorney licensed to practice law in this state in the regular practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private investigator licensed under chapter 493~~. This paragraph does not apply to a person who has been granted a durable power of

attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order doing any of the following:

(a) Revoking for a minimum of 5 years or suspending for a maximum of 5 years a registration previously granted under this chapter during which time the registrant may not reapply for a registration under this chapter.~~;~~

(b) Placing a claimant representative ~~registrant~~ or an applicant for a registration on probation for a period of time and subject to such conditions as the department may specify.~~;~~

(c) Placing permanent restrictions or conditions upon issuance or maintenance of a registration under this chapter.~~;~~

(d) Issuing a reprimand.~~;~~

(e) Imposing an administrative fine not to exceed $2,000 for each such act.~~; or~~

(f) Prohibiting any person from being a director, officer, agent, employee, or ultimate equitable owner of a 10 percent ~~10-percent~~ or greater interest in an employer of a claimant representative ~~registrant~~.

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer


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if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

(b) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity or repetition of specific offenses, or both. It is the legislative intent that minor violations be distinguished from more serious violations; that such guidelines consider the amount of the claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully

submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 82. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

717.133 Interstate agreements and cooperation; joint and reciprocal actions with other states.—

(1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine abandoned ~~unclaimed~~ property that it or another state may be entitled to subject to a claim of custody. The department may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(3) At the request of another state, the department may bring an action in the name of the other state in any court of competent jurisdiction to enforce the abandoned ~~unclaimed~~ property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred in bringing the action.

Section 83. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

717.1333 Evidence; estimations; audit reports and worksheets, investigator reports and worksheets, other related documents.—

(2) If the records of the holder that are available for the periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due

and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 84. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1)(a) A ~~No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department against amounts owed to an owner representative;

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned

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~~unclaimed~~ property that the person is not entitled to receive.

(4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing~~,~~ a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than $50,000, commits ~~is guilty of~~ a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than $10,000 up to $50,000, commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than $250 up to $10,000, commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(d) Greater than $50 up to $250, commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to $50, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 85. Section 717.135, Florida Statutes, is amended to read:

717.135 Recovery agreements and purchase agreements for claims filed by a claimant ~~claimant's~~ representative; fees and costs or total net gain.—

(1) In order to protect the interests of owners of abandoned ~~unclaimed~~ property, the department shall adopt by rule a form entitled "Abandoned ~~Unclaimed~~ Property Recovery

Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property Purchase Agreement."

(2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must include and disclose all of the following:

(a) The total dollar amount of abandoned ~~unclaimed~~ property accounts claimed or sold.

(b) The total percentage of all authorized fees and costs to be paid to the claimant ~~claimant's~~ representative or the percentage of the value of the property to be paid as net gain to the purchasing claimant ~~claimant's~~ representative.

(c) The total dollar amount to be deducted and received from the claimant as fees and costs by the claimant ~~claimant's~~ representative or the total net dollar amount to be received by the purchasing claimant ~~claimant's~~ representative.

(d) The net dollar amount to be received by the claimant or the seller.

(e) For each account claimed, the abandoned ~~unclaimed~~ property account number.

(f) For the Abandoned ~~Unclaimed~~ Property Purchase Agreement, a statement that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The name, address, e-mail address, phone number, and license number of the claimant ~~claimant's~~ representative.

(h)1. The manual signature of the claimant or seller and the date signed, affixed on the agreement by the claimant or seller.

2. Notwithstanding any other provision of this chapter to

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the contrary, the department may allow ~~an apparent owner, who is also~~ the claimant or seller~~,~~ to sign the agreement electronically. All electronic signatures on the Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must be affixed on the agreement by the claimant or seller using the specific, exclusive eSignature product and protocol authorized by the department.

(i) The social security number or taxpayer identification number of the claimant or seller, if a number has been issued to the claimant or seller.

(j) The total fees and costs, or the total discount in the case of a purchase agreement, which may not exceed 30 percent of the claimed amount. In the case of a recovery agreement, if the total fees and costs exceed 30 percent, the fees and costs shall be reduced to 30 percent and the net balance shall be remitted directly by the department to the claimant. In the case of a purchase agreement, if the total net gain of the claimant ~~claimant's~~ representative exceeds 30 percent, the claim will be denied.

(3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement form, proof that the purchaser has made payment must be filed with the department along with the claim. If proof of payment is not provided, the claim is void.

(4) A claimant ~~claimant's~~ representative must use the Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of entering into an agreement or a contract with a claimant or seller to file a claim with the department.

(5) Fees and costs may be owed or paid to, or received by, a claimant ~~claimant's~~ representative only after a filed claim has been approved and if the claimant's representative used an agreement authorized by this section.

(6) A claimant ~~claimant's~~ representative may not use or distribute any other agreement of any type, conveyed by any method, with respect to the claimant or seller which relates, directly or indirectly, to abandoned ~~unclaimed~~ property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement, authorization, recovery, or fee agreement that is not authorized by this section is void. A claimant ~~claimant's~~ representative is subject to administrative and civil enforcement under s. 717.1322 if he or she uses an agreement that is not authorized by this section and if the agreement is used to apply, directly or indirectly, to abandoned ~~unclaimed~~ property held by this state. This subsection does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

(7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may not contain language that makes the agreement irrevocable or that creates an assignment of any portion of abandoned ~~unclaimed~~ property held by the department.

(8) When a claim is approved, the department may pay any additional account that is owned by the claimant but has not been claimed at the time of approval, provided that a subsequent claim has not been filed or is not pending for the claimant at the time of approval.

(9) This section does not supersede s. 717.1241.

~~(10) This section does not apply to the sale and purchase of Florida-held unclaimed property accounts through a bankruptcy estate representative or other person or entity authorized pursuant to Title XI of the United States Code or an order of a bankruptcy court to act on behalf or for the benefit of the debtor, its creditors, and its bankruptcy estate.~~

Section 86. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

(1) Agreements for the purchase of abandoned property reported to the department shall be valid only if all of the following conditions are met:

(a) The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.

(b) The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.

(c) The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the department, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of the abandoned property, the agreement must contain the following:

1. The total dollar amount of all abandoned property to be sold.

2. The total percentage of the value of the abandoned

property to be paid as net gain to the purchaser.

3. The total net dollar amount to be received by the purchaser.

4. The net dollar amount to be received by the seller.

(d) The agreement states the abandoned property account number for each abandoned property account sold.

(e) The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.

(f) The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The agreement includes the name, address, e-mail address, and phone number of the purchaser.

(h) The agreement states that the abandoned property is currently in the department's custody and that the seller can claim the property directly from the department on its electronically searchable website without being charged a fee. The agreement must provide the department's website address.

(2) A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to you within 15 days after the date of this agreement by providing notice to . . .(name of purchaser). . ., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."

(3) A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the department may not approve the claim.

(4) A purchase agreement under this section which discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

(5)(a) For purposes of this subsection, the term:

1. "Asset purchaser" means a business association that has purchased property from a large business association.

2. "Large business association" means a business association or group of business associations which:

a. Generates $100 million or more in annual gross receipts or sales;

b. Employs 100 or more full-time employees in the United States; or

c. Has equity securities publicly traded on an exchange regulated by the United States Securities and Exchange Commission.

(b) Claims filed by an asset purchaser under this section must include:

1. A complete copy of the asset purchase agreement or similar contract between the asset purchaser and the seller; and

2. An attestation by the seller, either in the asset purchase agreement or in a separate written affirmation from the owner, that the owner:

a. Is a large business association as defined in paragraph

(a); and

b. Is aware that it is selling unclaimed property that may be recovered from the administrator without paying a fee.

(c) If the seller is a publicly traded entity, the asset purchaser may provide a copy, or a link to an online copy, of the most recent Form 10K filed with the United States Securities and Exchange Commission in lieu of the attestation required by subparagraph (b)2.

(d) This subsection does not apply to asset purchase agreements involving the assets of a business association arising out of a bankruptcy proceeding under Title 11 of the United States Code or corporate dissolution or a similar proceeding under applicable state law, such as receiverships and assignments for the benefit of creditors.

(e) This subsection does not apply to asset purchase agreements between an asset purchaser and sellers that comprise a large business association.

(f) The requirements of this subsection apply only to claims filed based on asset purchase agreements executed on or after the effective date of this act.

(g) This subsection does not limit the ability of the department to request or receive additional evidence sufficient to establish to the satisfaction of the department that the claimant is the owner of the property pursuant to this chapter.

(h) The department may adopt rules to implement this subsection. The department may change by administrative rule the annual gross receipts or sales threshold to an amount less than $100 million as specified in sub-subparagraph (a)2.a.

Section 87. Section 717.138, Florida Statutes, is amended

to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported and remitted pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 88. Section 717.1382, Florida Statutes, is amended to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2)(a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in

Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such

bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

Section 89. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it.


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It is the intent of the Legislature that property reported under this chapter remains the property of the owner and that the State of Florida acts solely as a custodian, not as the owner, of such property. Title to abandoned property may not transfer to the state except as expressly provided by law and only after all reasonable efforts to identify and return the property to its rightful owner have been exhausted.

Section 90. Section 717.1400, Florida Statutes, is amended to read:

717.1400 Registration.—

(1) In order to file claims as a claimant ~~claimant's~~ representative, receive a distribution of fees and costs for approved claims from the department, and obtain information regarding abandoned ~~unclaimed~~ property dollar amounts and numbers of reported shares of stock held by the department, an individual must meet all of the following requirements:

(a) Be one of the following:

1. A Florida-licensed private investigator holding a Class "C" individual license under chapter 493;

2. A Florida-certified public accountant; or

3. A Florida-licensed attorney.

(b) Have obtained a certificate of registration from ~~Must register with~~ the department.

(2) An application for registration as a claimant representative must be submitted in writing on a form prescribed by the department and must be accompanied by all of the following:

(a) A legible color copy of the applicant's current driver license showing the full name and current address of such

person. If a current driver license is not available, another form of photo identification must be provided which shows the full name and current address of such person.

(b) If the applicant is a private investigator:

1. ~~on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a private investigator must provide:~~

~~(a)~~ A legible copy of the applicant's Class "A" business license under chapter 493 or that of the applicant's firm or employer which holds a Class "A" business license under chapter 493; and~~.~~

2.~~(b)~~ A legible copy of the applicant's Class "C" individual license issued under chapter 493.

(c) If the applicant is a certified public accountant, the applicant's Florida Board of Accountancy number.

(d) If the applicant is a licensed attorney, the applicant's Florida Bar number.

(e)~~(c)~~ The business address, ~~and~~ telephone number, tax identification number, and state of domicile or incorporation of the applicant's ~~private investigative~~ firm or employer.

(f)~~(d)~~ The names of agents, ~~or~~ employees, or independent contractors, if any, who are designated or authorized to act on behalf of the applicant ~~private investigator~~, together with a legible color copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.

(g) A statement that the applicant has not, during the 5-year period immediately preceding the submission of the application, violated any part of the Florida Disposition of


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Abandoned Personal Property Act.

(h) A statement that the applicant has not been convicted of, or plead guilty to, a felony or any offense involving moral turpitude; dishonesty; deceit; or breach of fiduciary duty, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, or perjury.

(i) ~~(e)~~ Sufficient information to enable the department to disburse funds by electronic funds transfer.

(j) The applicant's notarized signature immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under the laws of this state

~~(f) The tax identification number of the private investigator's firm or employer which holds a Class "A" business license under chapter 493.~~

~~(2) In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, a Florida-certified public accountant must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a Florida-certified public accountant must provide:~~

~~(a) The applicant's Florida Board of Accountancy number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address~~

~~of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's public accounting firm or employer.~~

~~(d) The names of agents or employees, if any, who are designated to act on behalf of the Florida-certified public accountant, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(e) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the accountant's public accounting firm employer~~.

(3) ~~In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, an attorney licensed to practice in this state must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, such attorney must provide:~~

~~(a) The applicant's Florida Bar number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's firm or employer.~~

~~(d) The names of agents or employees, if any, who are~~

~~designated to act on behalf of the attorney, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(c) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the attorney's firm or employer.~~

~~(4)~~ Information and documents already on file with the department before the effective date of this provision need not be resubmitted in order to complete the registration.

(4)~~(5)~~ If a material change in the status of a registration occurs, the claimant representative ~~a registrant~~ must, within 30 days, provide the department with the updated documentation and information in writing. Material changes include, but are not limited to, the following,~~:~~ a designated agent or employee ceasing to act on behalf of the designating person, a surrender, suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the department ~~the Division of Unclaimed Property~~ in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division in writing of the surrender, suspension, or revocation.

(c) If a private investigator's Class "C" individual license under chapter 493 or a private investigator's employer's


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Class "A" business license under chapter 493 is renewed, the private investigator must provide a copy of the renewed license to the department within 30 days after the receipt of the renewed license by the private investigator or the private investigator's employer.

(5) ~~(6)~~ An applicant's claimant representative's ~~A registrant's~~ firm or employer may not have a name that might lead another person to conclude that the claimant representative's ~~registrant's~~ firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. The department shall deny an application for registration or revoke a registration if the applicant's or claimant representative's ~~registrant's~~ firm or employer has a name that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. Names that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state, include, but are not limited to, the words United States, Florida, state, bureau, division, department, or government.

(6) ~~(7)~~ The licensing and other requirements of this section must be maintained as a condition of registration with the department.

(7) To maintain active registration under this section, a claimant representative must file and obtain payment on at least 10 claims per calendar year following the date of initial

registration.

(a) If a claimant representative fails to meet this requirement, the department must notify the claimant representative in writing and provide 30 days to demonstrate compliance or good cause for noncompliance.

(b) If the claimant representative does not cure the deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 91. Subsection (1) of section 1001.281, Florida Statutes, is amended to read:

1001.281 Operating Trust Fund.—

(1) The Operating Trust Fund~~, FLAIR number 48-2-510,~~ is created within the Department of Education.

Section 92. Subsection (1) of section 1001.282, Florida Statutes, is amended to read:

1001.282 Administrative Trust Fund.—

(1) The Administrative Trust Fund~~, FLAIR number 48-2-021,~~ is created within the Department of Education.

Section 93. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the

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homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT
.... COUNTY, FLORIDA

Tax Deed #.....
Certificate #.....
Property Description: .....

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a

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surplus of $...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for funds when they are distributed, you must file a notarized statement of claim with this office within 120 days after ~~of~~ this notice. If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due. Any lienholder claim that is not filed within the 120-day deadline is barred.

A copy of this notice must be attached to your statement of claim. After the office examines the filed claim statements, it will notify you if you are entitled to any payment.

Dated: ....

Clerk of Court

Section 94. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors*

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prohibited.—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 95. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section

or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a

proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Section 96. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it

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occurs in this act with the date this act becomes a law.

Section 97. 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 the Department of Financial Services; amending s. 17.11, F.S.; revising the subsystem used for a certain report of disbursements made; amending s. 17.13, F.S.; requiring the replacement, rather than the duplication, of lost or destroyed warrants; amending s. 110.113, F.S.; deleting the Department of Financial Services' authority to make semimonthly salary payments; amending s. 112.3135, F.S.; authorizing a public official to take specified actions regarding the employment of a relative as a firefighter; amending s. 215.5586, F.S.; defining terms; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the circumstances under which applicants may submit a subsequent hurricane mitigation inspection application; deleting the requirement that licensed inspectors determine mitigation measures during initial inspections of eligible homes; deleting inspectors' authorization to inspect townhouses; revising the criteria for eligibility for a hurricane


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mitigation grant; deleting an expiration date; revising the improvements for which grants may be used; requiring that improvements be identified in the final hurricane mitigation inspection to receive grant funds; deleting a provision related to grants for townhouses; authorizing the program to accept a specified certification directly from applicants; requiring applicants who receive grants to finalize construction and request a final inspection within a specified timeframe; specifying that an application is deemed abandoned, rather than withdrawn, under certain circumstances; requiring the department to notify applicants within a specified timeframe before an application is deemed abandoned; authorizing applicants to submit a subsequent application under certain circumstances; authorizing the department to determine that an application is not abandoned under certain circumstances; amending s. 215.55871, F.S.; defining the term “area median income”; deleting the definition of the term “service area”; revising eligibility requirements for the My Safe Florida Condominium Pilot Program; requiring the department to adopt rules to verify household income; authorizing the department to require periodic recertification of income eligibility for a specified purpose; authorizing condominiums with mixed-income occupancies to participate in the pilot program if a certain condition is met; requiring an application for a mitigation grant to include documentation to verify

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household income; limiting the award of grant funds to specified mitigation improvements; requiring an association to complete a certain percentage of opening protection improvements; providing applicability; amending s. 215.89, F.S.; deleting provisions regarding the reporting structure for charts of accounts relating to the use of public funds by governmental entities; amending s. 215.93, F.S.; revising the subsystems of the Florida Financial Management Information System; requiring that certain requests for records be made to a specified entity; prohibiting such requests from being made to the functional owner of the subsystem; providing an exception; amending s. 215.94, F.S.; providing that the department is the functional owner of the Financial Management Subsystem rather than the Florida Accounting Information Resource Subsystem; revising the functions of such subsystem; amending s. 215.96, F.S.; revising the composition of the coordinating council; deleting a requirement for the design and coordination staff; requiring that minutes of meetings be available to interested persons; revising the composition of ex officio members of the council; revising the duties, powers, and responsibilities of the council to include reviewing and coordinating annual workplans for a specified purpose; amending ss. 215.985, 216.102, and 216.141, F.S.; conforming provisions to changes made by the act; amending s. 440.13, F.S.; revising the timeframe in which health

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care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which carriers must submit certain documentation to the department; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant"; specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to specified disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; prohibiting the board from issuing approval for a license until an applicant provides proof that certain fines, costs, fees, and restitution have been paid; specifying that the applicant has certain burdens to demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an

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exemption; specifying that the board has discretion to grant or deny an exemption; specifying that certain decisions are subject to ch. 120, F.S.; providing applicability and construction; amending s. 497.142, F.S.; prohibiting an application from being deemed complete under certain circumstances; revising the list of crimes to be disclosed on a license application; amending s. 553.80, F.S.; specifying that certain dwellings do no not have a change of occupancy under certain circumstances; amending s. 560.309, F.S.; revising the provisions that a licensee must comply with in seeking collection of worthless payment instruments; amending s. 560.405, F.S.; providing that redemption in cash or through a debit card transaction shall be treated the same; prohibiting payment through a credit card transaction; amending s. 560.406, F.S.; requiring deferred presentment providers to comply with the Fair Debt Collections Practices Act only if such deferred presentment providers meet certain criteria; amending s. 626.0428, F.S.; conforming a provision to changes made by the act; amending s. 626.171, F.S.; deleting reinsurance intermediaries from certain application requirements; revising the list of persons from whom the department is required to accept uniform applications; making clarifying changes regarding the voluntary submission of cellular telephone numbers; revising the exemption from the application filing fee for members of the United States Armed Forces; amending s. 626.292, F.S.;

revising applicant requirements for a license transfer; amending s. 626.611, F.S.; requiring the department to require license reexamination of certain persons and to suspend or revoke the eligibility of such persons to hold a license or appointment under certain circumstances; amending the grounds for suspension or revocation; amending 626.621, F.S.; authorizing the department to require a license reexamination for certain persons; amending s. 626.731, F.S.; revising the qualifications for a general lines agent's license; amending s. 626.785, F.S.; revising the qualifications for a life agent's license; amending s. 626.831, F.S.; revising the qualifications for a health agent's license; amending s. 626.8417, F.S.; revising the persons who are exempt from certain provisions relating to title insurance licensing and appointment requirements; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond to certain claims status requests with specific information within a specified timeframe and document in the file the response or information provided; repealing s. 627.797, F.S., relating to agents exempt from title insurance licensing; amending s. 633.208, F.S.; prohibiting certain dwellings from being reclassified for certain purposes; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to

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obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising a short title; amending s. 717.101, F.S.; revising definitions and defining terms; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption; requiring that property be presumed abandoned under certain circumstances; providing an exception; amending s. 717.103, F.S.; requiring that intangible property be subject to the custody of the department under certain circumstances; revising criteria for when intangible property is subject to the custody of the department; repealing s. 717.1035, F.S., relating to property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, created, or otherwise located in the state; amending ss. 717.104, 717.1045, 717.105, and 717.106, F.S.; conforming provisions to changes made by the act; amending s. 717.1065, F.S.; revising the timeframe for communication with certain entities by the owner of virtual currency so that the virtual currency is not presumed unclaimed; amending ss. 717.107, 717.1071,

717.108, and 717.109, F.S.; conforming provisions to changes made by the act; amending s. 717.1101, F.S.; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned; requiring the holder to attempt to confirm the apparent owner's interest in the equity interest by sending an e-mail communication within a specified timeframe under certain circumstances; requiring the holder to attempt to contact the apparent owner by first-class United States mail under certain circumstances; specifying that equity interest is presumed abandoned under certain circumstances; revising the timeframe in which unmatured, unredeemed, matured, or redeemed debt is presumed abandoned; specifying that the applicable dormancy period ceases under certain circumstances; revising the timeframe in which a sum held for or owing by a business association is presumed abandoned; amending ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and 717.116, F.S.; conforming provisions to changes made by the act; amending s. 717.117, F.S.; specifying that property is presumed abandoned upon the expiration of the applicable dormancy period; specifying that property is not deemed abandoned for certain purposes until the holder meets certain requirements; requiring holders of property presumed abandoned which has a specified value to use due diligence to locate and notify the apparent owner; requiring, before a specified timeframe, a holder in

possession of presumed abandoned property to send a specified written notice to the apparent owner; specifying the method of delivery of such notice; requiring, before a specified timeframe, the holder to send a second written notice under certain circumstances; authorizing the reasonable costs for the notice to be deducted from the property; specifying that a signed return receipt constitutes an affirmative demonstration of continued interest; specifying requirements of the written notice; requiring holders of abandoned property to submit a specified report to the department; prohibiting certain balances, overpayments, deposits, and refunds from being reported as abandoned property; prohibiting certain securities from being included in the report; requiring the holder to report and deliver such securities under certain circumstances; requiring the report to be signed and verified and contain a specified statement; deleting certain provisions relating to the due diligence and notices to apparent owners; specifying that certain equity interests are not presumed abandoned under certain circumstances; requiring a holder to perform annual data matching of certain records for a specified purpose; specifying that the holder is deemed to know the location of the apparent owner under certain circumstances; prohibiting certain transactions from constituting indication of apparent owner interest; specifying that certain accounts may be presumed abandoned under

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certain circumstances; providing applicability; amending s. 717.118, F.S.; revising the state's obligation to notify apparent owners that their abandoned property has been reported and remitted to the department; requiring the department to use a cost-effective means to make an attempt to notify certain apparent owners; specifying requirements for the notice; requiring the department to maintain a specified website; revising applicability; amending s. 717.119, F.S.; conforming provisions to changes made by the act; revising requirements for firearms or ammunition found in an abandoned safe-deposit box or safekeeping repository; revising required actions the department must take if a will or trust instrument is included among the contents of an abandoned safe-deposit box or safekeeping repository; amending ss. 717.1201, 717.122, 717.123, and 717.1235, F.S.; conforming provisions to changes made by the act; amending s. 717.124, F.S.; conforming provisions to changes made by the act; deleting provisions related to requirements of claimants' representatives; specifying that a claim is withdrawn under certain circumstances; specifying that the department is authorized to make a distribution of property or money in accordance with a specified agreement under certain circumstances; requiring that shares of securities be delivered directly to the claimant under certain circumstances; revising a provision authorizing the department to develop a process by which a claimant


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representative may electronically submit certain images and documents; deleting provisions relating to a buyer of unclaimed property's filing of a claim; amending s. 717.12403, F.S.; conforming provisions to changes made by the act; amending s. 717.12404, F.S.; requiring claims on behalf of an active corporation to include a specified driver license; conforming provisions to changes made by the act; amending ss. 717.12405 and 717.12406, F.S.; conforming provisions to changes made by the act; amending s. 717.1241, F.S.; defining the term "conflicting claim"; conforming provisions to changes made by the act; revising requirements for remitting property when conflicting claims have been received by the department; amending ss. 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and 717.132, F.S.; conforming provisions to changes made by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing

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the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; requiring that such agreement contain certain language; requiring that a copy of an executed Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; defining the terms "asset purchaser" and "large business association"; requiring that claims filed by asset purchasers include certain information; authorizing the asset purchaser to provide a copy of a specified form in lieu of certain requirements if the seller is a publicly traded entity; providing applicability and construction; authorizing the department to adopt rules; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing legislative findings; revising a statement of public policy; deleting a legislative declaration; providing legislative intent; prohibiting title to abandoned property from transferring to the state except under certain circumstances; amending s. 717.1400, F.S.; requiring an individual to meet certain requirements in order to file claims as a claimant representative; revising application requirements for registering as a claimant

representative; requiring claimant representatives to file and obtain payment on a specified number of claims within a specified timeframe to maintain active registration; requiring the department to notify the claimant representative in writing and provide a certain timeframe to demonstrate compliance or good cause for noncompliance under certain circumstances; requiring the department to revoke a registration under certain circumstances; prohibiting a claimant representative from reapplying under certain circumstances; amending ss. 1001.281 and 1001.282, F.S.; conforming provisions to changes made by the act; amending ss. 197.582 and 626.9541, F.S.; conforming cross-references; reenacting s. 772.13(6)(a), F.S., relating to postjudgment execution proceedings to enforce a judgment entered against a terrorist party, to incorporate the amendment made to s. 717.101, F.S., in a reference thereto; providing a directive to the Division of Law Revision; providing an effective date.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator Truenow

601-03236-26 20261452c2

A bill to be entitled

An act relating to the Department of Financial Services; amending s. 17.11, F.S.; revising the subsystem used for a certain report of disbursements made; amending s. 17.13, F.S.; requiring the replacement, rather than the duplication, of lost or destroyed warrants; amending s. 110.113, F.S.; deleting the Department of Financial Services' authority to make semimonthly salary payments; amending s. 112.3135, F.S.; authorizing a public official to take specified actions in relation to the employment of a relative as a firefighter; amending s. 215.422, F.S.; requiring agencies to pay interest from available appropriations under certain circumstances; amending s. 215.5586, F.S.; defining terms; revising eligibility requirements for a hurricane mitigation inspection under the My Safe Florida Home Program; revising the circumstances under which applicants may submit a subsequent hurricane mitigation inspection application; deleting the requirement that licensed inspectors determine mitigation measures during initial inspections of eligible homes; deleting inspectors' authorization to inspect townhouses; revising the criteria for eligibility for a hurricane mitigation grant; deleting an expiration date; revising the improvements for which grants may be used; requiring that improvements be identified in the final hurricane mitigation inspection to receive grant funds; deleting a provision related to grants for

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townhouses; revising the required prioritization of inspection applications and grant applications; revising the timeframe within which the department is required to start accepting inspection applications and grant applications; authorizing the program to accept a specified certification directly from applicants; requiring applicants who receive grants to finalize construction and request a final inspection within a specified timeframe; specifying that an application is deemed abandoned, rather than withdrawn, under certain circumstances; amending s. 215.89, F.S.; deleting provisions regarding the reporting structure for charts of accounts relating to the use of public funds by governmental entities; amending s. 215.93, F.S.; revising the subsystems of the Florida Financial Management Information System; requiring that certain requests for records be made to a specified entity; prohibiting such requests from being made to the functional owner of the subsystem; providing an exception; amending s. 215.94, F.S.; providing that the department is the functional owner of the Financial Management Subsystem rather than the Florida Accounting Information Resource Subsystem; revising the functions of such subsystem; amending s. 215.96, F.S.; revising the composition of the coordinating council; deleting a requirement for the design and coordination staff; requiring that minutes of meetings be available to interested persons; revising the composition of ex officio members of the

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

council; revising the duties, powers, and responsibilities of the council; amending ss. 215.985, 216.102, and 216.141, F.S.; conforming provisions to changes made by the act; amending s. 440.13, F.S.; revising the timeframe in which health care providers must petition the department to resolve utilization and reimbursement disputes; revising petition service requirements; revising the timeframe in which the panel determining the statewide schedule of maximum reimbursement allowances must submit certain recommendations to the Legislature; creating s. 497.1411, F.S.; defining the term "applicant"; specifying that certain applicants are permanently barred from licensure; specifying that certain applicants are subject to disqualifying periods; requiring the Board of Funeral, Cemetery, and Consumer Services to adopt rules; specifying requirements, authorizations, and prohibitions for such rules; specifying when a disqualifying period begins; specifying that the applicant has certain burdens to demonstrate that he or she is qualified for licensure; specifying that certain applicants who have been granted a pardon or restoration of civil rights are not barred or disqualified from licensure; specifying that such pardon or restoration does not require the board to award a license; authorizing the board to grant an exemption from disqualification under certain circumstances; specifying requirements for the applicant in order for the board to grant an

exemption; specifying that the board has discretion to grant or deny an exemption; specifying that certain decisions are subject to ch. 120, F.S.; providing applicability and construction; amending s. 497.142, F.S.; prohibiting an application from being deemed complete under certain circumstances; revising the list of crimes to be disclosed on a license application; amending s. 626.0428, F.S.; conforming a provision to changes made by the act; amending s. 626.171, F.S.; deleting reinsurance intermediaries from certain application requirements; revising the list of persons from whom the department is required to accept uniform applications; making clarifying changes regarding the voluntary submission of cellular telephone numbers; revising the exemption from the application filing fee for members of the United States Armed Forces; amending s. 626.292, F.S.; revising applicant requirements for a license transfer; amending s. 626.611, F.S.; requiring the department to require license reexamination of certain persons, and suspend or revoke the eligibility to hold a license or appointment of such persons under certain circumstances; amending the grounds for suspension or revocation; amending s. 626.621, F.S.; authorizing the department to require a reexamination of certain persons; amending s. 626.731, F.S.; revising the qualifications for a general lines agent's license; amending s. 626.785, F.S.; revising the qualifications for a life agent's license; amending s. 626.831, F.S.;

revising the qualifications for a health agent's license; amending s. 626.8417, F.S.; revising the persons who are exempt from certain provisions relating to title insurance licensing and appointment requirements; amending s. 626.854, F.S.; requiring a public adjuster, public adjuster apprentice, or public adjusting firm to respond with specific information within a specified timeframe and document in the file the response or information provided; repealing s. 627.797, F.S., relating to agents exempt from title insurance licensing; amending s. 648.34, F.S.; revising requirements for bail bond agent applicants; amending s. 648.382, F.S.; requiring officers or officials of the appointing insurer to obtain, rather than submit, certain information; amending s. 717.001, F.S.; revising the short title; amending s. 717.101, F.S.; revising and adding definitions; amending s. 717.102, F.S.; providing that certain intangible property is presumed abandoned; deleting a provision relating to the presumption that certain intangible property is presumed unclaimed; specifying the dormancy period for property presumed abandoned; requiring that property be considered payable or distributable under certain circumstances; deleting a provision relating to when property is payable or distributable; revising a presumption; providing that property shall be presumed abandoned under certain circumstances; providing an exception; amending s. 717.103, F.S.; requiring that intangible property be

subject to the custody of the department under certain circumstances; amending criteria for when intangible property is subject to the custody of the department; repealing s. 717.1035, F.S., relating to property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, created, or otherwise located in this state; amending ss. 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, and 717.109, F.S.; conforming provisions to changes made by the act; amending s. 717.1101, F.S.; revising the timelines and conditions under which stock, other equity interests, or debt of a business association is considered abandoned; requiring the holder to attempt to confirm the apparent owner's interest in the equity interest by sending an e-mail communication under certain circumstances; requiring the holder to attempt to contact the apparent owner by first-class United States mail under certain circumstances; specifying that equity interest is presumed abandoned under certain circumstances; revising when unmatured, unredeemed, matured, or redeemed debt is presumed abandoned; specifying that the applicable dormancy period ceases under certain circumstances; revising the timeframe that a sum held for or owing by a business association is presumed abandoned; amending ss. 717.111, 717.112, 717.1125, 717.113, 717.115, and 717.116, F.S.; conforming provisions to changes made by the act; amending s. 717.117, F.S.; specifying that

property is presumed abandoned upon the expiration of the applicable dormancy periods; specifying that property is not deemed abandoned for certain purposes until the holder meets certain requirements; requiring holders of property presumed abandoned that has a specified value to use due diligence to locate and notify the apparent owner; requiring, before a specified timeframe, a holder in possession of presumed abandoned property to send a specified written notice to the apparent owner; specifying the method of delivery of such notice; requiring, before a specified timeframe, the holder to send a second written notice under certain circumstances; authorizing the reasonable cost for the notice to be deducted from the property; specifying that a signed return receipt constitutes an affirmative demonstration of continued interest; specifying requirements of the written notice; requiring holders of abandoned property to submit a specified report to the department; prohibiting certain balances, overpayments, deposits, and refunds from being reported as abandoned property; prohibiting certain securities from being included in the report; requiring the holder to report and deliver such securities under certain circumstances; requiring the report to be signed and verified and contain a specified statement; deleting certain provisions relating to the due diligence and notices to apparent owners; amending s. 717.118, F.S.; revising the

state's obligation to notify apparent owners that their abandoned property has been reported and remitted to the department; requiring the department to use a cost-effective means to make an attempt to notify certain apparent owners; specifying requirements for the notice; requiring the department to maintain a specified website; revising applicability; amending s. 717.119, F.S.; conforming provisions to changes made by the act; revising requirements for firearms or ammunition found in an abandoned safe-deposit box or safekeeping repository; revising requirements if a will or trust instrument is included among the contents of an abandoned safe-deposit box or safekeeping repository; amending ss. 717.1201 and 717.122, F.S.; conforming provisions to changes made by the act; amending s. 717.123, F.S.; conforming provisions to changes made by the act; revising the name of a certain trust fund; amending s. 717.1235, F.S.; conforming provisions to changes made by the act; amending s. 717.124, F.S.; conforming provisions to changes made by the act; deleting provisions related to requirements of claimants' representatives; specifying that the department is authorized to make a distribution of property or money in accordance with a specified agreement under certain circumstances; requiring that shares of securities be delivered directly to the claimant under certain circumstances; deleting a provision authorizing the department to develop a process by which a buyer of

unclaimed property may electronically submit certain images and documents; deleting provisions relating to a buyer of unclaimed property's filing of a claim; amending s. 717.12403, F.S.; conforming provisions to changes made by the act; amending s. 717.12404, F.S.; requiring that claims on behalf of an active corporation include a specified driver license; conforming provisions to changes made by the act; amending ss. 717.12405 and 717.12406, F.S.; conforming provisions to changes made by the act; amending s. 717.1241, F.S.; defining the term "conflicting claim"; conforming provisions to changes made by the act; revising requirements for remitting property when conflicting claims have been received by the department; amending ss. 717.1242, 717.1243, 717.1244, 717.1245, 717.125, 717.126, 717.1261, 717.1262, 717.129, 717.1301, 717.1315, and 717.132, F.S.; conforming provisions to changes made by the act; amending s. 717.1322, F.S.; revising the acts that constitute grounds for administrative enforcement action by the department; conforming provisions to changes made by the act; amending ss. 717.133, 717.1333, and 717.1341, F.S.; conforming provisions to changes made by the act; amending s. 717.135, F.S.; conforming provisions to changes made by the act; deleting applicability; creating s. 717.1356, F.S.; specifying that agreements for the purchase of abandoned property reported to the department are valid only under certain circumstances; authorizing

the seller to cancel a purchase agreement without penalty or obligation within a specified timeframe; specifying that the agreement must contain certain language; requiring a copy of an executed Florida Abandoned Property Purchase Agreement be filed with the purchaser's claim; prohibiting the department from approving the claim under certain circumstances; specifying that certain purchase agreements are enforceable only by the seller; amending s. 717.138, F.S.; conforming provisions to changes made by the act; amending s. 717.1382, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 717.139, F.S.; providing legislative findings; revising a statement of public policy; deleting a legislative declaration; providing legislative intent; prohibiting title to abandoned property from transferring to the state except under certain circumstances; amending s. 717.1400, F.S.; requiring an individual to meet certain requirements in order to file claims as a claimant representative; revising application requirements for registering as a claimant representative; requiring claimant representatives to file and obtain payment on a specified number of claims within a specified timeframe to maintain active registration; requiring the department to notify the claimant representative in writing and provide a certain timeframe to demonstrate compliance or good cause for noncompliance under certain circumstances; requiring the department

to revoke a registration under certain circumstances; prohibiting a claimant representative from reapplying under certain circumstances; amending ss. 1001.281 and 1001.282, F.S.; conforming provisions to changes made by the act; amending ss. 197.582 and 626.9541, F.S.; conforming cross-references; reenacting s. 772.13(6)(a), F.S., relating to postjudgment execution proceedings to enforce a judgment entered against a terrorist party, to incorporate the amendment made to s. 717.101, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Financial Management ~~Florida Accounting Information Resource~~ Subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Florida Small and Minority Business Assistance Act; to certified minority business enterprises in the aggregate; and to certified minority business enterprises broken down into categories of minority persons, as well as gender and nationality subgroups. This information shall be made available to the agencies, the Office of Supplier Diversity, the Governor, the President of the Senate, and the Speaker of the House of Representatives. Each agency shall be responsible for the

accuracy of information entered into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem for use in this reporting.

Section 2. Section 17.13, Florida Statutes, is amended to read:

17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

(1) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrants that may have been lost or destroyed, or may hereafter be lost or destroyed, upon the owner thereof or the owner's agent or attorney presenting the Chief Financial Officer the statement, under oath, reciting the number, date, and amount of any warrant or the best and most definite description in his or her knowledge and the circumstances of its loss; if the Chief Financial Officer deems it necessary, the owner or the owner's agent or attorney shall file in the office of the Chief Financial Officer a surety bond, or a bond with securities, to be approved by one of the judges of the circuit court or one of the justices of the Supreme Court, in a penalty of not less than twice the amount of any warrants so replaced ~~duplicated~~, conditioned to indemnify the state and any innocent holders thereof from any damages that may accrue from such replacement ~~duplication~~.

(2) The Chief Financial Officer is required to replace ~~duplicate~~ any Chief Financial Officer's warrant that may have been lost or destroyed, or may hereafter be lost or destroyed, when sent to any payee via any state agency when such warrant is lost or destroyed prior to being received by the payee and provided the director of the state agency to whom the warrant was sent presents to the Chief Financial Officer a statement,

under oath, reciting the number, date, and amount of the warrant lost or destroyed, the circumstances surrounding the loss or destruction of such warrant, and any additional information that the Chief Financial Officer shall request in regard to such warrant.

(3) Any replacement ~~duplicate~~ Chief Financial Officer's warrant issued in pursuance of the above provisions shall be of the same validity as the original was before its loss.

Section 3. Subsection (1) of section 110.113, Florida Statutes, is amended to read:

110.113 Pay periods for state officers and employees; salary payments by direct deposit.—

(1) The normal pay period for salaries of state officers and employees shall be 1 month. The Department of Financial Services shall issue either monthly or biweekly salary payments by state warrants or by direct deposit pursuant to s. 17.076 ~~or make semimonthly salary payments by direct deposit pursuant to s. 17.076~~, as requested by the head of each state agency and approved by the Executive Office of the Governor and the Department of Financial Services.

Section 4. Subsection (16) of section 215.422, Florida Statutes, is amended to read:

215.422 Payments, warrants, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(16) ~~Nothing contained in~~ This section may not ~~shall~~ be construed to be an appropriation. Any interest which becomes due and owing pursuant to this section must be paid ~~shall only be payable~~ from the appropriation charged for such goods or

services. However, if sufficient funds are not available within the appropriation charged for such goods or services, the agency must pay the interest from a similar or appropriate appropriation category.

Section 5. Paragraphs (a) through (e) of subsection (1), subsections (2) and (3), paragraph (a) of subsection (8), and subsection (10) of section 215.5586, Florida Statutes, are amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform hurricane mitigation inspections of eligible homes and grants to fund hurricane mitigation projects on those homes. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach

for hurricane damage mitigation pursuant to the requirements provided in this section.

(1) HURRICANE MITIGATION INSPECTIONS.—

(a)1. For the purposes of this paragraph, the term:

a. "Attached" means a dwelling unit that shares a wall with another dwelling unit.

b. "Detached" means a dwelling that does not share a wall with another dwelling unit or building and has greater than zero clearance between it and any other building. This term includes a garage that is located under a contiguous roof with a residence.

c. "Single-family" means a residence designed for and containing only one dwelling unit.

2. An applicant is ~~To be~~ eligible for a hurricane mitigation inspection under the program if all of the following conditions are met:

a.~~1.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ a single-family~~,~~ unit on an individual parcel of land that is:

(I) A detached residential property; or

(II) An attached residential property not exceeding three stories. ~~A townhouse as defined in s. 481.203;~~

b.~~2.~~ The ~~A~~ home for which the inspection is sought is ~~must be~~ site-built and owner-occupied.~~; and~~

c.~~3.~~ The applicant is ~~homeowner must have been~~ granted a homestead exemption on the home under chapter 196.

(b)1. An application for a hurricane mitigation inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only

one inspection application on the home or that the application is allowed under subparagraph 2., and the application must have documents attached which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of material errors or omissions in the application;

b. The original hurricane mitigation inspection application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for an inspection at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now ~~is~~ eligible for an inspection; ~~or~~

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes that her or she ~~the home~~ is eligible under the new requirements; or~~.~~

d. More than 24 months have passed since the applicant received a hurricane mitigation inspection under this section, and the applicant has not received a grant payment through the program for that inspection.

(c) An applicant meeting the requirements of paragraph (a) may receive an inspection of the ~~a~~ home through ~~under~~ the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide initial ~~home~~ inspections of eligible homes to determine ~~what mitigation~~

~~measures are needed,~~ what insurance premium discounts may be available~~,~~ and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. ~~An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2)(e)1. would provide improvements to mitigate hurricane damage.~~

(e) The department shall contract with wind certification entities to provide hurricane mitigation inspections. The initial inspections provided to applicants ~~homeowners~~, at a minimum, must include:

1. A home inspection and report that summarizes the inspection results and identifies recommended improvements an applicant ~~a homeowner~~ may make ~~take~~ to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by applicants ~~homeowners~~ to make improvements recommended by an initial inspection which increase a home's resistance to hurricane damage.

(a) An applicant ~~A homeowner~~ is eligible for a hurricane mitigation grant if all of the following criteria are met:

1. The applicant ~~home~~ must be eligible for an inspection under subsection (1).

2. The home must be a dwelling with an insured value of $700,000 or less. ~~Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.~~

3. The home must undergo an initial ~~acceptable~~ hurricane mitigation inspection through the program as provided in subsection (1) within the 24 months immediately preceding the date of application.

4. The ~~building permit application for initial construction of the~~ home must have been built ~~made~~ before January 1, 2008, as reflected on the county property appraiser's website.

5. The applicant ~~homeowner~~ must agree to make his or her home available for a final inspection once a mitigation project is completed.

6. The applicant ~~homeowner~~ must agree to provide to the department information received from the applicant's ~~homeowner's~~ insurer identifying the discounts realized by the applicant ~~homeowner~~ because of the mitigation improvements funded through the program.

7.~~a.~~ The applicant ~~homeowner~~ must be a low-income person or moderate-income person as defined in s. 420.0004.

~~b. The hurricane mitigation inspection must have occurred within the previous 24 months from the date of application.~~

~~c. Notwithstanding subparagraph 2., homeowners who are low-income persons, as defined in s. 420.0004(11), are not exempt from the requirement that the home must be a dwelling with an insured value of $700,000 or less.~~

~~d. This subparagraph expires July 1, 2026.~~

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury

that the applicant has submitted only one grant application or that the application is allowed under subparagraph 2., and the application must have documents attached demonstrating that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the applicant ~~home~~ did not meet the eligibility criteria for a grant at the time of the previous application, and the applicant ~~homeowner~~ reasonably believes that he or she is ~~the home~~ now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is ~~an~~ eligible ~~homeowner~~ under the new requirements.

3. A grant application must include a statement from the applicant ~~homeowner~~ which contains the name and state license number of the contractor that the applicant ~~homeowner~~ acknowledges as the intended contractor for the mitigation work. The program must ~~electronically~~ verify that the contractor's state license number is valid ~~accurate and up to date before grant approval~~.

(c) All grants must be matched on the basis of $1 provided by the applicant for $2 provided by the state up to a maximum state contribution of $10,000 toward the actual cost of the mitigation project, except as provided in paragraph (h).

(d) All hurricane mitigation performed under the program

must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

(e) When recommended by an initial ~~a~~ hurricane mitigation inspection, grants for eligible applicants ~~homes~~ may be used for all of the following improvements:

1. Opening protection improvements, including:

a. Exterior doors.~~,~~

b. Garage doors.~~,~~

c. Windows.~~, and~~

d. Skylights.

2. Roof improvements, including:

a. Reinforcing roof-to-wall connections.

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

c.~~4.~~ Installing secondary water resistance for roof and replacing the roof covering.

(f) Improvements must be identified by the final hurricane mitigation inspection to receive grant funds ~~When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection~~.

(g) The department may require that improvements be made to all openings, including exterior doors, garage doors, windows, and skylights, as a condition of reimbursing an applicant ~~a homeowner~~ approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) ~~or paragraph (f)~~.

(h) Low-income applicants ~~homeowners~~, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection are eligible for a grant of up to $10,000 and

are not required to provide a matching amount to receive the grant.

(i)1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old; and

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004~~; and~~

~~e. Last, all other applications~~.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting

applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications; and

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting applications~~; and~~

~~e. From all other applicants, beginning 60 days after the program initially starts accepting applications~~.

4. The program may accept a certification directly from a low-income applicant ~~homeowner~~ or moderate-income applicant ~~homeowner~~ who meets the requirements of s. 420.0004(11) or (12), respectively, if the applicant ~~homeowner~~ provides such certification in a signed or electronically verified statement made under penalty of perjury.

5. The program may accept a certification directly from an applicant attesting to his or her age if the applicant provides such certification in a signed or electronically verified statement made under penalty of perjury.

(j) An applicant ~~A homeowner~~ who receives a grant shall finalize construction and request a final inspection~~, or request an extension for an additional 6 months,~~ within 18 months ~~1 year~~ after grant application approval. If an applicant ~~a homeowner~~ fails to comply with this paragraph, his or her application is deemed abandoned and the grant money reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request that an applicant provide additional information. An application is deemed abandoned ~~withdrawn~~ by the applicant if the department does not receive a response to its request for additional

information within 60 days after the notification of any apparent error or omission.

(8) CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income applicants ~~homeowners~~, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(10) REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts applicants ~~homeowners~~ received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 6. Subsection (3) of section 215.89, Florida Statutes, is amended to read:

215.89 Charts of account.—

~~(3) REPORTING STRUCTURE.~~

~~(a) The Chief Financial Officer shall accept comments from~~

~~state agencies, local governments, educational entities, entities of higher education, and other interested parties regarding the proposed charts of account until November 1, 2013.~~

~~(b) By January 15, 2014, the Chief Financial Officer, after consultation with affected state agencies, local governments, educational entities, entities of higher education, and the Auditor General, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report recommending a uniform charts of account which requires specific enterprise-wide information related to revenues and expenditures of state agencies, local governments, educational entities, and entities of higher education. The report must include the estimated cost of adopting and implementing a uniform enterprise-wide charts of account.~~

Section 7. Subsections (1) and (5) of section 215.93, Florida Statutes, are amended to read:

215.93 Florida Financial Management Information System.—

(1) To provide the information necessary to carry out the intent of the Legislature, there shall be a Florida Financial Management Information System. The Florida Financial Management Information System shall be fully implemented and shall be upgraded as necessary to ensure the efficient operation of an integrated financial management information system and to provide necessary information for the effective operation of state government. Upon the recommendation of the coordinating council and approval of the board, the Florida Financial Management Information System may require data from any state agency information system or information subsystem or may request data from any judicial branch information system or

information subsystem that the coordinating council and board have determined to have statewide financial management significance. Each functional owner information subsystem within the Florida Financial Management Information System shall be developed in such a fashion as to allow for timely, positive, preplanned, and prescribed data transfers between the Florida Financial Management Information System functional owner information subsystems and from other information systems. The principal unit of the system shall be the functional owner information subsystem, and the system shall include, but shall not be limited to, the following:

(a) Planning and Budgeting Subsystem.

~~(b) Florida Accounting Information Resource Subsystem.~~

(b) ~~(c)~~ Financial Management Subsystem.

(c) ~~(d)~~ Purchasing Subsystem.

(d) ~~(e)~~ Personnel Information System.

(5) Functional owners are legally responsible for the security and integrity of all data records existing within or transferred from their information subsystems. Each agency and the judicial branch shall be responsible for the accuracy of the information entered into the Florida Financial Management Information System. A request for a copy of a document or an accounting record, whether made by public records request or subpoena, must be made to the state entity for which the document or accounting record is recorded. The request may not be made to the functional owner of the subsystem unless the document or accounting record was recorded for such entity.

Section 8. Subsections (2) and (3) of section 215.94, Florida Statutes, are amended to read:

215.94 Designation, duties, and responsibilities of functional owners.—

(2) The Department of Financial Services shall be the functional owner of the Financial Management ~~Florida Accounting Information Resource~~ Subsystem established pursuant to ss. 17.03, 215.86, 216.141, and 216.151 and further developed in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, the following functions:

(a) Accounting and reporting so as to provide timely data for producing financial statements for the state in accordance with generally accepted accounting principles.

(b) Auditing and settling claims against the state.

~~(3) The Chief Financial Officer shall be the functional owner of the Financial Management Subsystem. The Chief Financial Officer shall design, implement, and operate the subsystem in accordance with the provisions of ss. 215.90-215.96. The subsystem shall include, but shall not be limited to, functions for:~~

(c) ~~(a)~~ Recording and reconciling credits and debits to treasury fund accounts.

(d) ~~(b)~~ Monitoring cash levels and activities in state bank accounts.

(e) ~~(c)~~ Monitoring short-term investments of idle cash.

(f) ~~(d)~~ Administering the provisions of the Federal Cash Management Improvement Act of 1990.

Section 9. Subsections (2) and (3) of section 215.96, Florida Statutes, are amended to read:

215.96 Coordinating council and design and coordination

staff.—

(2) The coordinating council shall consist of the Chief Financial Officer; the Commissioner of Agriculture; the Attorney General; the Secretary of Management Services; the state chief information officer; the executive director of the Department of Revenue; and the Director of Planning and Budgeting, Executive Office of the Governor, or their designees. The Chief Financial Officer, or his or her designee, shall be chair of the council, and the design and coordination staff shall provide administrative and clerical support to the council and the board. ~~The design and coordination staff shall maintain the~~ Minutes of each meeting shall be ~~and make such minutes~~ available to any interested person. The Auditor General, the State Courts Administrator, a ~~an executive officer of the Florida Association of~~ state agency administrative services director selected by the council ~~Directors~~, and a ~~an executive officer of the Florida Association of~~ state budget officer selected by the council ~~Officers~~, or their designees, shall serve without voting rights as ex officio members of the council. The chair may call meetings of the council as often as necessary to transact business; however, the council shall meet at least once a year. Action of the council shall be by motion, duly made, seconded and passed by a majority of the council voting in the affirmative for approval of items that are to be recommended for approval to the Financial Management Information Board.

(3) The coordinating council, assisted by the design and coordination staff, shall have the following duties, powers, and responsibilities pertaining to the Florida Financial Management Information System:

(a) To review and coordinate annual workplans to ensure that the Florida Financial Management Information System remains aligned across participating entities. The coordination council shall ensure that each participating entity submits an annual workplan by October 1 of each year. The coordinating council shall review and discuss the workplans, identify potential impacts or conflicts, facilitate resolutions when practicable, and expedite unresolved issues as appropriate.

(b) To conduct such studies and to establish committees, workgroups, and teams to develop recommendations for rules, policies, procedures, principles, and standards to the board as necessary to assist the board in its efforts to design, implement, and perpetuate a financial management information system, including, but not limited to, the establishment of common data codes, and the development of integrated financial management policies that address the information and management needs of the functional owner subsystems. The coordinating council shall make available a copy of the approved plan in writing or through electronic means to each of the coordinating council members, the fiscal committees of the Legislature, and any interested person.

(c) ~~(b)~~ To recommend to the board solutions, policy alternatives, and legislative budget request issues that will provide ~~ensure~~ a framework for the timely, positive, preplanned, and prescribed data transfer between information subsystems ~~and to recommend to the board solutions, policy alternatives, and legislative budget request issues that ensure the availability of data and information that support state planning, policy development, management, evaluation, and performance monitoring~~.

~~(c) To report to the board all actions taken by the coordinating council for final action.~~

~~(d) To review the annual work plans of the functional owner information subsystems by October 1 of each year. The review shall be conducted to assess the status of the Florida Financial Management Information System and the functional owner subsystems in regard to the provisions of s. 215.91. The coordinating council, as part of the review process, may make recommendations for modifications to the functional owner information subsystems annual work plans.~~

Section 10. Paragraph (a) of subsection (4) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(4) The Executive Office of the Governor, in consultation with the appropriations committees of the Senate and the House of Representatives, shall establish and maintain a website that provides information relating to the approved operating budget for each branch of state government and state agency.

(a) At a minimum, the information must include:

1. Disbursement data for each appropriation by the account value ~~object code~~ associated with each expenditure established within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the voucher ~~statewide document~~ number. Such data must be searchable by the name of the payee, the paying agency, and fiscal year, and must be downloadable in a format that allows offline analysis.

2. For each appropriation, any adjustments, including

vetoes, approved supplemental appropriations included in legislation other than the General Appropriations Act, budget amendments, other actions approved pursuant to chapter 216, and other adjustments authorized by law.

3. Status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.

4. Position and rate information for positions provided in the General Appropriations Act or approved through an amendment to the approved operating budget and position information for positions established in the legislative branch.

5. Allotments for planned expenditures of state appropriations established by state agencies in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem, and the current balances of such allotments.

6. Trust fund balance reports, including cash available, investments, and receipts.

7. General revenue fund balance reports, including revenue received and amounts disbursed.

8. Fixed capital outlay project data, including original appropriation and disbursements throughout the life of the project.

9. A 10-year history of appropriations indicated by agency.

10. Links to state audits or reports related to the expenditure and dispersal of state funds.

11. Links to program or activity descriptions for which funds may be expended.

Section 11. Subsections (1) and (2) and paragraph (f) of subsection (3) of section 216.102, Florida Statutes, are amended

to read:

216.102 Filing of financial information; handling by Chief Financial Officer; penalty for noncompliance.—

(1) By September 30 of each year, each agency supported by any form of taxation, licenses, fees, imposts, or exactions, the judicial branch, and, for financial reporting purposes, each component unit of the state as determined by the Chief Financial Officer shall prepare, using generally accepted accounting principles, and file with the Chief Financial Officer the financial and other information necessary for the preparation of annual financial statements for the State of Florida as of June 30. In addition, each such agency and the judicial branch shall prepare financial statements showing the financial position and results of agency or branch operations as of June 30 for internal management purposes.

(a) Each state agency and the judicial branch shall record the receipt and disbursement of funds from federal sources in a form and format prescribed by the Chief Financial Officer. The access to federal funds by the administering agencies or the judicial branch may not be authorized until:

1. The deposit has been recorded in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem using proper, consistent codes that designate deposits as federal funds.

2. The deposit and appropriate recording required by this paragraph have been verified by the office of the Chief Financial Officer.

(b) The Chief Financial Officer shall publish a statewide policy detailing the requirements for recording receipt and

disbursement of federal funds into the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and provide technical assistance to the agencies and the judicial branch to implement the policy.

(2) Financial information must be contained within the Financial Management ~~Florida Accounting Information Resource~~ Subsystem. Other information must be submitted in the form and format prescribed by the Chief Financial Officer.

(a) Each component unit shall file financial information and other information necessary for the preparation of annual financial statements with the agency or branch designated by the Chief Financial Officer by the date specified by the Chief Financial Officer.

(b) The state agency or branch designated by the Chief Financial Officer to receive financial information and other information from component units shall include the financial information in the Financial Management ~~Florida Accounting Information Resource~~ Subsystem and shall include the component units' other information in its submission to the Chief Financial Officer.

(3) The Chief Financial Officer shall:

(f) Consult with and elicit comments from the Executive Office of the Governor on changes to the Financial Management ~~Florida Accounting Information Resource~~ Subsystem which clearly affect the accounting of federal funds, so as to ensure consistency of information entered into the Federal Aid Tracking System by state executive and judicial branch entities. While efforts shall be made to ensure the compatibility of the Financial Management ~~Florida Accounting Information Resource~~

Subsystem and the Federal Aid Tracking System, any successive systems serving identical or similar functions shall preserve such compatibility.

The Chief Financial Officer may furnish and publish in electronic form the financial statements and the annual comprehensive financial report required under paragraphs (a), (b), and (c).

Section 12. Subsection (3) of section 216.141, Florida Statutes, is amended to read:

216.141 Budget system procedures; planning and programming by state agencies.—

(3) The Chief Financial Officer, as chief fiscal officer, shall use the Financial Management ~~Florida Accounting Information Resource~~ Subsystem developed pursuant to s. 215.94(2) for account purposes in the performance of and accounting for all of his or her constitutional and statutory duties and responsibilities. However, state agencies and the judicial branch continue to be responsible for maintaining accounting records necessary for effective management of their programs and functions.

Section 13. Paragraph (a) of subsection (7) and paragraph (j) of subsection (12) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(7) UTILIZATION AND REIMBURSEMENT DISPUTES.—

(a) Any health care provider who elects to contest the disallowance or adjustment of payment by a carrier under

subsection (6) must, within 60 ~~45~~ days after receipt of notice of disallowance or adjustment of payment, petition the department to resolve the dispute. The petitioner must serve, by the United States Postal Service certified mail or by common carrier with verifiable tracking methods, a copy of the petition on the carrier and on all affected parties listed on the notice of disallowance or adjustment ~~by certified mail~~. The petition must be accompanied by all documents and records that support the allegations contained in the petition. Failure of a petitioner to submit such documentation to the department results in dismissal of the petition.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(j) In addition to establishing the uniform schedule of maximum reimbursement allowances, the panel shall:

1. Take testimony, receive records, and collect data to evaluate the adequacy of the workers' compensation fee schedule, nationally recognized fee schedules and alternative methods of reimbursement to health care providers and health care facilities for inpatient and outpatient treatment and care.

2. Survey health care providers and health care facilities to determine the availability and accessibility of workers' compensation health care delivery systems for injured workers.

3. Survey carriers to determine the estimated impact on carrier costs and workers' compensation premium rates by implementing changes to the carrier reimbursement schedule or implementing alternative reimbursement methods.

4. Submit recommendations on or before January 15, 2031 ~~2017~~, and every 5 years ~~biennially~~ thereafter, to the President

of the Senate and the Speaker of the House of Representatives on methods to improve the workers' compensation health care delivery system.

The department, as requested, shall provide data to the panel, including, but not limited to, utilization trends in the workers' compensation health care delivery system. The department shall provide the panel with an annual report regarding the resolution of medical reimbursement disputes and any actions pursuant to subsection (8). The department shall provide administrative support and service to the panel to the extent requested by the panel. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection. For prescription medication purchased under the requirements of this subsection, a dispensing practitioner shall not possess such medication unless payment has been made by the practitioner, the practitioner's professional practice, or the practitioner's practice management company or employer to the supplying manufacturer, wholesaler, distributor, or drug repackager within 60 days of the dispensing practitioner taking possession of that medication.

Section 14. Section 497.1411, Florida Statutes, is created to read:

497.1411 Disqualification of applicants and licenses; penalties against licensees; rulemaking.—

(1) For purposes of this section, the term "applicant" means an individual applying for licensure or relicensure under this chapter, or an officer, director, majority owner, partner, manager, or other person who manages or controls an entity

applying for licensure or relicensure under this chapter.

(2) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to any of the following offenses, regardless of adjudication, is permanently barred from licensure under this chapter:

(a) A felony of the first degree.

(b) A felony involving conduct prohibited under chapter 497, chapter 787, chapter 794, chapter 796, chapter 800, chapter 825, chapter 827, or chapter 847.

(c) A felony involving moral turpitude.

(3) An applicant who has been found guilty of, or has entered a plea of guilty or nolo contendere to an offense not subject to the permanent bar under subsection (2), regardless of adjudication, is subject to the following disqualifying periods:

(a) A 10-year disqualifying period for any felony to which the permanent bar in subsection (2) does not apply. Notwithstanding subsection (4), an applicant who has completed at least one-half of the disqualifying period may apply for a probationary license for the remainder of the disqualifying period if, during that time, the applicant has not been found guilty of, or has not entered a plea of guilty or nolo contendere to, any offense.

(b) A 5-year disqualifying period for all misdemeanors directly related to chapter 497.

(4) The board shall adopt rules to administer this section. Such rules must provide additional disqualifying periods for applicants who have committed multiple criminal offenses and may provide additional factors for disqualification reasonably related to the applicant's criminal history. The rules must also

establish mitigating and aggravating factors. However, mitigation may not reduce any disqualifying period to less than 5 years and may not be applied to reduce the 5-year disqualifying period provided in paragraph (3)(b).

(5) For purposes of this section, a disqualifying period begins upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence. The board may not approve issuance of a license to an applicant until the applicant provides proof that all related fines, court costs, fees, and court-ordered restitution have been paid.

(6) After the disqualifying period has expired, the burden is on the applicant to demonstrate to the board that he or she has been rehabilitated, does not pose a risk to the public, is fit and trustworthy to engage in business regulated by this chapter, and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), an applicant who has been found guilty of, or has pleaded guilty or nolo contendere to, a crime in subsection (2) or subsection (3), and who has subsequently been granted a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution, or a pardon or the restoration of civil rights under the laws of another jurisdiction with respect to a conviction in that jurisdiction, is not barred or disqualified from licensure under this chapter; however, such a pardon or restoration of civil rights does not require the board to award such license.

(8)(a) The board may grant an exemption from disqualification to any person disqualified from licensure under subsection (3) if:

1. The applicant has paid in full any fee, fine, fund, lien, civil judgment, restitution, or cost of prosecution imposed by the court as part of the judgment and sentence for any disqualifying offense; and

2. At least 2 years have elapsed since the applicant completed or has been lawfully released from confinement, supervision, or any nonmonetary condition imposed by the court for a disqualifying offense.

(b) For the board to grant an exemption under this subsection, the applicant must clearly and convincingly demonstrate that he or she would not pose a risk to persons or property if licensed under this chapter, evidence of which must include, but need not be limited to, facts and circumstances surrounding the disqualifying offense, the time that has elapsed since the offense, the nature of the offense and harm caused to the victim, the applicant's history before and after the offense, and any other evidence or circumstances indicating that the applicant will not present a danger if licensed or certified.

(c) The board has discretion whether to grant or deny an exemption under this subsection. The board's decision is subject to chapter 120.

(9) The disqualification periods provided in this section do not apply to the renewal of a license or to a new application for licensure if the applicant has an active license as of July 1, 2026, and the applicable criminal history was considered by the board on the prior approval of any active license held by the applicant. This section does not affect any criminal history disclosure requirements of this chapter.

Section 15. Subsection (9) and paragraph (c) of subsection (10) of section 497.142, Florida Statutes, are amended to read:

497.142 Licensing; fingerprinting and criminal background checks.—

(9) If any applicant under this chapter has been~~, within the 10 years preceding the application under this chapter,~~ convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, any crime in any jurisdiction, the application may ~~shall~~ not be deemed complete until such time as the applicant provides such certified true copies of the court records evidencing the conviction, finding, or plea, as required in this section or as the licensing authority may by rule require.

(10)

(c) Crimes to be disclosed are:

1. Any felony ~~or misdemeanor,~~ no matter when committed~~, that was directly or indirectly related to or involving any aspect of the practice or business of funeral directing, embalming, direct disposition, cremation, funeral or cemetery preneed sales, funeral establishment operations, cemetery operations, or cemetery monument or marker sales or installation~~.

2. Any misdemeanor, no matter when committed, that was directly or indirectly related to the practice or activities regulated under this chapter ~~Any other felony not already disclosed under subparagraph 1. that was committed within the 20 years immediately preceding the application under this chapter~~.

3. Any other misdemeanor not already disclosed under subparagraph 2. which ~~subparagraph 1. that~~ was committed within

the 5 years immediately preceding the application under this chapter.

Section 16. Subsection (3) of section 626.0428, Florida Statutes, is amended to read:

626.0428 Agency personnel powers, duties, and limitations.—

(3) An employee or an authorized representative located at a designated branch of an agent or agency may not initiate contact with any person for the purpose of soliciting insurance unless licensed and appointed as an agent or customer representative. As to title insurance, an employee of an agent or agency may not initiate contact with any individual proposed insured for the purpose of soliciting title insurance unless licensed as a title insurance agent or exempt from such licensure pursuant to s. 626.8417(4) ~~and (5)~~.

Section 17. Section 626.171, Florida Statutes, is amended to read:

626.171 Application for license as an agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~.—

(1) The department may not issue a license as agent, customer representative, adjuster, or service representative~~, or reinsurance intermediary~~ to any person except upon written application filed with the department, meeting the qualifications for the license applied for as determined by the department, and payment in advance of all applicable fees. The application must be made under the oath of the applicant and be signed by the applicant. An applicant may permit a third party to complete, submit, and sign an application on the applicant's behalf, but is responsible for ensuring that the information on

the application is true and correct and is accountable for any misstatements or misrepresentations. The department shall accept the uniform application for resident and nonresident agent and adjuster licensing. The department may adopt revised versions of the uniform application by rule.

(2) In the application, the applicant must include all of the following ~~shall set forth~~:

(a) The applicant's ~~His or her~~ full name, age, social security number, residence address, business address, mailing address, contact telephone numbers, including a business telephone number, and e-mail address.

(b) A statement indicating the method the applicant used or is using to meet any required prelicensing education, knowledge, experience, or instructional requirements for the type of license applied for.

(c) Whether the applicant ~~he or she~~ has been refused or has voluntarily surrendered or has had suspended or revoked a license to solicit insurance by the department or by the supervising officials of any state.

(d) Whether any insurer or any managing general agent claims the applicant is indebted under any agency contract or otherwise and, if so, the name of the claimant, the nature of the claim, and the applicant's defense thereto, if any.

(e) Proof that the applicant meets the requirements for the type of license for which he or she is applying.

(f) The applicant's gender (male or female).

(g) The applicant's native language.

(h) The highest level of education achieved by the applicant.

(i) The applicant's race or ethnicity (African American, white, American Indian, Asian, Hispanic, or other).

(j) Such other or additional information as the department may deem proper to enable it to determine the character, experience, ability, and other qualifications of the applicant to hold himself or herself out to the public as an insurance representative.

However, the application must contain a statement that an applicant is not required to disclose his or her race or ethnicity, gender, or native language, that he or she will not be penalized for not doing so, and that the department will use this information exclusively for research and statistical purposes and to improve the quality and fairness of the examinations. The department may ~~shall~~ make provisions for applicants to voluntarily submit their cellular telephone numbers as part of the application process solely ~~on a voluntary basis only~~ for the purpose of two-factor authentication of secure login credentials ~~only~~.

(3) Each application must be accompanied by payment of any applicable fee.

(4) An applicant for a license issued by the department under this chapter must submit a set of the individual applicant's fingerprints, or, if the applicant is not an individual, a set of the fingerprints of the sole proprietor, majority owner, partners, officers, and directors, to the department and must pay the fingerprint processing fee set forth in s. 624.501. Fingerprints must be processed in accordance with s. 624.34 and used to investigate the applicant's qualifications

pursuant to s. 626.201. The fingerprints must be taken by a law enforcement agency or other department-approved entity. The department may not approve an application for licensure as an agent, customer ~~service~~ representative, adjuster, or service representative~~, or reinsurance intermediary~~ if fingerprints have not been submitted.

(5) The application for license filing fee prescribed in s. 624.501 is not subject to refund.

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have separated from service ~~within 24 months~~ before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran record, discharge paper or separation document that indicates such members are currently in good standing or such veterans were honorably discharged.

(7) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement must be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 18. Paragraph (c) of subsection (2) of section 626.292, Florida Statutes, is amended to read:

626.292 Transfer of license from another state.—

(2) To qualify for a license transfer, an individual

applicant must meet the following requirements:

(c) The individual must submit a completed application for this state which is received by the department within 90 days after the date the individual became a resident of this state, along with payment of the applicable fees set forth in s. 624.501 and submission of the following documents:

1. A certification issued by the appropriate official of the applicant's home state identifying the type of license and lines of authority under the license and stating that~~, at the time the license from the home state was canceled,~~ the applicant was in good standing in that state or that the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries, indicate that the agent or all-lines adjuster is or was licensed in good standing for the line of authority requested. An applicant may hold a resident license in another state for 30 days after the Florida resident license has been issued to facilitate the transfer of licensure between states.

2. A set of the applicant's fingerprints in accordance with s. 626.171(4).

Section 19. Subsection (1) of section 626.611, Florida Statutes, is amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall require license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent,

title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(a) Lack of one or more of the qualifications for the license or appointment as specified in this code.

(b) Material misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment.

(c) Failure to pass to the satisfaction of the department any examination required under this code, including cheating on an examination required for licensure or violating test center or examination procedures delivered orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator.

(d) If the license or appointment is willfully used, or to be used, to circumvent any of the requirements or prohibitions of this code.

(e) Willful misrepresentation of any insurance policy or annuity contract or willful deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

(f) If, as an adjuster, or agent licensed and appointed to adjust claims under this code, he or she has materially misrepresented to an insured or other interested party the terms and coverage of an insurance contract with intent and for the purpose of effecting settlement of claim for loss or damage or

benefit under such contract on less favorable terms than those provided in and contemplated by the contract.

(g) Demonstrated lack of fitness or trustworthiness to engage in the business of insurance.

(h) Demonstrated lack of reasonably adequate knowledge and technical competence to engage in the transactions authorized by the license or appointment.

(i) Fraudulent or dishonest practices in the conduct of business under the license or appointment.

(j) Misappropriation, conversion, or unlawful withholding of moneys belonging to insurers or insureds or beneficiaries or to others and received in conduct of business under the license or appointment.

(k) Unlawfully rebating, attempting to unlawfully rebate, or unlawfully dividing or offering to divide his or her commission with another.

(l) Having obtained or attempted to obtain, or having used or using, a license or appointment as agent or customer representative for the purpose of soliciting or handling "controlled business" as defined in s. 626.730 with respect to general lines agents, s. 626.784 with respect to life agents, and s. 626.830 with respect to health agents.

(m) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of this code.

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business, any felony, or any crime punishable by imprisonment of 1 year or more under the law of the United

States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(o) Fraudulent or dishonest practice in submitting or aiding or abetting any person in the submission of an application for workers' compensation coverage under chapter 440 containing false or misleading information as to employee payroll or classification for the purpose of avoiding or reducing the amount of premium due for such coverage.

(p) Sale of an unregistered security that was required to be registered, pursuant to chapter 517.

(q) In transactions related to viatical settlement contracts as defined in s. 626.9911:

1. Commission of a fraudulent or dishonest act.

2. No longer meeting the requirements for initial licensure.

3. Having received a fee, commission, or other valuable consideration for his or her services with respect to viatical settlements that involved unlicensed viatical settlement providers or persons who offered or attempted to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911 and who were not licensed life agents.

4. Dealing in bad faith with viators.

Section 20. Section 626.621, Florida Statutes, is amended to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or

appointment.—The department may, in its discretion, require a license reexamination, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(1) Any cause for which issuance of the license or appointment could have been refused had it then existed and been known to the department.

(2) Violation of any provision of this code or of any other law applicable to the business of insurance in the course of dealing under the license or appointment.

(3) Violation of any lawful order or rule of the department, commission, or office.

(4) Failure or refusal, upon demand, to pay over to any insurer he or she represents or has represented any money coming into his or her hands belonging to the insurer.

(5) Violation of the provision against twisting, as defined in s. 626.9541(1)(l).

(6) In the conduct of business under the license or appointment, engaging in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part IX of this chapter, or having otherwise shown himself or herself to be a source of injury or loss to the public.

(7) Willful overinsurance of any property or health

insurance risk.

(8) If a life agent, violation of the code of ethics.

(9) Cheating on an examination required for licensure or violating test center or examination procedures published orally, in writing, or electronically at the test site by authorized representatives of the examination program administrator. Communication of test center and examination procedures must be clearly established and documented.

(10) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(11) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the insurance code or any order or rule of the department, commission, or office.

(12) Has been the subject of or has had a license, permit, appointment, registration, or other authority to conduct business subject to any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, final agency action, or administrative order by any court of competent jurisdiction, administrative law proceeding, state agency, federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association involving a violation of any federal or state securities or commodities law or any rule or regulation adopted

thereunder, or a violation of any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association.

(13) Failure to comply with any civil, criminal, or administrative action taken by the child support enforcement program under Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq., to determine paternity or to establish, modify, enforce, or collect support.

(14) Directly or indirectly accepting any compensation, inducement, or reward from an inspector for the referral of the owner of the inspected property to the inspector or inspection company. This prohibition applies to an inspection intended for submission to an insurer in order to obtain property insurance coverage or establish the applicable property insurance premium.

(15) Denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

(16) Taking an action that allows the personal financial or medical information of a consumer or customer to be made available or accessible to the general public, regardless of the format in which the record is stored.

(17) Initiating in-person or telephone solicitation after 9 p.m. or before 8 a.m. local time of the prospective customer unless requested by the prospective customer.

(18) Cancellation of the applicant’s, licensee’s, or appointee’s resident license in a state other than Florida.

Section 21. Subsection (1) of section 626.731, Florida

Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.—

(1) The department may ~~shall~~ not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet ~~each~~ all of the following qualifications:

(a) The applicant is a natural person at least 18 years of age.

(b) The applicant is 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. ~~An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, 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 such 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.~~

(c) The applicant's place of business will be located in this state and he or she will be actively engaged in the business of insurance and will maintain a place of business, the location of which is identifiable by and accessible to the public.

(d) The license is not being sought for the purpose of writing or handling controlled business, in violation of s. 626.730.

(e) The applicant is qualified as to knowledge, experience,

or instruction in the business of insurance and meets the requirements provided in s. 626.732.

(f) The applicant has passed any required examination for license required under s. 626.221.

Section 22. Subsection (2) of section 626.785, Florida Statutes, is amended to read:

626.785 Qualifications for license.—

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 23. Section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.—

~~(1)~~ The department may ~~shall~~ not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet all of the following qualifications:

(1)~~(a)~~ Is ~~Must be~~ a natural person of at least 18 years of age.

(2)~~(b)~~ Is ~~Must be~~ 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.

(3)~~(c)~~ Is ~~Must~~ not ~~be~~ an employee of the United States Department of Veterans Affairs or state service office, as referred to in s. 626.833.

(4)~~(d)~~ Has taken ~~Must take~~ and passed ~~pass~~ any examination for license required under s. 626.221.

(5)~~(c)~~ Is ~~Must be~~ qualified as to knowledge, experience, or instruction in the business of insurance and meets ~~meet~~ the requirements relative thereto provided in s. 626.8311.

~~(2) An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of paragraph (1)(b), 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 such 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.~~

Section 24. Subsections (4) and (5) of section 626.8417, Florida Statutes, are amended to read:

626.8417 Title insurance agent licensure; exemptions.—

(4) Title insurers, acting through designated corporate officers, or attorneys duly admitted to practice law in this state and in good standing with The Florida Bar are exempt from the provisions of this chapter relating to title insurance licensing and appointment requirements.

~~(5) An insurer may designate a corporate officer of the insurer to occasionally issue and countersign binders, commitments, and policies of title insurance. The designated officer is exempt from the provisions of this chapter relating~~

~~to title insurance licensing and appointment requirements while the officer is acting within the scope of the designation.~~

Section 25. Subsection (24) is added to section 626.854, Florida Statutes, to read:

626.854 "Public adjuster" defined; prohibitions.—The Legislature finds that it is necessary for the protection of the public to regulate public insurance adjusters and to prevent the unauthorized practice of law.

(24) A public adjuster, public adjuster apprentice, or public adjusting firm must respond with specific information to a written or electronic request for claims status from a claimant or insured or their designated representative within 14 days after the date of the request and shall document in the file the response or information provided.

Section 26. Section 627.797, Florida Statutes, is repealed.

Section 27. Subsection (4) of section 648.34, Florida Statutes, is amended to read:

648.34 Bail bond agents; qualifications.—

(4) The applicant shall furnish, with his or her application, a complete set of his or her fingerprints in accordance with s. 626.171(4) ~~and a recent credential-sized, fullface photograph of the applicant~~. The department may ~~shall~~ not authorize an applicant to take the required examination until the department has received a report from the Department of Law Enforcement and the Federal Bureau of Investigation relative to the existence or nonexistence of a criminal history report based on the applicant's fingerprints.

Section 28. Subsection (2) of section 648.382, Florida Statutes, is amended to read:

648.382 Appointment of bail bond agents and bail bond agencies; effective date of appointment.—

(2) Before any appointment, an appropriate officer or official of the appointing insurer must obtain all of the following information ~~submit~~:

(a) A certified statement or affidavit to the department stating what investigation has been made concerning the proposed appointee and the proposed appointee's background and the appointing person's opinion to the best of his or her knowledge and belief as to the moral character and reputation of the proposed appointee. In lieu of such certified statement or affidavit, by authorizing the effectuation of an appointment for a licensee, the appointing entity certifies to the department that such investigation has been made and that the results of the investigation and the appointing person's opinion is that the proposed appointee is a person of good moral character and reputation and is fit to engage in the bail bond business.~~;~~

(b) An affidavit under oath on a form prescribed by the department, signed by the proposed appointee, stating that premiums are not owed to any insurer and that the appointee will discharge all outstanding forfeitures and judgments on bonds previously written. If the appointee does not satisfy or discharge such forfeitures or judgments, the former insurer shall file a notice, with supporting documents, with the appointing insurer, the former agent or agency, and the department, stating under oath that the licensee has failed to timely satisfy forfeitures and judgments on bonds written and that the insurer has satisfied the forfeiture or judgment from its own funds. Upon receipt of such notification and supporting

documents, the appointing insurer shall immediately cancel the licensee's appointment. The licensee may be reappointed only upon certification by the former insurer that all forfeitures and judgments on bonds written by the licensee have been discharged. The appointing insurer or former agent or agency may, within 10 days, file a petition with the department seeking relief from this paragraph. Filing of the petition stays the duty of the appointing insurer to cancel the appointment until the department grants or denies the petition.~~;~~

(c) Any other information that the department reasonably requires concerning the proposed appointee.~~; and~~

(d) Effective January 1, 2025, a certification that the appointing entity obtained from each appointee the following sworn statement:

> Pursuant to section 648.382(2)(b), Florida Statutes, I do solemnly swear that I owe no premium to any insurer or agency and that I will discharge all outstanding forfeitures and judgments on bonds that have been previously written. I acknowledge that failure to do this will result in my active appointments being canceled.

An appointed bail bond agency must have the attestation under this paragraph signed by its owner.

Section 29. Section 717.001, Florida Statutes, is amended to read:

717.001 Short title.—This chapter may be cited as the "Florida Disposition of Abandoned Personal ~~Unclaimed~~ Property

Act."

Section 30. Present subsections (1) through (4), (5) through (8), (10) through (13), (15) through (20), (21), (22) through (28), and (31), (32), and (33) of section 717.101, Florida Statutes, are redesignated as subsections (4) through (7), (9) through (12), (13) through (16), (17) through (22), (24), (26) through (32), and (33), (34), and (35), respectively, new subsections (1), (2), (3), (8), (23), and (25) are added to that section, and present subsections (1), (2), (5), (6), (8), (9), (12), (14), (16), (18), (19), (20), (22), (25), (29), and (30) of that section are amended, to read:

717.101 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Abandoned property" means property held by a holder for which all of the following are true:

(a) The apparent owner has shown no activity or indication of interest for the duration of the applicable dormancy period established under this chapter.

(b) The holder has complied with the due diligence requirements set forth in this chapter, including the issuance of notice to the apparent owner, and has received no response or contact sufficient to demonstrate continued interest in the property.

(2) "Abandoned Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant representative to purchase abandoned property from an owner.

(3) "Abandoned Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be

used, without modification or amendment, by a claimant representative to obtain consent and authority to recover abandoned property on behalf of a person.

(4) ~~(1)~~ "Aggregate" means the amounts reported for owners of abandoned ~~unclaimed~~ property of less than $10 or where there is no name for the individual or entity listed on the holder's records, regardless of the amount to be reported.

(5) ~~(2)~~ "Apparent owner" means the person whose name appears on the records of the holder as the owner of the abandoned property, but whose status as the true owner entitled to receive the property may be subject to change due to the passage of time or changes in circumstances ~~person entitled to property held, issued, or owing by the holder~~.

(8) "Authorized representative" means a person or entity legally empowered to act on behalf of the apparent owner or his or estate, including, but not limited to, an agent, a fiduciary, a personal representative, a trustee, a legal heir, a guardian, or any other individual or entity authorized by law or agreement.

(9) ~~(5)~~ "Banking or financial organization" means any and all banks, trust companies, private bankers, savings banks, industrial banks, safe-deposit companies, savings and loan associations, credit unions, savings associations, banking organizations, international bank agencies, cooperative banks, building and loan associations, and investment companies in this state, organized under or subject to the laws of this state or of the United States, including entities organized under 12 U.S.C. s. 611, but does not include federal reserve banks. The term also includes any corporation, business association, or

other organization that:

(a) Is a wholly or partially owned subsidiary of any banking, banking corporation, or bank holding company that performs any or all of the functions of a banking organization; or

(b) Performs functions pursuant to the terms of a contract with any banking organization.

(10) ~~(6)~~ "Business association" means any for-profit or nonprofit corporation other than a public corporation; joint stock company; investment company; unincorporated association or association of two or more individuals for business purposes, whether or not for profit; partnership; joint venture; limited liability company; sole proprietorship; business trust; trust company; land bank; safe-deposit company; safekeeping depository; banking or financial organization; insurance company; federally chartered entity; utility company; transfer agent; or other business entity, whether or not for profit.

(12) ~~(8)~~ "Claimant ~~Claimant's~~ representative" means an attorney who is a member in good standing with ~~of~~ The Florida Bar, a certified public accountant licensed in this state, or a private investigator ~~who is duly~~ licensed ~~to do business~~ in this ~~the~~ state, who is registered with the department, and authorized to file claims on behalf of persons with the department ~~by the claimant to claim unclaimed property on the claimant's behalf~~. The term does not include a person acting in a representative or fiduciary capacity, such as a personal representative, guardian, trustee, or attorney, whose representation is not contingent upon the discovery or location of abandoned ~~unclaimed~~ property, and it expressly excludes locators, who engage in locating

owners of abandoned property for a fee but are not registered with the department~~; provided, however, that any agreement entered into for the purpose of evading s. 717.135 is invalid and unenforceable~~.

~~(9) "Credit balance" means an account balance in the customer's favor.~~

(15) ~~(12)~~ "Due diligence" means the use of reasonable and prudent methods under particular circumstances to locate apparent owners of presumed abandoned property ~~inactive accounts~~ using the taxpayer identification number or social security number, if known, which may include, but are not limited to, using a nationwide database, cross-indexing with other records of the holder, mailing to the last known address unless the last known address is known to be inaccurate, providing written notice as described in this chapter by electronic mail if an apparent owner has elected such delivery, or engaging a licensed agency or company capable of conducting such search and providing updated addresses.

~~(14) "Financial organization" means a savings association, savings and loan association, savings bank, industrial bank, bank, banking organization, trust company, international bank agency, cooperative bank, building and loan association, or credit union.~~

(18) ~~(16)~~ "Holder" means a person who is in possession of property belonging to another or who owes a debt or an obligation to another person, including, but not limited to, financial institutions, insurance companies, corporations, partnerships, fiduciaries, and government agencies~~:~~

~~(a) A person who is in possession or control or has custody~~

~~of property or the rights to property belonging to another; is indebted to another on an obligation; or is obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter; or~~

~~(b) A trustee in case of a trust~~.

(20)~~(18)~~ "Intangible property" includes, by way of illustration and not limitation:

(a) Moneys, checks, virtual currency, drafts, deposits, interest, dividends, and income.

(b) Credit balances, customer overpayments, security deposits and other instruments as defined by chapter 679, refunds, unpaid wages, unused airline tickets, and unidentified remittances.

(c) Stocks, and other intangible ownership interests in business associations except for:

1. A non-freely transferable security; or

2. A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security.

(d) Moneys deposited to redeem stocks, bonds, bearer bonds, original issue discount bonds, coupons, and other securities, or to make distributions.

(e) Amounts due and payable under the terms of insurance policies.

(f) Amounts distributable from a trust or custodial fund established under a plan to provide any health, welfare, pension, vacation, severance, retirement, death, stock purchase,

profit sharing, employee savings, supplemental unemployment insurance, or similar benefit.

(21)~~(19)~~ "Last known address" means a description of the location of the apparent owner sufficient for the purpose of the delivery of mail. For the purposes of identifying, reporting, and remitting property to the department ~~which is presumed to be unclaimed~~, the term ~~"last known address"~~ includes any partial description of the location of the apparent owner sufficient to establish the apparent owner was a resident of this state at the time of last contact with the apparent owner or at the time the property became due and payable.

(22)~~(20)~~ "Lawful charges" means charges against the property or the account in which the property is held ~~dormant accounts~~ that are authorized by statute for the purpose of offsetting the costs of maintaining the property or the account in which the property is held ~~dormant account~~.

(23) "Locator" means a private individual or business that locates owners of abandoned property in exchange for a fee, typically a percentage of the recovered property. Locators are not employees or agents of the state and are not registered with the department.

(25) "Non-freely transferable security" means a security that cannot be delivered to the administrator by the Depository Trust Clearing Corporation or similar custodian of securities providing post-trade clearing and settlement services to financial markets or cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(26)~~(22)~~ "Owner" means the ~~a~~ person~~, or the person's legal~~

~~representative,~~ entitled to receive or having a legal or equitable interest in the abandoned property. An owner establishes his or her entitlement by filing a valid claim with the department pursuant ~~or claim against property subject~~ to this chapter~~; a depositor in the case of a deposit; a beneficiary in the case of a trust or a deposit in trust; or a payee in the case of a negotiable instrument or other intangible property~~.

(29)~~(25)~~ "Record" means information that is captured or maintained in any format, including written, printed, electronic, audio, visual, or other forms, and that can be made perceptible or understandable to a person, either directly or through technological means, including assistive technologies ~~inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form~~.

~~(29) "Unclaimed Property Purchase Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to purchase unclaimed property from an owner.~~

~~(30) "Unclaimed Property Recovery Agreement" means the form adopted by the department pursuant to s. 717.135 which must be used, without modification or amendment, by a claimant's representative to obtain an owner's consent and authority to recover unclaimed property on the owner's behalf.~~

Section 31. Section 717.102, Florida Statutes, is amended to read:

717.102 Property presumed abandoned ~~unclaimed~~; general rule.—

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment thereon less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and for which the apparent owner or authorized representative fails to demonstrate continued interest for more than the applicable dormancy period prescribed by this chapter shall be presumed abandoned ~~claim such property for more than 5 years after the property becomes payable or distributable is presumed unclaimed, except as otherwise provided by this chapter~~. Unless otherwise specified by law, the dormancy period shall be 5 years from the date the property becomes payable or distributable. For the purposes of this chapter, property shall be considered payable or distributable once the holder's obligation to pay or deliver the property arises, regardless of whether the apparent owner or authorized representative has failed to demand or to present documents required to receive payment.

(2) ~~Property is payable or distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.~~

~~(3)~~ A presumption that property is abandoned may be ~~unclaimed is~~ rebutted by the affirmative demonstration of continued interest by the apparent owner or authorized representative ~~an apparent owner's expression of interest in the property~~. Such demonstration ~~An owner's expression~~ of continued interest ~~in property~~ includes, but is not limited to, any of the following:

(a) A record communicated by the apparent owner or

authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held.~~,~~

(b) An oral communication by the apparent owner or authorized representative to the holder or its agent ~~of the holder~~ concerning the property or the account in which the property is held, if the holder or its agent contemporaneously records ~~makes~~ and preserves evidence ~~a record~~ of the ~~fact of the apparent owner's~~ communication.~~,~~

(c) Presentment of a check or other instrument for ~~of~~ payment of ~~a~~ dividends ~~dividend~~, interest ~~payment~~, or other distributions related to the property. ~~distribution, with respect to an account, underlying security, or interest in a business association;~~

(d) Any account activity initiated ~~directed~~ by an apparent owner or authorized representative ~~in the account in which the property is held~~, including accessing the account or directing changes to information concerning the account~~,~~ or to the amount or type of property held, excluding routine automatic transactions previously authorized, ~~a direction by the apparent owner~~ to increase, decrease, or otherwise change the amount or type of property held in the account.~~,~~

(e) Any ~~A~~ deposit into or withdrawal from the property or the ~~an~~ account in which the property is held ~~at a financial organization~~, excluding ~~an~~ automatic deposits, withdrawals, or reinvestments ~~deposit or withdrawal~~ previously authorized by the apparent owner or authorized representative. ~~an automatic reinvestment of dividends or interest, which does not constitute an expression of interest; or~~

(f) Any other action by the apparent owner or authorized representative which reasonably demonstrates to the holder that the apparent owner or authorized representative is aware of and maintains an interest in ~~knows that~~ the property ~~exists~~.

(3)~~(4)~~ If a holder learns or receives confirmation of an apparent owner's death, the property shall be presumed abandoned ~~unclaimed~~ 2 years after the date of death, unless an authorized representative makes an affirmative demonstration ~~a fiduciary appointed to represent the estate of the apparent owner has made an expression~~ of interest in the property before the expiration of the 2-year period. This subsection may not be construed to extend the otherwise applicable dormancy period prescribed by this chapter.

Section 32. Section 717.103, Florida Statutes, is amended to read:

717.103 General rules for taking custody of intangible abandoned ~~unclaimed~~ property.—Unless otherwise provided in this chapter or by other statute of this state, intangible property is subject to the custody of the department as abandoned ~~unclaimed~~ property when ~~if~~ the conditions leading to a presumption that the property is abandoned ~~unclaimed~~ as described in ss. 717.102 and 717.105-717.116 are satisfied and the holder has fulfilled all required due diligence obligations without receiving any response or claim from the apparent owner, and one or more of the following criteria apply:

(1) The last known address, as shown on the records of the holder, of the apparent owner is in this state.~~,~~

(2) The records of the holder do not identify the name of the apparent owner, but do reflect ~~the identity of the person~~

~~entitled to the property, and it is established~~ that the last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~;~~

(3) The records of the holder do not reflect the last known address of the apparent owner, but ~~and~~ it is established that either of the following conditions apply:

(a) The last known address of the apparent owner ~~person entitled to the property~~ is in this state.~~; or~~

(b) The holder is domiciled in this state, ~~a domiciliary~~ or is a government entity or ~~governmental~~ subdivision ~~or agency~~ of this state, and has not previously paid the property to the state of the last known address of the apparent owner. ~~or other person entitled to the property;~~

(4) The last known address, as shown on the records of the holder, of the apparent owner ~~or other person entitled to the property~~ is in a jurisdiction ~~state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or unclaimed property laws ~~custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~, and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity ~~or governmental subdivision~~ or agency of this state.~~;~~

(5) The last known address, as shown on the records of the holder, of the apparent owner is in a foreign nation and the holder is domiciled in this state ~~a domiciliary~~ or is a government entity ~~or governmental subdivision or agency~~ of this state.~~; or~~

(6) The transaction out of which the property arose occurred in this state~~,~~ and both of the following are true:~~;~~

(a)~~1.~~ The last known address of the apparent owner ~~or other person entitled to the property~~ is unknown.~~; or~~

~~2. The last known address of the apparent owner or other person entitled to the property is in a state that does not provide by law for the escheat or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property; and~~

(b) The holder is domiciled in a jurisdiction ~~a domiciliary of a state~~ that does not have applicable ~~provide by law for the~~ escheat, abandoned, or ~~custodial taking of the property, or its escheat or~~ unclaimed property laws ~~law is not applicable to the property~~.

Section 33. Section 717.1035, Florida Statutes, is repealed.

Section 34. Section 717.104, Florida Statutes, is amended to read:

717.104 Traveler’s checks and money orders.—

(1) Subject to subsection (4), any sum payable on a traveler’s check that has been outstanding for more than 15 years after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 15 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer~~.

(2) Subject to subsection (4), any sum payable on a money order or similar written instrument, other than a third party bank check, that has been outstanding for more than 7 years

after its issuance is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 7 years, has demonstrated a continued interest in the property in accordance with s. 717.102 ~~communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a memorandum or other record on file with the issuer~~.

(3) A ~~No~~ holder may not deduct from the amount of any traveler's check or money order any charges imposed by reason of the failure to present those instruments for payment unless there is a valid and enforceable written contract between the holder ~~issuer~~ and the apparent owner of the property pursuant to which the holder ~~issuer~~ may impose those charges and the holder ~~issuer~~ regularly imposes those charges and does not regularly reverse or otherwise cancel those charges with respect to the property.

(4) No sum payable on a traveler's check, money order, or similar written instrument, other than a third party bank check, described in subsections (1) and (2) may be subjected to the custody of this state as abandoned ~~unclaimed~~ property unless any of the following conditions are met:

(a) The records of the holder ~~issuer~~ show that the traveler's check, money order, or similar written instrument was purchased in this state.~~;~~

(b) The holder ~~issuer~~ has its principal place of business in this state and its ~~the~~ records ~~of the issuer~~ do not show the state in which the traveler's check, money order, or similar written instrument was purchased.~~; or~~

(c) The holder ~~issuer~~ has its principal place of business in this state; the holder's records ~~of the issuer~~ show the state

in which the traveler's check, money order, or similar written instrument was purchased; and the ~~laws of the~~ state of purchase does not provide applicable ~~do not provide for the~~ escheat, abandoned, or unclaimed property laws ~~or custodial taking of the property, or its escheat or unclaimed property law is not applicable to the property~~.

(5) Notwithstanding any other provision of this chapter, subsection (4) applies to sums payable on traveler's checks, money orders, and similar written instruments presumed abandoned ~~unclaimed~~ on or after February 1, 1965, except to the extent that those sums have been paid over to a state prior to January 1, 1974.

Section 35. Section 717.1045, Florida Statutes, is amended to read:

717.1045 Gift certificates and similar credit items.—Notwithstanding s. 717.117, an unredeemed gift certificate or credit memo as defined in s. 501.95 is not required to be reported as abandoned ~~unclaimed~~ property.

(1) The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo.

(2) An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of a purchaser or owner.

(3) It is the intent of the Legislature that this section apply to the custodial holding of unredeemed gift certificates and credit memos.

(4) However, a gift certificate or credit memo described in

s. 501.95(2)(b) shall be reported as abandoned ~~unclaimed~~ property. The consideration paid for such a gift certificate or credit memo is the property of the owner of the gift certificate or credit memo.

Section 36. Section 717.105, Florida Statutes, is amended to read:

717.105 Checks, drafts, and similar instruments issued or certified by banking and financial organizations.—

(1) Any sum payable on a check, draft, or similar instrument, except those subject to ss. 717.104 and 717.115, on which a banking or financial organization is directly liable, including, but not limited to, a cashier's check or a certified check, which has been outstanding for more than 5 years after it was payable or after its issuance if payable on demand, is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative, within 5 years, has communicated in writing with the banking or financial organization concerning it or otherwise demonstrated a continued interest in the property in accordance with s. 717.102 ~~indicated an interest as evidenced by a memorandum or other record on file with the banking or financial organization~~.

(2) A ~~No~~ holder may not deduct from the amount of any instrument subject to this section any charges imposed by reason of the failure to present the instrument for encashment unless there is a valid and enforceable written contract between the holder and the apparent owner of the instrument pursuant to which the holder may impose those charges and does not regularly reverse or otherwise cancel those charges with respect to the instrument.

Section 37. Subsection (1), paragraphs (a) and (b) of subsection (3), and subsections (4) and (5) of section 717.106, Florida Statutes, are amended to read:

717.106 Bank deposits and funds in financial organizations.—

(1) Any demand, savings, or matured time deposit with a banking or financial organization, including deposits that are automatically renewable, and any funds paid toward the purchase of shares, a mutual investment certificate, or any other interest in a banking or financial organization is presumed abandoned ~~unclaimed~~ unless the apparent owner or authorized representative has, within 5 years, engaged in any of the following activities:

(a) Increased or decreased the amount of the deposit or presented the passbook or other similar evidence of the deposit for the crediting of interest.~~,~~

(b) Communicated in writing or by documented telephone contact with the banking or financial organization concerning the property.~~,~~

(c) Otherwise demonstrated a continued ~~indicated an~~ interest in the property as evidenced by a memorandum or other record on file with the banking or financial organization.~~,~~

(d) Owned other property to which paragraph (a), paragraph (b), or paragraph (c) is applicable and if the banking or financial organization communicates in writing with the owner with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other property regularly are sent.~~; or~~

(e) Had another relationship with the banking or financial organization concerning which the apparent owner has:

1. Communicated in writing with the banking or financial organization; or

2. Otherwise demonstrated a continued ~~indicated an~~ interest as evidenced by a memorandum or other record on file with the banking or financial organization and if the banking or financial organization communicates in writing with the apparent owner or authorized representative with regard to the property that would otherwise be presumed abandoned ~~unclaimed~~ under this subsection at the address to which communications regarding the other relationship regularly are sent.

(3) A ~~No~~ holder may not impose with respect to property described in subsection (1) any charges due to dormancy or inactivity or cease payment of interest unless:

(a) There is an enforceable written contract between the holder and the apparent owner of the property pursuant to which the holder may impose those charges or cease payment of interest.

(b) For property in excess of $2, the holder, no more than 3 months prior to the initial imposition of those charges or cessation of interest, has given written notice to the apparent owner of the amount of those charges at the last known address of the apparent owner stating that those charges shall be imposed or that interest shall cease, but the notice provided in this section need not be given with respect to charges imposed or interest ceased before July 1, 1987.

(4) Any property described in subsection (1) that is automatically renewable is matured for purposes of subsection

(1) upon the expiration of its initial time period except that, in the case of any renewal to which the apparent owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given. If, at the time provided for delivery in s. 717.119, a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

(5) If the documents establishing a deposit described in subsection (1) state the address of a beneficiary of the deposit, and the account has a value of at least $50, notice shall be given to the beneficiary as provided for notice to the apparent owner under s. 717.117 ~~s. 717.117(6)~~. This subsection shall apply to accounts opened on or after October 1, 1990.

Section 38. Subsection (1) of section 717.107, Florida Statutes, is amended to read:

717.107 Funds owing under life insurance policies, annuity contracts, and retained asset accounts; fines, penalties, and interest; United States Social Security Administration Death Master File.—

(1) Funds held or owing under any life or endowment insurance policy or annuity contract which has matured or terminated are presumed abandoned ~~unclaimed~~ if unclaimed for more than 5 years after the date of death of the insured, the annuitant, or the retained asset account holder, but property

described in paragraph (3)(d) is presumed abandoned ~~unclaimed~~ if such property is not claimed for more than 2 years. The amount presumed abandoned ~~unclaimed~~ shall include any amount due and payable under s. 627.4615.

Section 39. Section 717.1071, Florida Statutes, is amended to read:

717.1071 Lost owners of abandoned ~~unclaimed~~ demutualization, rehabilitation, or related reorganization proceeds.—

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the apparent owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the apparent owner or authorized representative ~~owner~~ has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31; however, the initial report under this section shall be filed no

later than November 1, 2003, as of December 31, 2002.

Section 40. Section 717.108, Florida Statutes, is amended to read:

717.108 Deposits held by utilities.—Any deposit, including any interest thereon, made by a subscriber with a utility to secure payment or any sum paid in advance for utility services to be furnished, less any lawful charges, that remains unclaimed by the apparent owner for more than 1 year after termination of the services for which the deposit or advance payment was made is presumed abandoned ~~unclaimed~~.

Section 41. Section 717.109, Florida Statutes, is amended to read:

717.109 Refunds held by business associations.—Except as otherwise provided by law, any sum that a business association has been ordered to refund by a court or administrative agency which has been unclaimed by the apparent owner for more than 1 year after it became payable in accordance with the final determination or order providing for the refund, regardless of whether the final determination or order requires any person entitled to a refund to make a claim for it, is presumed abandoned ~~unclaimed~~.

Section 42. Section 717.1101, Florida Statutes, is amended to read:

717.1101 Abandoned ~~Unclaimed~~ equity and debt of business associations.—

(1)(a) Stock, ~~or~~ other equity interests, or debt of ~~interest in~~ a business association is presumed abandoned ~~unclaimed~~ on the date of the earliest of any of the following:

1. Three years after the date a communication, other than

communications required by s. 717.117, sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service. If such returned communication is resent within 1 month to the apparent owner, the 3-year dormancy period does not begin until the day the resent item is returned as undelivered.

2. Five ~~Three~~ years after the most recent of any account ~~owner-generated~~ activity or communication initiated by the apparent owner or authorized representative which demonstrates continued interest in the ~~related to the~~ account, as recorded and maintained by ~~in~~ the holder. Routine automatic reinvestments or other routine transactions previously authorized by the apparent owner or authorized representative do not prevent, interrupt, or reset the dormancy period and do not constitute an affirmative demonstration of continued interest. ~~holder's database and records systems sufficient enough to demonstrate the owner's continued awareness or interest in the property;~~

3.~~2.~~ Two ~~Three~~ years after the date of the death of the apparent owner, as evidenced by:

a. Notice to the holder of the apparent owner's death by an authorized representative ~~administrator, beneficiary, relative, or trustee, or by a personal representative or other legal representative of the owner's estate~~;

b. Receipt by the holder of a copy of the death certificate of the apparent owner;

c. Confirmation by the holder of the apparent owner's death through ~~though~~ other means; or

d. Other evidence from which the holder may reasonably conclude that the apparent owner is deceased.~~; or~~

~~3. One year after the date on which the holder receives notice under subparagraph 2. if the notice is received 2 years or less after the owner's death and the holder lacked knowledge of the owner's death during that period of 2 years or less.~~

(b) If the holder does not send communication to the apparent owner of a security by first-class United States mail on an annual basis, the holder shall attempt to confirm the apparent owner's interest in the equity interest by sending the apparent owner an e-mail communication not later than 3 years after the apparent owner's or authorized representative's last demonstration of continued interest in the equity interest. However, the holder shall promptly attempt to contact the apparent owner by first-class United States mail if:

1. The holder does not have information needed to send the apparent owner an e-mail communication or the holder believes that the apparent owner's e-mail address in the holder's records is not valid;

2. The holder received notification that the e-mail communication was not received; or

3. The apparent owner does not respond to the e-mail communication within 30 days after the communication was sent.

(c) If first-class United States mail sent under paragraph (b) is returned to the holder undelivered by the United States Postal Service, the equity interest is presumed abandoned in accordance with paragraph (1)(a).

(d) Unmatured or unredeemed debt, other than a bearer bond or an original issue discount bond, is presumed abandoned 5 ~~unclaimed 3~~ years after the date of the most recent interest payment unclaimed by the owner.

(e)~~(c)~~ Matured or redeemed debt is presumed abandoned 5 ~~unclaimed 3~~ years after the date of maturity or redemption.

(f)~~(d)~~ At the time property is presumed abandoned ~~unclaimed~~ under paragraph (a) or paragraph (b), any other property right accrued or accruing to the owner as a result of the property interest and not previously presumed abandoned ~~unclaimed~~ is also presumed abandoned ~~unclaimed~~.

(2) The running of the applicable dormancy period under this section ~~such 3-year period~~ ceases if the apparent owner or authorized representative demonstrates continued interest under s. 717.102, including by any of the following actions ~~person~~:

(a)~~1.~~ Communicating ~~Communicates~~ in writing or by other means with the association or its agent regarding the interest, ~~or a~~ dividend, distribution, or other sum payable as a result of the interest, as recorded by the association or its agent~~; or~~

~~2. Otherwise communicates with the association regarding the interest or a dividend, distribution, or other sum payable as a result of the interest, as evidenced by a memorandum or other record on file with the association or its agent~~.

(b) Presenting ~~Presents~~ an instrument issued to pay interest, ~~or~~ a dividend, or other ~~cash~~ distribution. If any future dividend, distribution, or other sum payable ~~to the owner~~ as a result of the interest is subsequently unclaimed ~~not claimed by the owner~~, a new period in which the property is presumed abandoned ~~unclaimed~~ commences and relates back only to the time a subsequent dividend, distribution, or other sum became due and payable.

(3) At the same time any interest is presumed abandoned ~~unclaimed~~ under this section, any dividend, distribution, or

other sum then held for or owing to the owner as a result of the interest, is presumed abandoned ~~unclaimed~~.

(4) Any dividend, profit, distribution, interest redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificateholder, member, bondholder, or other security holder, who has not claimed such amount or corresponded in writing with the business association concerning such amount, within 5 ~~3~~ years after the date prescribed for payment or delivery, is presumed abandoned ~~unclaimed~~.

Section 43. Section 717.111, Florida Statutes, is amended to read:

717.111 Property of business associations held in course of dissolution.—All intangible property distributable in the course of a voluntary or involuntary dissolution of a business association which is not claimed by the apparent owner for more than 6 months after the date specified for final distribution is presumed abandoned ~~unclaimed~~.

Section 44. Subsections (1) and (5) of section 717.112, Florida Statutes, are amended to read:

717.112 Property held by agents and fiduciaries.—

(1) All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person, including property held by an attorney in fact or an agent, except as provided in ss. 717.1125 and 733.816, is presumed abandoned ~~unclaimed~~ unless the apparent owner has within 5 years after it has become payable or distributable increased or decreased the principal, accepted payment of principal or income, communicated in writing concerning the

property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary.

(5) All intangible property, and any income or increment thereon, issued by a government or governmental subdivision or agency, public corporation, or public authority and held in an agency capacity for the governmental subdivision, agency, public corporation, or public authority for the benefit of the owner of record~~,~~ is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 1 year after such property has become payable or distributable, increased or decreased the principal, accepted payment of the principal or income, communicated concerning the property, or otherwise indicated an interest in the property as evidenced by a memorandum or other record on file with the fiduciary.

Section 45. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed abandoned ~~unclaimed~~ unless the apparent owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code.

Section 46. Section 717.113, Florida Statutes, is amended to read:

717.113 Property held by courts and public agencies.—All intangible property held for the apparent owner by any court, government or governmental subdivision or agency, public corporation, or public authority that has not been claimed by the apparent owner for more than 1 year after it became payable or distributable is presumed abandoned ~~unclaimed~~. Except as provided in s. 45.032(3)(c), money held in the court registry and for which no court order has been issued to determine an owner does not become payable or distributable and is not subject to reporting under this chapter. Notwithstanding the provisions of this section, funds deposited in the Minerals Trust Fund pursuant to s. 377.247 are presumed abandoned ~~unclaimed~~ only if the funds have not been claimed by the apparent owner for more than 5 years after the date of first production from the well.

Section 47. Section 717.115, Florida Statutes, is amended to read:

717.115 Wages.—Unpaid wages, including wages represented by unpresented payroll checks, owing in the ordinary course of the holder's business that have not been claimed by the apparent owner for more than 1 year after becoming payable are presumed abandoned ~~unclaimed~~.

Section 48. Section 717.116, Florida Statutes, is amended to read:

717.116 Contents of safe-deposit box or other safekeeping repository.—All tangible and intangible property held by a banking or financial organization in a safe-deposit box or any other safekeeping repository in this state in the ordinary course of the holder's business, and proceeds resulting from the

sale of the property permitted by law, that has not been claimed by the apparent owner or authorized representative for more than 3 years after the lease or rental period on the box or other repository has expired are presumed abandoned ~~unclaimed~~.

Section 49. Section 717.117, Florida Statutes, is amended to read:

717.117 Holder due diligence and report of abandoned ~~unclaimed~~ property.—

(1) Property is presumed abandoned upon expiration of the applicable dormancy period under this chapter. However, such property is not deemed abandoned for purposes of reporting or remittance to the department until the holder has conducted reasonable due diligence as required by this section, resulting in no indication of interest from the apparent owner or authorized representative.

(2) Holders of property presumed abandoned that has a value of $50 or more shall use due diligence to locate and notify the apparent owner that the holder is in possession of property subject to this chapter. At least 90 days, but not more than 180 days, before filing the report required by this section, a holder in possession of presumed abandoned property shall send written notice by first-class United States mail to the apparent owner's last known address as shown in the holder's records or from other available sources, or by e-mail if the apparent owner has elected for e-mail delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, provided that the holder's records contain a mailing or e-mail address for the apparent owner which is not known by the holder to be inaccurate. The holder may provide notice by mail,

by e-mail, or by both methods. If the holder's records indicate that the mailing address is inaccurate, notice may be provided by e-mail if the apparent owner has elected e-mail delivery.

(3) If the value of the property is greater than $1,000, the holder shall send a second written notice by certified United States mail, return receipt requested, to the apparent owner's last known address at least 60 days before filing the report required by this section, if the holder's records contain a mailing address for the apparent owner which is not known by the holder to be inaccurate. Reasonable costs paid to the United States Postal Service for certified mail, return receipt requested, may be deducted from the property as a service charge. A signed return receipt received in response to the certified mail notice constitutes an affirmative demonstration of continued interest as described in s. 717.102.

(4) The written notice required under this section must include:

(a) A heading that reads substantially as follows: "Notice: The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before ...(insert date that is at least 30 days after the date of notice)...."

(b) A description of the type, nature, and, unless the property does not have a fixed value, value of the property that is the subject of the notice.

(c) A statement that the property will be turned over to the custody of the department as abandoned property if no response is received.

(d) A statement that noncash property will be sold or liquidated by the department.

(e) A statement that, after the property is remitted to the department, a claim must be filed with the department to recover the property.

(f) A statement that the property is currently in the custody of the holder and that the apparent owner may prevent transfer of the property by contacting the holder before the deadline stated in the notice.

(5) Every holder of abandoned ~~person holding funds or other~~ property, tangible or intangible, ~~presumed unclaimed and~~ subject to custody ~~as unclaimed property~~ under this chapter shall submit a report to the department via electronic medium as the department may prescribe by rule. The report must include:

(a) Except for traveler's checks and money orders, the name, social security number or taxpayer identification number, date of birth, if known, and last known address, if any, of each apparent ~~person appearing from the records of the holder to be the~~ owner of any property which is abandoned ~~presumed unclaimed~~ and which has a value of $10 or more.

(b) For abandoned ~~unclaimed~~ funds that have a value of $10 or more held or owing under any life or endowment insurance policy or annuity contract, the identifying information provided in paragraph (a) for both the insured or annuitant and the beneficiary according to records of the insurance company holding or owing the funds.

(c) For all tangible property held in a safe-deposit box or other safekeeping repository, a description of the property and the place where the property is held and may be inspected by the

department, and any amounts owing to the holder. Contents of a safe-deposit box or other safekeeping repository which consist of documents or writings ~~of a private nature and~~ which have little or no commercial value may ~~apparent value shall~~ not be reported as abandoned property ~~presumed unclaimed~~.

(d) The nature or type of property, any accounting or identifying number associated with the property, a description of the property, and the amount appearing from the records to be due. Items of value of less than $10 each may be reported in the aggregate.

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property.

(f) Any other information the department may prescribe by rule as necessary for the administration of this chapter.

(6) ~~(2)~~ If the total value of all abandoned ~~presumed unclaimed~~ property, whether tangible or intangible, held by a person is less than $10, a zero balance report may be filed for that reporting period.

(7) ~~(3)~~ Credit balances, customer overpayments, security deposits, and refunds having a value of less than $10 may not be reported as abandoned property ~~shall not be presumed unclaimed~~.

(8) A security identified by the holder as non-freely transferable or worthless may not to be included in a report filed under this section. If the holder determines that a security is no longer non-freely transferable or worthless, the holder shall report and deliver the security on the next regular report date prescribed for delivery of securities by the holder under this chapter.

(9) ~~(4)~~ If the holder of abandoned property ~~presumed unclaimed and~~ subject to custody under this chapter ~~as unclaimed property~~ is a successor holder or if the holder has changed the holder's name while in possession of the property, the holder shall file with the holder's report all known names and addresses of each prior holder of the property. Compliance with this subsection means the holder exercises reasonable and prudent efforts to determine the names of all prior holders.

(10) The report must be signed by or on behalf of the holder and verified as to its completeness and accuracy, and the holder must state that it has complied with the due diligence requirements of this section.

(11) ~~(5)~~ The report must be filed before May 1 of each year. The report applies to the preceding calendar year. Upon written request by any person required to file a report, and upon a showing of good cause, the department may extend the reporting date. The department may impose and collect a penalty of $10 per day up to a maximum of $500 for the failure to timely report, if an extension was not provided or if the holder of the property failed to include in a report information required by this chapter which was in the holder's possession at the time of reporting. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder that the penalty is due and owing. As necessary for proper administration of this chapter, the department may waive any penalty due with appropriate justification. The department must provide information contained in a report filed with the department to any person requesting a copy of the report or information contained in a report, to the extent the information

requested is not confidential, within 45 days after the department determines that the report is accurate and acceptable and that the reported property is the same as the remitted property.

~~(6) Holders of inactive accounts having a value of $50 or more shall use due diligence to locate and notify apparent owners that the entity is holding unclaimed property available for them to recover. Not more than 120 days and not less than 60 days prior to filing the report required by this section, the holder in possession of property presumed unclaimed and subject to custody as unclaimed property under this chapter shall send written notice by first-class United States mail to the apparent owner at the apparent owner's last known address from the holder's records or from other available sources, or via electronic mail if the apparent owner has elected this method of delivery, informing the apparent owner that the holder is in possession of property subject to this chapter, if the holder has in its records a mailing or electronic address for the apparent owner which the holder's records do not disclose to be inaccurate. These two means of contact are not mutually exclusive; if the mailing address is determined to be inaccurate, electronic mail may be used if so elected by the apparent owner.~~

~~(7) The written notice to the apparent owner required under this section must:~~

~~(a) Contain a heading that reads substantially as follows: "Notice. The State of Florida requires us to notify you that your property may be transferred to the custody of the Florida Department of Financial Services if you do not contact us before~~

~~...(insert date that is at least 30 days after the date of notice)....”~~

~~(b) Identify the type, nature, and, except for property that does not have a fixed value, value of the property that is the subject of the notice.~~

~~(c) State that the property will be turned over to the custody of the department as unclaimed property if no response to this letter is received.~~

~~(d) State that any property that is not legal tender of the United States may be sold or liquidated by the department.~~

~~(e) State that after the property is turned over to the department, an apparent owner seeking return of the property may file a claim with the department.~~

~~(f) State that the property is currently with a holder and provide instructions that the apparent owner must follow to prevent the holder from reporting and paying for the property or from delivering the property to the department.~~

(12)~~(8)~~ Any holder of intangible property may file with the department a petition for determination that the property is abandoned and ~~unclaimed~~ requesting the department to accept custody of the property. The petition shall state any special circumstances that exist, contain the information required by subsection (9) ~~subsection (4)~~, and show that a diligent search has been made to locate the apparent owner. If the department finds that the proof of diligent search is satisfactory, it shall give notice as provided in s. 717.118 and accept custody of the property.

(13)~~(9)~~ Upon written request by any entity or person required to file a report, stating such entity’s or person’s

justification for such action, the department may place that entity or person in an inactive status as an abandoned ~~unclaimed~~ property “holder.”

(14)~~(10)~~(a) This section does not apply to the abandoned ~~unclaimed~~ patronage refunds as provided for by contract or through bylaw provisions of entities organized under chapter 425 or that are exempt from ad valorem taxation pursuant to s. 196.2002.

(b) This section does not apply to intangible property held, issued, or owing by a business association subject to the jurisdiction of the United States Surface Transportation Board or its successor federal agency if the apparent owner of such intangible property is a business association. The holder of such property does not have any obligation to report, to pay, or to deliver such property to the department.

(c) This section does not apply to credit balances, overpayments, refunds, or outstanding checks owed by a health care provider to a managed care payor with whom the health care provider has a managed care contract, provided that the credit balances, overpayments, refunds, or outstanding checks become due and owing pursuant to the managed care contract.

(15)~~(11)~~(a) As used in this subsection, the term “property identifier” means the descriptor used by the holder to identify the abandoned ~~unclaimed~~ property.

(b) Social security numbers and property identifiers contained in reports required under this section, held by the department, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) This exemption applies to social security numbers and

property identifiers held by the department before, on, or after the effective date of this exemption.

Section 50. Section 717.118, Florida Statutes, is amended to read:

717.118 Notification of apparent owners of abandoned ~~unclaimed~~ property.—

(1) It is specifically recognized that the state has an obligation to make an effort to notify apparent owners in a cost-effective manner that their abandoned property has been reported and remitted to the department ~~of unclaimed property in a cost-effective manner~~. In order to provide all the citizens of this state an effective and efficient program for the recovery of abandoned personal ~~unclaimed~~ property, the department shall use cost-effective means to make at least one active attempt to notify apparent owners of abandoned ~~unclaimed~~ property ~~accounts~~ valued at $50 or more, abandoned tangible property, and abandoned shares of stock for which ~~more than $250 with~~ a reported address or taxpayer identification number is available. Such active attempt to notify apparent owners shall include any attempt by the department to directly contact the apparent owner. Other means of notification, such as publication of the names of apparent owners in the newspaper, on television, on the Internet, or through other promotional efforts and items in which the department does not directly attempt to contact the apparent owner are expressly declared to be passive attempts. ~~Nothing in~~ This subsection does not preclude ~~precludes~~ other agencies or entities of state government from notifying owners of the existence of abandoned ~~unclaimed~~ property or attempting to notify apparent owners of abandoned ~~unclaimed~~ property.

(2) Notification provided directly to individual apparent owners shall contain ~~consist of~~ a description of the abandoned property and information regarding recovery of the ~~unclaimed~~ property from the department. The form and content of the department's notice shall be tailored to the type of property reported and shall include any information necessary to reasonably inform the apparent owner of the consequences of failure to claim the property, including potential sale or disposition under s. 717.122.

(3) The department shall maintain a publicly accessible, electronically searchable website that includes the names of apparent owners of abandoned property reported to the department and instructions for filing a claim. The website must list property valued at $10 or more and provide instructions for filing a claim. Abandoned property valued at less than $10 remains recoverable from the department in accordance with this chapter.

(4) This section is not applicable to abandoned sums payable on traveler's checks, money orders, and other written instruments ~~presumed unclaimed~~ under s. 717.104, or any other abandoned property reported without the necessary identifying information to establish ownership.

Section 51. Section 717.119, Florida Statutes, is amended to read:

717.119 Payment or delivery of abandoned ~~unclaimed~~ property.—

(1) Every person who is required to file a report under s. 717.117 shall simultaneously pay or deliver to the department all abandoned ~~unclaimed~~ property required to be reported. Such

payment or delivery shall accompany the report as required in this chapter for the preceding calendar year.

(2) Payment of abandoned ~~unclaimed~~ funds may be made to the department by electronic funds transfer.

(3) If the apparent owner establishes the right to receive the abandoned ~~unclaimed~~ property to the satisfaction of the holder before the property has been delivered to the department or it appears that for some other reason ~~the presumption~~ that the property was erroneously classified as abandoned ~~is unclaimed is erroneous~~, the holder need not pay or deliver the property to the department. In lieu of delivery, the holder shall file a verified written explanation of the proof of claim or of the error in classification of ~~the presumption that~~ the property as abandoned ~~was unclaimed~~.

(4) All virtual currency reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. The holder shall liquidate the virtual currency and remit the proceeds to the department. The liquidation must occur within 30 days before the filing of the report. Upon delivery of the virtual currency proceeds to the department, the holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the virtual currency proceeds.

(5) All stock or other intangible ownership interest reported under this chapter on the annual report filing required in s. 717.117 shall be remitted to the department with the report. Upon delivery of the stock or other intangible ownership interest to the department, the holder and any transfer agent,

registrar, or other person acting for or on behalf of a holder is relieved of all liability of every kind in accordance with the provisions of s. 717.1201 to every person for any losses or damages resulting to the person by the delivery to the department of the stock or other intangible ownership interest.

(6) All intangible and tangible property held in a safe-deposit box or any other safekeeping repository reported under s. 717.117 shall not be delivered to the department until 120 days after the report due date. The delivery of the property, through the United States mail or any other carrier, shall be insured by the holder at an amount equal to the estimated value of the property. Each package shall be clearly marked on the outside “Deliver Unopened.” A holder’s safe-deposit box contents shall be delivered to the department in a single shipment. In lieu of a single shipment, holders may provide the department with a single detailed shipping schedule that includes package tracking information for all packages being sent pursuant to this section.

(a) Holders may remit the value of cash and coins found in abandoned ~~unclaimed~~ safe-deposit boxes to the department by cashier’s check or by electronic funds transfer, unless the cash or coins have a value above face value. The department shall identify by rule those cash and coin items having a numismatic value. Cash and coin items identified as having a numismatic value shall be remitted to the department in their original form.

(b) Any firearm or ammunition found in an abandoned ~~unclaimed~~ safe-deposit box or any other safekeeping repository shall be delivered by the holder to a law enforcement agency for

property handling or disposal pursuant to s. 705.103(2)(b). If the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. ~~However,~~ The department is authorized to make a reasonable attempt to ascertain the historical value to collectors of any firearm that has been delivered to the department. Any firearm appearing to have historical value to collectors may be sold by the department pursuant to s. 717.122 to a person having a federal firearms license. Any firearm which is not sold pursuant to s. 717.122 shall be delivered by the department to a law enforcement agency in this state for proper handling or disposal. In accordance with ~~pursuant to~~ s. 705.103(2)(b), if the firearm is sold by the law enforcement agency, ~~with~~ the balance of the proceeds shall be deposited into the State School Fund ~~if the firearm is sold~~. The department shall not be administratively, civilly, or criminally liable for any firearm delivered by the department to a law enforcement agency in this state for disposal.

(c) If such property is not paid or delivered to the department on or before the applicable payment or delivery date, the holder shall pay to the department a penalty for each safe-deposit box shipment received late. The penalty shall be $100 for a safe-deposit box shipment container that is late 30 days or less. Thereafter, the penalty shall be $500 for a safe-deposit box shipment container that is late for each additional successive 30-day period. The penalty assessed against a holder for a late safe-deposit box shipment container shall not exceed $4,000 annually. The penalty shall be remitted to the department within 30 days after the date of the notification to the holder

that the penalty is due and owing.

(d) The department may waive any penalty due with appropriate justification, as provided by rule.

(e) If a will or trust instrument is included among the contents of an abandoned ~~a~~ safe-deposit box or other safekeeping repository delivered to the department, the department must provide a copy of the will, trust, and any codicils or amendments to such will or trust instrument, upon request, to anyone who provides the department with a certified copy of the death certificate ~~evidence of the death~~ of the testator or settlor.

(7) Any holder may request an extension in writing of up to 60 days for the delivery of property if extenuating circumstances exist for the late delivery of the property. Any such extension the department may grant shall be in writing.

(8) A holder may not assign or otherwise transfer its obligation to report, pay, or deliver property or to comply with the provisions of this chapter, other than to a parent, subsidiary, or affiliate of the holder.

(a) Unless otherwise agreed to by the parties to a transaction, the holder's successor by merger or consolidation, or any person or entity that acquires all or substantially all of the holder's capital stock or assets, is responsible for fulfilling the holder's obligation to report, pay, or deliver property or to comply with the duties of this chapter regarding the transfer of property owed to the holder's successor and being held for an owner resulting from the merger, consolidation, or acquisition.

(b) This subsection does not prohibit a holder from

contracting with a third party for the reporting of abandoned ~~unclaimed~~ property, but the holder remains responsible to the department for the complete, accurate, and timely reporting of the property.

Section 52. Subsections (1), (2), and (4) of section 717.1201, Florida Statutes, are amended to read:

717.1201 Custody by state; holder liability; reimbursement of holder paying claim; reclaiming for owner; payment of safe-deposit box or repository charges.—

(1) Upon the good faith payment or delivery of abandoned ~~unclaimed~~ property to the department, the state assumes custody and responsibility for the safekeeping of the property. Any person who pays or delivers abandoned ~~unclaimed~~ property to the department in good faith is relieved of all liability to the extent of the value of the property paid or delivered for any claim then existing or which thereafter may arise or be made with ~~in~~ respect to the property.

(a) A holder's substantial compliance with the due diligence provisions in s. 717.117 ~~s. 717.117(6)~~ and good faith payment or delivery of abandoned ~~unclaimed~~ property to the department releases the holder from liability that may arise from such payment or delivery, and such delivery and payment may be pleaded as a defense in any suit or action brought by reason of such delivery or payment. This section does not relieve a fiduciary of his or her duties under the Florida Trust Code or Florida Probate Code.

(b) If the holder pays or delivers property to the department in good faith and thereafter any other person claims the property from the holder paying or delivering, or another

state claims the money or property under that state's laws relating to escheat or abandoned or unclaimed property, the department, upon written notice of the claim, shall defend the holder against the claim and indemnify the holder against any liability on the claim, except that a holder may not be indemnified against penalties imposed by another state.

(2) For the purposes of this section, a payment or delivery of abandoned ~~unclaimed~~ property is made in good faith if:

(a) The payment or delivery was made in conjunction with an accurate and acceptable report.

(b) The payment or delivery was made in a reasonable attempt to comply with this chapter and other applicable general law.

(c) The holder had a reasonable basis for believing, based on the facts then known, that the property was abandoned ~~unclaimed~~ and subject to this chapter.

(d) There is no showing that the records pursuant to which the delivery was made did not meet reasonable commercial standards of practice in the industry.

(4) Any holder who has delivered property, including a certificate of any interest in a business association, other than money to the department pursuant to this chapter may reclaim the property if still in the possession of the department, without payment of any fee or other charges, upon filing proof that the person entitled to the property ~~owner~~ has claimed it ~~the property~~ from the holder.

Section 53. Section 717.122, Florida Statutes, is amended to read:

717.122 Public sale of abandoned ~~unclaimed~~ property.—

(1) Except as provided in paragraph (2)(a), the department after the receipt of abandoned ~~unclaimed~~ property shall sell it to the highest bidder at public sale on the Internet or at a specified physical location wherever in the judgment of the department the most favorable market for the property involved exists. The department may decline the highest bid and reoffer the property for sale if in the judgment of the department the bid is insufficient. The department shall have the discretion to withhold from sale any abandoned ~~unclaimed~~ property that the department deems to be of benefit to the people of the state. If in the judgment of the department the probable cost of sale exceeds the value of the property, it need not be offered for sale and may be disposed of as the department determines appropriate. Any sale at a specified physical location held under this section must be preceded by a single publication of notice, at least 3 weeks in advance of sale, in a newspaper of general circulation in the county in which the property is to be sold. The department shall proportionately deduct auction fees, preparation costs, and expenses from the amount posted to an ~~the owner's~~ account for an abandoned ~~when~~ safe-deposit box when the contents are sold. No action or proceeding may be maintained against the department for or on account of any decision to decline the highest bid or withhold any abandoned ~~unclaimed~~ property from sale.

(2)(a) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the department deems advisable. The department may authorize the

agent or broker acting on behalf of the department to deduct fees from the proceeds of these sales at a rate agreed upon in advance by the agent or broker and the department. The department shall reimburse owners' accounts for these brokerage fees from the State School Fund unless the securities are sold at the owner's request.

(b) Unless the department deems it to be in the public interest to do otherwise, all abandoned securities ~~presumed unclaimed and~~ delivered to the department may be sold upon receipt. Any person making a claim pursuant to this chapter is entitled to receive either the securities delivered to the department by the holder, if they still remain in the hands of the department, or the proceeds received from sale, but no person has any claim under this chapter against the state, the holder, any transfer agent, any registrar, or any other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the state.

(c) Certificates for abandoned ~~unclaimed~~ stock or other equity interest of business associations that cannot be canceled and registered in the department's name or that cannot be readily liquidated and converted into the currency of the United States may be sold for the value of the certificate, if any, in accordance with subsection (1) or may be destroyed in accordance with s. 717.128.

(3) The purchaser of property at any sale conducted by the department pursuant to this chapter is entitled to ownership of the property purchased free from all claims of the owner or previous holder thereof and of all persons claiming through or

under them. The department shall execute all documents necessary to complete the transfer of ownership.

(4) The sale of abandoned ~~unclaimed~~ tangible personal property is not subject to tax under chapter 212 when such property is sold by or on behalf of the department pursuant to this section.

Section 54. Section 717.123, Florida Statutes, is amended to read:

717.123 Deposit of funds.—

(1) All funds received under this chapter, including the proceeds from the sale of abandoned ~~unclaimed~~ property under s. 717.122, shall immediately ~~forthwith~~ be deposited by the department in the Abandoned ~~Unclaimed~~ Property Trust Fund. The department shall retain, from funds received under this chapter, an amount not exceeding $15 million from which the department shall make prompt payment of claims allowed by the department and shall pay the costs incurred by the department in administering and enforcing this chapter. All remaining funds received by the department under this chapter shall be deposited by the department into the State School Fund.

(2) The department shall record the name and last known address of each person appearing from the holder's reports to be entitled to the abandoned ~~unclaimed~~ property in the total amounts of $5 or greater; the name and the last known address of each insured person or annuitant; and with respect to each policy or contract listed in the report of an insurance corporation, its number, the name of the corporation, and the amount due.

Section 55. Section 717.1235, Florida Statutes, is amended

to read:

717.1235 Dormant campaign accounts~~; report of unclaimed property~~.—Abandoned ~~Unclaimed~~ funds reported in the name of a campaign for public office, for any campaign that must dispose of surplus funds in its campaign account pursuant to s. 106.141, after being reported to the department, shall be deposited with the Chief Financial Officer to the credit of the State School Fund.

Section 56. Section 717.124, Florida Statutes, is amended to read:

717.124 Abandoned ~~Unclaimed~~ property claims.—

(1) Any person, excluding another state, claiming an interest in any property paid or delivered to the department under this chapter may file with the department a claim on a form prescribed by the department and verified by the claimant or the claimant ~~claimant's~~ representative. ~~The claimant's representative must be an attorney licensed to practice law in this state, a licensed Florida-certified public accountant, or a private investigator licensed under chapter 493.~~ The claimant ~~claimant's~~ representative must be registered with the department under this chapter. The claimant, or the claimant ~~claimant's~~ representative, shall provide the department with a legible copy of a valid driver license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver license at the time the original claim form is filed, the department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or

other evidence deemed acceptable by the department by rule. In lieu of photographic identification, a notarized sworn statement by the claimant may be provided which affirms the claimant's identity and states the claimant's full name and address. The claimant must produce to the notary photographic identification of the claimant issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

(a) Within 90 days after receipt of a claim, the department may return any claim that provides for the receipt of fees and costs greater than that permitted under this chapter or that contains any apparent errors or omissions. The department may also request that the claimant or the claimant ~~claimant's~~ representative provide additional information. The department shall retain a copy or electronic image of the claim.

(b) A claim is considered to have been withdrawn by a claimant or the claimant ~~claimant's~~ representative if the department does not receive a response to its request for additional information within 60 days after the notification of any apparent errors or omissions.

(c) Within 90 days after receipt of the claim, or the response of the claimant or the claimant ~~claimant's~~ representative to the department's request for additional

information, whichever is later, the department shall determine each claim. Such determination shall contain a notice of rights provided by ss. 120.569 and 120.57. The 90-day period shall be extended by 60 days if the department has good cause to need additional time or if the abandoned ~~unclaimed~~ property:

1. Is owned by a person who has been a debtor in bankruptcy;

2. Was reported with an address outside of the United States;

3. Is being claimed by a person outside of the United States; or

4. Contains documents filed in support of the claim that are not in the English language and have not been accompanied by an English language translation.

(2) A claim for a cashier's check or a stock certificate without the original instrument may require an indemnity bond equal to the value of the claim to be provided prior to issue of the stock or payment of the claim by the department.

(3) The department may require an affidavit swearing to the authenticity of the claim, lack of documentation, and an agreement to allow the department to provide the name and address of the claimant to subsequent claimants coming forward with substantiated proof to claim the account. This shall apply to claims equal to or less than $250. The exclusive remedy of a subsequent claimant to the property shall be against the person who received the property from the department.

(4)(a) Except as otherwise provided in this chapter, if a claim is determined in favor of the claimant, the department shall deliver or pay over to the claimant the property or the

amount the department actually received or the proceeds if it has been sold by the department, together with any additional amount required by s. 717.121.

(b) If a claimant ~~an owner~~ authorizes a claimant representative ~~an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, and~~ registered with the department under this chapter, to claim the abandoned ~~unclaimed~~ property on the claimant's ~~owner's~~ behalf, the department is authorized to make distribution of the property or money in accordance with the Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement under s. 717.135. The original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement must be executed by the claimant or seller and must be filed with the department.

(c)1. Payments of approved claims for unclaimed cash accounts must be made to the owner after deducting any fees and costs authorized by the claimant under an Abandoned ~~Unclaimed~~ Property Recovery Agreement. The contents of a safe-deposit box or shares of securities must be delivered directly to the claimant.

2. Payments of fees and costs authorized under an Abandoned ~~Unclaimed~~ Property Recovery Agreement for approved claims must be made or issued to the law firm of the designated attorney licensed to practice law in this state, the public accountancy firm of the licensed Florida-certified public accountant, or the designated employing private investigative agency licensed by this state. Such payments shall be made by electronic funds

transfer and may be made on such periodic schedule as the department may define by rule, provided the payment intervals do not exceed 31 days. Payment made to an attorney licensed in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493, operating individually or as a sole practitioner, must be to the attorney, certified public accountant, or private investigator.

(5) The department shall not be administratively, civilly, or criminally liable for any property or funds distributed pursuant to this section, provided such distribution is made in good faith.

(6) This section does not supersede the licensing requirements of chapter 493.

(7) The department may allow an apparent owner to electronically submit a claim for abandoned ~~unclaimed~~ property to the department. If a claim is submitted electronically for $2,000 or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process by which an account valued at $2,000 or less, after being received by the department and added to the abandoned ~~unclaimed~~ property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and that the apparent owner's current address is correct. The department shall include with

the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement. The department shall adopt rules to implement this subsection.

(9)(a) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process by which an account, after being received by the department and added to the abandoned ~~unclaimed~~ property database, for which the apparent owner entity is:

1. A state agency in this state or a subdivision or successor agency thereof;

2. A county government in this state or a subdivision thereof;

3. A public school district in this state or a subdivision thereof;

4. A municipality in this state or a subdivision thereof; or

5. A special taxing district or authority in this state,

may be disbursed to the apparent owner entity or successor entity. The department shall include with the payment a notification and explanation of the dollar amount, the source, and the property type of each account included in the disbursement.

(b) The department may adopt rules to implement this subsection.

(10) Notwithstanding any other provision of this chapter, the department may develop a process by which a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ may

electronically submit to the department an electronic image of a completed claim and claims-related documents under this chapter, including an Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement that has been signed and dated by a claimant or seller under s. 717.135, after the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ receives the original documents provided by the claimant or the seller for any claim. Each claim filed by a claimant ~~claimant's~~ representative ~~or a buyer of unclaimed property~~ must include a statement by the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~. All original documents must be kept in the original form, by claim number, under the secure control of the claimant ~~claimant's~~ representative ~~or the buyer of unclaimed property~~ and must be available for inspection by the department in accordance with s. 717.1315. The department may adopt rules to implement this subsection.

(11) This section applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 57. Section 717.12403, Florida Statutes, is amended to read:

717.12403 Abandoned ~~Unclaimed~~ demand, savings, or checking account in a financial institution held in the name of more than one person.—

(1)(a) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account in the name of two or more persons who are not beneficiaries, it is presumed that each person must claim the account in order for the claim to be approved by the department. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "or" account.

(b) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "and" account and one of the persons on the account is deceased, it is presumed that the account is a survivorship account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account is not a survivorship account.

(2) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported as an "or" account in the name of two or more persons who are not beneficiaries, it is presumed that either person listed on the account may claim the entire amount held in the account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(3) If an abandoned ~~unclaimed~~ demand, savings, or checking account in a financial institution is reported in the name of

two or more persons who are not beneficiaries without identifying whether the account is an "and" account or an "or" account, it is presumed that the account is an "or" account. This presumption may be rebutted by showing that entitlement to the account has been transferred to another person or by clear and convincing evidence demonstrating that the account should have been reported by the financial institution as an "and" account.

(4) The department shall be deemed to have made a distribution in good faith if the department remits funds consistent with this section.

Section 58. Subsection (2) of section 717.12404, Florida Statutes, is amended to read:

717.12404 Claims on behalf of a business entity or trust.—

(2) Claims on behalf of an active or ~~a~~ dissolved corporation, a business entity ~~other than an active corporation~~, or a trust must include a legible copy of a valid driver license of the person acting on behalf of the ~~dissolved~~ corporation, business entity ~~other than an active corporation~~, or trust. If the person has not been issued a valid driver license, the department shall be provided with a legible copy of a photographic identification of the person issued by the United States, a foreign nation, or a political subdivision or agency thereof. In lieu of photographic identification, a notarized sworn statement by the person may be provided which affirms the person's identity and states the person's full name and address. The person must produce his or her photographic identification issued by the United States, a state or territory of the United States, a foreign nation, or a political subdivision or agency

thereof or other evidence deemed acceptable by the department by rule. The notary shall indicate the notary's full address on the notarized sworn statement. Any claim filed without the required identification or the sworn statement with the original claim form and the original Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement, if applicable, is void.

Section 59. Section 717.12405, Florida Statutes, is amended to read:

717.12405 Claims by estates.—An estate or any person representing an estate or acting on behalf of an estate may claim abandoned ~~unclaimed~~ property only after the heir or legatee of the decedent entitled to the property has been located. Any estate, or any person representing an estate or acting on behalf of an estate, that receives abandoned ~~unclaimed~~ property before the heir or legatee of the decedent entitled to the property has been located, is personally liable for the abandoned ~~unclaimed~~ property and must immediately return the full amount of the abandoned ~~unclaimed~~ property or the value thereof to the department in accordance with s. 717.1341.

Section 60. Section 717.12406, Florida Statutes, is amended to read:

717.12406 Joint ownership of abandoned ~~unclaimed~~ securities or dividends.—For the purpose of determining joint ownership of abandoned ~~unclaimed~~ securities or dividends, the term:

(1) "TEN COM" means tenants in common.

(2) "TEN ENT" means tenants by the entireties.

(3) "JT TEN" or "JT" means joint tenants with the right of survivorship and not as tenants in common.

(4) "And" means tenants in common with each person entitled to an equal pro rata share.

(5) "Or" means that each person listed on the account is entitled to all of the funds.

Section 61. Section 717.1241, Florida Statutes, is amended to read:

717.1241 Conflicting claims.—

(1) For purposes of this section, the term "conflicting claim" means two or more claims received by the department for the same abandoned property account or accounts in which two or more claimants appear to be equally entitled to the property. The term also includes circumstances in which the same claimant has more than one claim pending for the same property, including when the claimant is represented by more than one claimant representative or submits both a personal claim and a claim through a representative.

(2) When conflicting claims have been received by the department for the same abandoned ~~unclaimed~~ property account or accounts, the property shall be remitted in accordance with the claim filed by the person as follows, notwithstanding the withdrawal of a claim:

(a) To the person submitting the first claim received by the ~~Division of Unclaimed Property of the~~ department that is complete or made complete.

(b) If a claimant's claim and a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and both claims are complete, to the claimant.

(c) If a buyer's claim or a purchasing claimant

representative's claim and a claimant's claim or a claimant ~~claimant's~~ representative's claim for the recovery of property are received by the ~~Division of Unclaimed Property of the~~ department on the same day and the claims are complete, to the buyer.

(d) As between two or more claimant representatives' ~~claimant's representative's~~ claims received by the ~~Division of Unclaimed Property of~~ the department that are complete or made complete on the same day, to the claimant ~~claimant's~~ representative who has agreed to receive the lowest fee. If the two or more claimant ~~claimant's~~ representatives whose claims received by ~~the Division of Unclaimed Property of~~ the department were complete or made complete on the same day are charging the same ~~lowest~~ fee, the fee shall be divided equally between the claimant ~~claimant's~~ representatives.

(e) If more than one buyer's claim received by the ~~Division of Unclaimed Property of the~~ department is complete or made complete on the same day, the department shall remit the abandoned ~~unclaimed~~ property to the buyer who paid the highest amount to the seller. If the buyers paid the same amount to the seller, the department shall remit the abandoned ~~unclaimed~~ property to the buyers divided in equal amounts.

(3)~~(2)~~ The purpose of this section is solely to provide guidance to the department regarding to whom it should remit the abandoned ~~unclaimed~~ property and is not intended to extinguish or affect any private cause of action that any person may have against another person for breach of contract or other statutory or common-law remedy. A buyer's sole remedy, if any, shall be against the claimant ~~claimant's~~ representative or the seller, or

both. A claimant ~~claimant's~~ representative's sole remedy, if any, shall be against the buyer or the seller, or both. A claimant's or seller's sole remedy, if any, shall be against the buyer or the claimant ~~claimant's~~ representative, or both. Nothing in this section forecloses the right of a person to challenge the department's determination of completeness in a proceeding under ss. 120.569 and 120.57.

(4)~~(3)~~ A claim is complete when entitlement to the abandoned ~~unclaimed~~ property has been established.

Section 62. Subsection (1) of section 717.1242, Florida Statutes, is amended to read:

717.1242 Restatement of jurisdiction of the circuit court sitting in probate and the department.—

(1) It is and has been the intent of the Legislature that, pursuant to s. 26.012(2)(b), circuit courts have jurisdiction of proceedings relating to the settlement of the estates of decedents and other jurisdiction usually pertaining to courts of probate. It is and has been the intent of the Legislature that, pursuant to this chapter, the department determines the merits of claims and entitlement to abandoned ~~unclaimed~~ property paid or delivered to the department under this chapter. Consistent with this legislative intent, any beneficiary, devisee, heir, personal representative, or other interested person, as those terms are defined in the Florida Probate Code and the Florida Trust Code, of an estate seeking to obtain property paid or delivered to the department under this chapter must file a claim with the department as provided in s. 717.124.

Section 63. Subsections (1) and (4) of section 717.1243, Florida Statutes, are amended to read:

717.1243 Small estate accounts.—

(1) A claim for abandoned ~~unclaimed~~ property made by a beneficiary, as defined in s. 731.201, of a deceased owner need not be accompanied by an order of a probate court if the claimant files with the department an affidavit, signed by all beneficiaries, stating that all the beneficiaries have amicably agreed among themselves upon a division of the estate and that all funeral expenses, expenses of the last illness, and any other lawful claims have been paid, and any additional information reasonably necessary to make a determination of entitlement. If the owner died testate, the claim shall be accompanied by a copy of the will.

(4) This section applies only if all of the abandoned ~~unclaimed~~ property held by the department on behalf of the owner has an aggregate value of $20,000 or less and no probate proceeding is pending.

Section 64. Section 717.1244, Florida Statutes, is amended to read:

717.1244 Determinations of abandoned ~~unclaimed~~ property claims.—In rendering a determination regarding the merits of an abandoned ~~unclaimed~~ property claim, the department shall rely on the applicable statutory, regulatory, common, and case law. Agency statements applying the statutory, regulatory, common, and case law to abandoned ~~unclaimed~~ property claims are not agency statements subject to s. 120.56(4).

Section 65. Section 717.1245, Florida Statutes, is amended to read:

717.1245 Garnishment of abandoned ~~unclaimed~~ property.—If any person files a petition for writ of garnishment seeking to

obtain property paid or delivered to the department under this chapter, the petitioner shall be ordered to pay the department reasonable costs and attorney ~~attorney's~~ fees in any proceeding brought by the department to oppose, appeal, or collaterally attack the petition or writ if the department is the prevailing party in any such proceeding.

Section 66. Subsection (1) of section 717.125, Florida Statutes, is amended to read:

717.125 Claim of another state to recover property; procedure.—

(1) At any time after property has been paid or delivered to the department under this chapter, another state may recover the property if:

(a) The property was subjected to custody by this state because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned ~~unclaimed~~ under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment or being unclaimed by that state;

(b) The last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state;

(c) The records of the holder were erroneous in that they did not accurately reflect the actual owner of the property and

the last known address of the actual owner is in the other state and under laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(d) The property was subject to custody by this state under s. 717.103(6) and under the laws of the state of domicile of the holder the property has escheated to or become subject to a claim of abandonment by that state; or

(e) The property is the sum payable on a traveler's check, money order, or other similar instrument that was subjected to custody by this state under s. 717.104, and the instrument was purchased in the other state, and under the laws of that state the property escheated to or became subject to a claim of abandonment by that state.

Section 67. Subsection (1) of section 717.126, Florida Statutes, is amended to read:

717.126 Administrative hearing; burden of proof; proof of entitlement; venue.—

(1) Any person aggrieved by a decision of the department may petition for a hearing as provided in ss. 120.569 and 120.57. In any proceeding for determination of a claim to property paid or delivered to the department under this chapter, the burden shall be upon the claimant to establish entitlement to the property by a preponderance of evidence. Having the same name as that reported to the department is not sufficient, in the absence of other evidence, to prove entitlement to abandoned ~~unclaimed~~ property.

Section 68. Section 717.1261, Florida Statutes, is amended to read:

717.1261 Death certificates.—Any person who claims

entitlement to abandoned ~~unclaimed~~ property by means of the death of one or more persons shall file a copy of the death certificate of the decedent or decedents that has been certified as being authentic by the issuing governmental agency.

Section 69. Section 717.1262, Florida Statutes, is amended to read:

717.1262 Court documents.—Any person who claims entitlement to abandoned ~~unclaimed~~ property by reason of a court document shall file a certified copy of the court document with the department. A certified copy of each pleading filed with the court to obtain a court document establishing entitlement, filed within 180 days before the date the claim form was signed by the claimant or claimant ~~claimant's~~ representative, must also be filed with the department.

Section 70. Section 717.129, Florida Statutes, is amended to read:

717.129 Periods of limitation.—

(1) The expiration before or after July 1, 1987, of any period of time specified by contract, statute, or court order, during which a claim for money or property may be made or during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or to recover property, does not prevent the money or property from being presumed abandoned ~~unclaimed~~ or affect any duty to file a report or to pay or deliver abandoned ~~unclaimed~~ property to the department as required by this chapter.

(2) The department may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property or any other duty of a holder under this

chapter more than 10 years after the duty arose. The period of limitation established under this subsection is tolled by the earlier of the department's or audit agent's delivery of a notice that a holder is subject to an audit or examination under s. 717.1301 or the holder's written election to enter into an abandoned ~~unclaimed~~ property voluntary disclosure agreement.

Section 71. Subsections (3) and (4) of section 717.1301, Florida Statutes, are amended to read:

717.1301 Investigations; examinations; subpoenas.—

(3) The department may authorize a compliance review of a report for a specified reporting year. The review must be limited to the contents of the report filed, as required by s. 717.117 and subsection (2), and all supporting documents related to the reports. If the review results in a finding of a deficiency in abandoned ~~unclaimed~~ property due and payable to the department, the department shall notify the holder in writing of the amount of deficiency within 1 year after the authorization of the compliance review. If the holder fails to pay the deficiency within 90 days, the department may seek to enforce the assessment under subsection (1). The department is not required to conduct a review under this section before initiating an audit.

(4) Notwithstanding any other provision of law, in a contract providing for the location or collection of abandoned ~~unclaimed~~ property, the department may authorize the contractor to deduct its fees and expenses for services provided under the contract from the abandoned ~~unclaimed~~ property that the contractor has recovered or collected under the contract. The department shall annually report to the Chief Financial Officer

the total amount collected or recovered by each contractor during the previous fiscal year and the total fees and expenses deducted by each contractor.

Section 72. Section 717.1315, Florida Statutes, is amended to read:

717.1315 Retention of records by claimant ~~claimant's~~ representatives and buyers of abandoned ~~unclaimed~~ property.—

(1) Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall keep and use in his or her business such books, accounts, and records of the business conducted under this chapter to enable the department to determine whether such person is complying with this chapter and the rules adopted by the department under this chapter. Every claimant ~~claimant's~~ representative and buyer of abandoned ~~unclaimed~~ property shall preserve such books, accounts, and records, including every Abandoned ~~Unclaimed~~ Property Recovery Agreement or Abandoned ~~Unclaimed~~ Property Purchase Agreement between the owner and such claimant ~~claimant's~~ representative or buyer, for at least 3 years after the date of the initial agreement.

(2) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, operating at two or more places of business in this state, may maintain the books, accounts, and records of all such offices at any one of such offices, or at any other office maintained by such claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property, upon the filing of a written notice with the department designating in the written notice the office at which such records are maintained.

(3) A claimant ~~claimant's~~ representative or buyer of abandoned ~~unclaimed~~ property shall make all books, accounts, and records available at a convenient location in this state upon request of the department.

Section 73. Subsections (2) and (3) of section 717.132, Florida Statutes, are amended to read:

717.132 Enforcement; cease and desist orders; fines.—

(2) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department may issue and serve upon a person an order to cease and desist and to take corrective action whenever the department finds that such person is violating, has violated, or is about to violate any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department. For purposes of this subsection, the term "corrective action" includes refunding excessive charges, requiring a person to return abandoned ~~unclaimed~~ property, requiring a holder to remit abandoned ~~unclaimed~~ property, and requiring a holder to correct a report that contains errors or omissions. Any such order shall contain a notice of rights provided by ss. 120.569 and 120.57.

(3) In addition to any other powers conferred upon it to enforce and administer the provisions of this chapter, the department or a court of competent jurisdiction may impose fines against any person found to have violated any provision of this chapter, any rule or order promulgated under this chapter, or any written agreement entered into with the department in an amount not to exceed $2,000 for each violation. All fines collected under this subsection shall be deposited as received

in the Abandoned ~~Unclaimed~~ Property Trust Fund.

Section 74. Paragraphs (c), (d), and (j) of subsection (1), subsections (2) and (3), paragraph (b) of subsection (4), and subsection (5) of section 717.1322, Florida Statutes, are amended to read:

717.1322 Administrative and civil enforcement.—

(1) The following acts are violations of this chapter and constitute grounds for an administrative enforcement action by the department in accordance with the requirements of chapter 120 and for civil enforcement by the department in a court of competent jurisdiction:

(c) ~~Fraudulent~~ Misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to the department or to an owner or apparent owner under this chapter~~, regardless of reliance by or damage to the owner or apparent owner~~.

(d) ~~Willful~~ Imposition of illegal or excessive charges in any abandoned ~~unclaimed~~ property transaction.

(j) Requesting or receiving compensation for notifying a person of his or her abandoned ~~unclaimed~~ property or assisting another person in filing a claim for abandoned ~~unclaimed~~ property, ~~unless the person is an attorney licensed to practice law in this state, a Florida-certified public accountant, or a private investigator licensed under chapter 493,~~ or entering into, or making a solicitation to enter into, an agreement to file a claim for abandoned ~~unclaimed~~ property owned by another, unless such person is a registered claimant representative ~~registered with the department~~ under this chapter ~~and an attorney licensed to practice law in this state in the regular~~

~~practice of her or his profession, a Florida-certified public accountant who is acting within the scope of the practice of public accounting as defined in chapter 473, or a private investigator licensed under chapter 493~~. This paragraph does not apply to a person who has been granted a durable power of attorney to convey and receive all of the real and personal property of the owner, is the court-appointed guardian of the owner, has been employed as an attorney or qualified representative to contest the department's denial of a claim, or has been employed as an attorney to probate the estate of the owner or an heir or legatee of the owner.

(2) Upon a finding by the department that any person has committed any of the acts set forth in subsection (1), the department may enter an order doing any of the following:

(a) Revoking for a minimum of 5 years or suspending for a maximum of 5 years a registration previously granted under this chapter during which time the registrant may not reapply for a registration under this chapter.~~;~~

(b) Placing a claimant representative ~~registrant~~ or an applicant for a registration on probation for a period of time and subject to such conditions as the department may specify.~~;~~

(c) Placing permanent restrictions or conditions upon issuance or maintenance of a registration under this chapter.~~;~~

(d) Issuing a reprimand.~~;~~

(e) Imposing an administrative fine not to exceed $2,000 for each such act.~~; or~~

(f) Prohibiting any person from being a director, officer, agent, employee, or ultimate equitable owner of a 10 percent ~~10 percent~~ or greater interest in an employer of a claimant

representative ~~registrant~~.

(3) A claimant ~~claimant's~~ representative is subject to civil enforcement and the disciplinary actions specified in subsection (2) for violations of subsection (1) by an agent or employee of the claimant representative's ~~registrant's~~ employer if the claimant ~~claimant's~~ representative knew or should have known that such agent or employee was violating any provision of this chapter.

(4)

(b) The disciplinary guidelines shall specify a meaningful range of designated penalties based upon the severity or repetition of specific offenses, or both. It is the legislative intent that minor violations be distinguished from more serious violations; that such guidelines consider the amount of the claim involved, the complexity of locating the owner, the steps taken to ensure the accuracy of the claim by the person filing the claim, the acts of commission and omission of the claimant ~~ultimate owners~~ in establishing themselves as rightful owners of the funds, the acts of commission or omission of the agent or employee of a claimant representative or its ~~an~~ employer in the filing of the claim, the actual knowledge of the agent, employee, employer, or owner in the filing of the claim, the departure, if any, by the agent or employee from the internal controls and procedures established by the claimant representative or its employer with regard to the filing of a claim, the number of defective claims previously filed by the agent, employee, employer, or owner; that such guidelines provide reasonable and meaningful notice of likely penalties that may be imposed for proscribed conduct; and that such

penalties be consistently applied by the department.

(5) The department may seek any appropriate civil legal remedy available to it by filing a civil action in a court of competent jurisdiction against any person who has, directly or through a claimant ~~claimant's~~ representative, wrongfully submitted a claim as the ~~ultimate~~ owner of property and improperly received funds from the department in violation of this chapter.

Section 75. Subsections (1) and (3) of section 717.133, Florida Statutes, are amended to read:

717.133 Interstate agreements and cooperation; joint and reciprocal actions with other states.—

(1) The department may enter into agreements with other states to exchange information needed to enable this or another state to audit or otherwise determine abandoned ~~unclaimed~~ property that it or another state may be entitled to subject to a claim of custody. The department may require the reporting of information needed to enable compliance with agreements made pursuant to this section and prescribe the form.

(3) At the request of another state, the department may bring an action in the name of the other state in any court of competent jurisdiction to enforce the abandoned ~~unclaimed~~ property laws of the other state against a holder in this state of property subject to escheat or a claim of abandonment by the other state, if the other state has agreed to pay expenses incurred in bringing the action.

Section 76. Subsection (2) of section 717.1333, Florida Statutes, is amended to read:

717.1333 Evidence; estimations; audit reports and

worksheets, investigator reports and worksheets, other related documents.—

(2) If the records of the holder that are available for the periods subject to this chapter are insufficient to permit the preparation of a report of the abandoned ~~unclaimed~~ property due and owing by a holder, or if the holder fails to provide records after being requested to do so, the amount due to the department may be reasonably estimated.

Section 77. Paragraph (a) of subsection (1) and subsections (2) and (4) of section 717.1341, Florida Statutes, are amended to read:

717.1341 Invalid claims, recovery of property, interest and penalties.—

(1)(a) A ~~No~~ person may not ~~shall~~ receive abandoned ~~unclaimed~~ property that the person is not entitled to receive. Any person who receives, or assists another person to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive is strictly, jointly, personally, and severally liable for the abandoned ~~unclaimed~~ property and shall immediately return the property, or the reasonable value of the property if the property has been damaged or disposed of, to the department plus interest at the rate set in accordance with s. 55.03(1). Assisting another person to receive abandoned ~~unclaimed~~ property includes executing a claim form on the person's behalf.

(2) The department may maintain a civil or administrative action:

(a) To recover abandoned ~~unclaimed~~ property that was paid or remitted to a person who was not entitled to the abandoned ~~unclaimed~~ property or to offset amounts owed to the department

against amounts owed to an owner representative;

(b) Against a person who assists another person in receiving, or attempting to receive, abandoned ~~unclaimed~~ property that the person is not entitled to receive; or

(c) Against a person who attempts to receive abandoned ~~unclaimed~~ property that the person is not entitled to receive.

(4) A ~~No~~ person may not ~~shall~~ knowingly file, knowingly conspire to file, or knowingly assist in filing~~,~~ a claim for abandoned ~~unclaimed~~ property the person is not entitled to receive. Any person who violates this subsection regarding abandoned ~~unclaimed~~ property of an aggregate value:

(a) Greater than $50,000, commits ~~is guilty of~~ a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(b) Greater than $10,000 up to $50,000, commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(c) Greater than $250 up to $10,000, commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084;

(d) Greater than $50 up to $250, commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; or

(e) Up to $50, commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 78. Section 717.135, Florida Statutes, is amended to read:

717.135 Recovery agreements and purchase agreements for

claims filed by a claimant ~~claimant's~~ representative; fees and costs or total net gain.—

(1) In order to protect the interests of owners of abandoned ~~unclaimed~~ property, the department shall adopt by rule a form entitled "Abandoned ~~Unclaimed~~ Property Recovery Agreement" and a form entitled "Abandoned ~~Unclaimed~~ Property Purchase Agreement."

(2) The Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must include and disclose all of the following:

(a) The total dollar amount of abandoned ~~unclaimed~~ property accounts claimed or sold.

(b) The total percentage of all authorized fees and costs to be paid to the claimant ~~claimant's~~ representative or the percentage of the value of the property to be paid as net gain to the purchasing claimant ~~claimant's~~ representative.

(c) The total dollar amount to be deducted and received from the claimant as fees and costs by the claimant ~~claimant's~~ representative or the total net dollar amount to be received by the purchasing claimant ~~claimant's~~ representative.

(d) The net dollar amount to be received by the claimant or the seller.

(e) For each account claimed, the abandoned ~~unclaimed~~ property account number.

(f) For the Abandoned ~~Unclaimed~~ Property Purchase Agreement, a statement that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The name, address, e-mail address, phone number, and

license number of the claimant ~~claimant's~~ representative.

(h)1. The manual signature of the claimant or seller and the date signed, affixed on the agreement by the claimant or seller.

2. Notwithstanding any other provision of this chapter to the contrary, the department may allow ~~an apparent owner, who is also~~ the claimant or seller~~,~~ to sign the agreement electronically. All electronic signatures on the Abandoned ~~Unclaimed~~ Property Recovery Agreement and the Abandoned ~~Unclaimed~~ Property Purchase Agreement must be affixed on the agreement by the claimant or seller using the specific, exclusive eSignature product and protocol authorized by the department.

(i) The social security number or taxpayer identification number of the claimant or seller, if a number has been issued to the claimant or seller.

(j) The total fees and costs, or the total discount in the case of a purchase agreement, which may not exceed 30 percent of the claimed amount. In the case of a recovery agreement, if the total fees and costs exceed 30 percent, the fees and costs shall be reduced to 30 percent and the net balance shall be remitted directly by the department to the claimant. In the case of a purchase agreement, if the total net gain of the claimant ~~claimant's~~ representative exceeds 30 percent, the claim will be denied.

(3) For an Abandoned ~~Unclaimed~~ Property Purchase Agreement form, proof that the purchaser has made payment must be filed with the department along with the claim. If proof of payment is not provided, the claim is void.

(4) A claimant ~~claimant's~~ representative must use the Abandoned ~~Unclaimed~~ Property Recovery Agreement or the Abandoned ~~Unclaimed~~ Property Purchase Agreement as the exclusive means of entering into an agreement or a contract with a claimant or seller to file a claim with the department.

(5) Fees and costs may be owed or paid to, or received by, a claimant ~~claimant's~~ representative only after a filed claim has been approved and if the claimant's representative used an agreement authorized by this section.

(6) A claimant ~~claimant's~~ representative may not use or distribute any other agreement of any type, conveyed by any method, with respect to the claimant or seller which relates, directly or indirectly, to abandoned ~~unclaimed~~ property accounts held by the department or the Chief Financial Officer other than the agreements authorized by this section. Any engagement, authorization, recovery, or fee agreement that is not authorized by this section is void. A claimant ~~claimant's~~ representative is subject to administrative and civil enforcement under s. 717.1322 if he or she uses an agreement that is not authorized by this section and if the agreement is used to apply, directly or indirectly, to abandoned ~~unclaimed~~ property held by this state. This subsection does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

(7) The Abandoned ~~Unclaimed~~ Property Recovery Agreement may not contain language that makes the agreement irrevocable or that creates an assignment of any portion of abandoned ~~unclaimed~~ property held by the department.

(8) When a claim is approved, the department may pay any

additional account that is owned by the claimant but has not been claimed at the time of approval, provided that a subsequent claim has not been filed or is not pending for the claimant at the time of approval.

(9) This section does not supersede s. 717.1241.

~~(10) This section does not apply to the sale and purchase of Florida-held unclaimed property accounts through a bankruptcy estate representative or other person or entity authorized pursuant to Title XI of the United States Code or an order of a bankruptcy court to act on behalf or for the benefit of the debtor, its creditors, and its bankruptcy estate.~~

Section 79. Section 717.1356, Florida Statutes, is created to read:

717.1356 Purchase of abandoned property.—

(1) Agreements for the purchase of abandoned property reported to the department shall be valid only if all of the following conditions are met:

(a) The agreement is entitled "Florida Abandoned Property Purchase Agreement" and is in writing, in minimum 12-point type.

(b) The agreement includes the social security number or taxpayer identification number of the seller, if a number has been issued to the seller; a valid e-mail address, mailing address, and telephone number for the seller; and is manually signed and dated by the seller with the signature notarized.

(c) The agreement discloses with specificity the nature and value of the abandoned property, including the name of the apparent owner as shown by the records of the department, the name of the holder who remitted the property, the date of last contact, and the property category. With respect to the value of

the abandoned property, the agreement must contain the following:

1. The total dollar amount of all abandoned property to be sold.

2. The total percentage of the value of the abandoned property to be paid as net gain to the purchaser.

3. The total net dollar amount to be received by the purchaser.

4. The net dollar amount to be received by the seller.

(d) The agreement states the abandoned property account number for each abandoned property account sold.

(e) The purchase price does not discount the total value of all abandoned property subject to the sale by more than 30 percent.

(f) The agreement states that the amount of the purchase price will be remitted to the seller by the purchaser within 30 days after the execution of the agreement by the seller.

(g) The agreement includes the name, address, e-mail address, and phone number of the purchaser.

(h) The agreement states that the abandoned property is currently in the department's custody and that the seller can claim the property directly from the department on its electronically searchable website without being charged a fee. The agreement must provide the department's website address.

(2) A seller may cancel a purchase agreement without penalty or obligation within 15 business days after the date on which the agreement was executed. The agreement must contain the following language in minimum 12-point type: "You may cancel this agreement for any reason without penalty or obligation to

you within 15 days after the date of this agreement by providing notice to . . .(name of purchaser). . ., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address or e-mail address specified in the agreement."

(3) A copy of an executed Florida Abandoned Property Purchase Agreement must be filed with the purchaser's claim, along with proof that the purchaser has made payment in full, and all other required documentation. If proof of payment is not provided, the department may not approve the claim.

(4) A purchase agreement under this section that discounts the value of abandoned property by more than the amount authorized in paragraph (1)(e) is enforceable only by the seller.

Section 80. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all abandoned ~~unclaimed~~ property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported and remitted pursuant to ss. 45.032, 732.107, 733.816, and 744.534.

Section 81. Section 717.1382, Florida Statutes, is amended to read:

717.1382 United States savings bond; abandoned ~~unclaimed~~ property; escheatment; procedure.—

(1) Notwithstanding any other provision of law, a United States savings bond in possession of the department or registered to a person with a last known address in the state, including a bond that is lost, stolen, or destroyed, is presumed abandoned ~~and unclaimed~~ 5 years after the bond reaches maturity and no longer earns interest and shall be reported and remitted to the department by the financial institution or other holder in accordance with ss. 717.117(5) and (11) ~~ss. 717.117(1) and (5)~~ and 717.119, if the department is not in possession of the bond.

(2)(a) After a United States savings bond is abandoned ~~and unclaimed~~ in accordance with subsection (1), the department may commence a civil action in a court of competent jurisdiction in Leon County for a determination that the bond shall escheat to the state. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges of survivorship of an owner, co-owner, or beneficiary, shall vest solely in the state.

(b) Service of process by publication may be made on a party in a civil action pursuant to this section. A notice of action shall state the name of any known owner of the bond, the nature of the action or proceeding in short and simple terms, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(c) The notice of action shall require a person claiming an interest in the bond to file a written defense with the clerk of the court and serve a copy of the defense by the date fixed in

the notice. The date must not be less than 28 or more than 60 days after the first publication of the notice.

(d) The notice of action shall be published once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County. Proof of publication shall be placed in the court file.

(e)1. If no person files a claim with the court for the bond and if the department has substantially complied with the provisions of this section, the court shall enter a default judgment that the bond, or proceeds from such bond, has escheated to the state.

2. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by such claimant, the court shall enter a judgment that such bonds, or proceeds from such bonds, have escheated to the state.

3. If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by such claimant, the court shall enter a judgment in favor of the claimant.

(3) The department may redeem a United States savings bond escheated to the state pursuant to this section or, in the event that the department is not in possession of the bond, seek to obtain the proceeds from such bond. Proceeds received by the department shall be deposited in accordance with s. 717.123.

Section 82. Section 717.139, Florida Statutes, is amended to read:

717.139 Uniformity of application and construction.—

(1) The Legislature finds that laws governing abandoned

property serve a vital public purpose by protecting the property rights of owners, facilitating the return abandoned property to its owners, preventing private escheatment, and ensuring that abandoned assets are preserved and safeguarded from waste or misuse. It is the public policy of the state to protect the interests of owners of abandoned ~~unclaimed~~ property. ~~It is declared to be in the best interests of owners of unclaimed property that such owners receive the full amount of any unclaimed property without any fee.~~

(2) This chapter shall be applied and construed as to effectuate its general purpose of protecting the interest of missing owners of abandoned property, while providing that the benefit of all ~~unclaimed and~~ abandoned property shall go to all the people of the state, and to make uniform the law with respect to the subject of this chapter among states enacting it. It is the intent of the Legislature that property reported under this chapter remains the property of the owner and that the State of Florida acts solely as a custodian, not as the owner, of such property. Title to abandoned property may not transfer to the state except as expressly provided by law and only after all reasonable efforts to identify and return the property to its rightful owner have been exhausted.

Section 83. Section 717.1400, Florida Statutes, is amended to read:

717.1400 Registration.—

(1) In order to file claims as a claimant ~~claimant's~~ representative, receive a distribution of fees and costs for approved claims from the department, and obtain information regarding abandoned ~~unclaimed~~ property dollar amounts and

numbers of reported shares of stock held by the department, an individual must meet all of the following requirements:

(a) Be one of the following:

1. A Florida-licensed private investigator holding a Class "C" individual license under chapter 493;

2. A Florida-certified public account; or

3. A Florida-licensed attorney.

(b) Have obtained a certificate of registration from ~~Must register with~~ the department.

(2) An application for registration as a claimant representative must be submitted in writing on a form prescribed by the department and must be accompanied by all of the following:

(a) A legible color copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of photo identification must be provided which shows the full name and current address of such person.

(b) If the applicant is a private investigator:

1. ~~on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a private investigator must provide:~~

~~(a)~~ A legible copy of the applicant's Class "A" business license under chapter 493 or that of the applicant's firm or employer which holds a Class "A" business license under chapter 493; and~~.~~

2.~~(b)~~ A legible copy of the applicant's Class "C" individual license issued under chapter 493.

(c) If the applicant is a certified public account, the

applicant's Florida Board of Accountancy number.

(d) If the applicant is a licensed attorney, the applicant's Florida Bar number.

(e)~~(c)~~ The business address, ~~and~~ telephone number, tax identification number, and state of domicile or incorporation of the applicant's ~~private investigative~~ firm or employer.

(f)~~(d)~~ The names of agents, ~~or~~ employees, or independent contractors, if any, who are designated or authorized to act on behalf of the applicant ~~private investigator~~, together with a legible color copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.

(g) A statement that the applicant has not, during the 5-year period immediately preceding the submission of the application, violated any part of the Florida Disposition of Abandoned Personal Property Act.

(h) A statement that the applicant has not been convicted of, or plead guilty to, a felony or any offense involving moral turpitude; dishonesty; deceit; or breach of fiduciary duty, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, or perjury.

(i)~~(e)~~ Sufficient information to enable the department to disburse funds by electronic funds transfer.

(j) The applicant's notarized signature immediately following an acknowledgment that any false or perjured statement subjects the applicant to criminal liability under the laws of this state

~~(f) The tax identification number of the private~~

~~investigator's firm or employer which holds a Class "A" business license under chapter 493.~~

~~(2) In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department, and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, a Florida-certified public accountant must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, a Florida-certified public accountant must provide:~~

~~(a) The applicant's Florida Board of Accountancy number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's public accounting firm or employer.~~

~~(d) The names of agents or employees, if any, who are designated to act on behalf of the Florida-certified public accountant, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(e) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the accountant's public accounting firm employer~~.

(3) ~~In order to file claims as a claimant's representative, receive a distribution of fees and costs from the department,~~

~~and obtain unclaimed property dollar amounts and numbers of reported shares of stock held by the department, an attorney licensed to practice in this state must register with the department on such form as the department prescribes by rule and must be verified by the applicant. To register with the department, such attorney must provide:~~

~~(a) The applicant's Florida Bar number.~~

~~(b) A legible copy of the applicant's current driver license showing the full name and current address of such person. If a current driver license is not available, another form of identification showing the full name and current address of such person or persons shall be filed with the department.~~

~~(c) The business address and telephone number of the applicant's firm or employer.~~

~~(d) The names of agents or employees, if any, who are designated to act on behalf of the attorney, together with a legible copy of their photo identification issued by an agency of the United States, or a state, or a political subdivision thereof.~~

~~(e) Sufficient information to enable the department to disburse funds by electronic funds transfer.~~

~~(f) The tax identification number of the attorney's firm or employer.~~

~~(4)~~ Information and documents already on file with the department before the effective date of this provision need not be resubmitted in order to complete the registration.

(4)~~(5)~~ If a material change in the status of a registration occurs, the claimant representative ~~a registrant~~ must, within 30 days, provide the department with the updated documentation and

information in writing. Material changes include, but are not limited to, the following, ~~:~~ a designated agent or employee ceasing to act on behalf of the designating person, a surrender, suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the department ~~the Division of Unclaimed Property~~ in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division in writing of the surrender, suspension, or revocation.

(c) If a private investigator's Class "C" individual license under chapter 493 or a private investigator's employer's Class "A" business license under chapter 493 is renewed, the private investigator must provide a copy of the renewed license to the department within 30 days after the receipt of the renewed license by the private investigator or the private investigator's employer.

(5) ~~(6)~~ An applicant's claimant representative's ~~A registrant's~~ firm or employer may not have a name that might lead another person to conclude that the claimant representative's ~~registrant's~~ firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. The department shall deny an application for registration or revoke a registration if the applicant's or claimant representative's ~~registrant's~~ firm or employer has a name that might lead another

person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state. Names that might lead another person to conclude that the firm or employer is affiliated or associated with the United States, or an agency thereof, or a state or an agency or political subdivision of a state, include, but are not limited to, the words United States, Florida, state, bureau, division, department, or government.

(6) ~~(7)~~ The licensing and other requirements of this section must be maintained as a condition of registration with the department.

(7) To maintain active registration under this section, a claimant representative must file and obtain payment on at least 10 claims per calendar year following the date of initial registration.

(a) If a claimant representative fails to meet this requirement, the department must notify the claimant representative in writing and provide 30 days to demonstrate compliance or good cause for noncompliance.

(b) If the claimant representative does not cure the deficiency or demonstrate good cause within the time provided, the department must revoke the registration.

(c) A claimant representative whose registration is revoked under this subsection may not reapply for registration under this section for a period of 1 year following the effective date of the revocation.

Section 84. Subsection (1) of section 1001.281, Florida Statutes, is amended to read:

1001.281 Operating Trust Fund.—

(1) The Operating Trust Fund~~, FLAIR number 48-2-510,~~ is created within the Department of Education.

Section 85. Subsection (1) of section 1001.282, Florida Statutes, is amended to read:

1001.282 Administrative Trust Fund.—

(1) The Administrative Trust Fund~~, FLAIR number 48-2-021,~~ is created within the Department of Education.

Section 86. Paragraph (a) of subsection (2) of section 197.582, Florida Statutes, is amended to read:

197.582 Disbursement of proceeds of sale.—

(2)(a) If the property is purchased for an amount in excess of the statutory bid of the certificateholder, the surplus must be paid over and disbursed by the clerk as set forth in subsections (3), (5), and (6). If the opening bid included the homestead assessment pursuant to s. 197.502(6)(c), that amount must be treated as surplus and distributed in the same manner. The clerk shall distribute the surplus to the governmental units for the payment of any lien of record held by a governmental unit against the property, including any tax certificates not incorporated in the tax deed application and omitted taxes, if any. If there remains a balance of undistributed funds, the balance must be retained by the clerk for the benefit of persons described in s. 197.522(1)(a), except those persons described in s. 197.502(4)(h), as their interests may appear. The clerk shall mail notices to such persons notifying them of the funds held for their benefit at the addresses provided in s. 197.502(4). Such notice constitutes compliance with the requirements of s. 717.117 ~~s. 717.117(6)~~. Any service charges and costs of mailing

notices shall be paid out of the excess balance held by the clerk. Notice must be provided in substantially the following form:

NOTICE OF SURPLUS FUNDS
FROM TAX DEED SALE

CLERK OF COURT
.... COUNTY, FLORIDA

Tax Deed #.....
Certificate #.....
Property Description: .....

Pursuant to chapter 197, Florida Statutes, the above property was sold at public sale on ...(date of sale)..., and a surplus of $...(amount)... (subject to change) will be held by this office for 120 days beginning on the date of this notice to benefit the persons having an interest in this property as described in section 197.502(4), Florida Statutes, as their interests may appear (except for those persons described in section 197.502(4)(h), Florida Statutes).

To the extent possible, these funds will be used to satisfy in full each claimant with a senior mortgage or lien in the property before distribution of any funds to any junior mortgage or lien claimant or to the former property owner. To be considered for funds when they are distributed, you must file a notarized statement of claim with this office within 120 days of this notice. If you are a lienholder, your claim must include the particulars of your lien and the amounts currently due. Any

lienholder claim that is not filed within the 120-day deadline is barred.

A copy of this notice must be attached to your statement of claim. After the office examines the filed claim statements, it will notify you if you are entitled to any payment.

Dated: .....

Clerk of Court

Section 87. Paragraph (t) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(t) *Certain life insurance relations with funeral directors prohibited.*—

1. No life insurer shall permit any funeral director or direct disposer to act as its representative, adjuster, claim agent, special claim agent, or agent for such insurer in soliciting, negotiating, or effecting contracts of life insurance on any plan or of any nature issued by such insurer or in collecting premiums for holders of any such contracts except as prescribed in s. 626.785(2) ~~s. 626.785(3)~~.

2. No life insurer shall:

a. Affix, or permit to be affixed, advertising matter of any kind or character of any licensed funeral director or direct disposer to such policies of insurance.

b. Circulate, or permit to be circulated, any such advertising matter with such insurance policies.

c. Attempt in any manner or form to influence policyholders of the insurer to employ the services of any particular licensed funeral director or direct disposer.

3. No such insurer shall maintain, or permit its agent to maintain, an office or place of business in the office, establishment, or place of business of any funeral director or direct disposer in this state.

Section 88. For the purpose of incorporating the amendment made by this act to section 717.101, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 772.13, Florida Statutes, is reenacted to read:

772.13 Civil remedy for terrorism or facilitating or furthering terrorism.—

(6)(a) In any postjudgment execution proceedings to enforce a judgment entered against a terrorist party under this section or under 18 U.S.C. s. 2333 or a substantially similar law of the United States or of any state or territory of the United States, including postjudgment execution proceedings against any agency or instrumentality of the terrorist party not named in the judgment pursuant to s. 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. s. 1610:

1. There is no right to a jury trial under s. 56.18 or s. 77.08;

2. A defendant or a person may not use the resources of the courts of this state in furtherance of a defense or an objection to postjudgment collection proceedings if the defendant or person purposely leaves the jurisdiction of this state or the United States, declines to enter or reenter this state or the United States to submit to its jurisdiction, or otherwise evades

the jurisdiction of the court in which a criminal case is pending against the defendant or person. This subparagraph applies to any entity that is owned or controlled by a person to whom this paragraph applies;

3. Creditor process issued under chapter 56 or chapter 77 may be served upon any person or entity over whom the court has personal jurisdiction. Writs of garnishment issued under s. 77.01 and proceedings supplementary under s. 56.29 apply to intangible assets wherever located, without territorial limitation, including bank accounts as defined in s. 674.104(1)(a), financial assets as defined in s. 678.1021(1), or other intangible property as defined in s. 717.101. The situs of any intangible assets held or maintained by or in the possession, custody, or control of a person or entity so served shall be deemed to be in this state for the purposes of a proceeding under chapter 56 or chapter 77. Service of a writ or notice to appear under this section shall provide the court with in rem jurisdiction over any intangible assets regardless of the location of the assets;

4. Notwithstanding s. 678.1121, the interest of a debtor in a financial asset or security entitlement may be reached by a creditor by legal process upon the securities intermediary with whom the debtor's securities account is maintained, or, if that is a foreign entity, legal process under chapter 56 or chapter 77 may be served upon the United States securities custodian or intermediary that has reported holding, maintaining, possessing, or controlling the blocked financial assets or security entitlements to the Office of Foreign Assets Control of the United States Department of the Treasury, and such financial

assets or security entitlements shall be subject to execution, garnishment, and turnover by the United States securities custodian or intermediary; and

5. Notwithstanding s. 670.502(4), when an electronic funds transfer is not completed within 5 banking days and is canceled pursuant to s. 670.211(4) because a United States intermediary financial institution has blocked the transaction in compliance with a United States sanctions program, and a terrorist party or any agency or instrumentality thereof was either the originator or the intended beneficiary, then the blocked funds shall be deemed owned by the terrorist party or its agency or instrumentality and shall be subject to execution and garnishment.

Section 89. This act shall take effect upon becoming a law.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Military and Veterans Affairs, Space, and Domestic Security, Vice Chair
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

February 25, 2026

The Honorable Senator Kathleen Passidomo
400 Senate Office Building
Tallahassee, FL 32399

Dear Chair, Passidomo,

I would like to request CS/CS/SB 1452 Department of Financial Services be placed on the next Rules Committee agenda.

This bill modifies the Chief Financial Officer's authority related to rulemaking and oversight within DFS. Revises the My Safe Florida Home Program by updating eligibility requirements and inspection standards for hurricane mitigation. Authorizes DFS to define certain required property insurance coverages. It revises deadlines for health care providers to file reimbursement and utilization dispute petitions with DFS. Revises unclaimed property laws, including when certain stocks, equity interests, and business debts are considered abandoned.

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

3/3/26
Meeting Date

Rules
Committee

1452
Bill Number or Topic

341966
Amendment Barcode (if applicable)

Name KARL RASMUSSEN

Phone (850) 205-9000

Address 119 S Monroe St
Street

Email kr@mhdfirm.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: AMSCOT 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)

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

The Florida Senate

APPEARANCE RECORD

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

03/03/26
Meeting Date

RULES
Committee

1452
Bill Number or Topic

Amendment Barcode (if applicable)

Name HANNAH CHRISTIAN

Phone (850) 413-4938

Address 200 E GAINES ST
Street

Email HANNAH.CHRISTIAN@MYFLORIDACFO.COM

TALLAHASSEE FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
CFO BLAISE INGOGLIA / DFS

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

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

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the 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	**Favorable**

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.

[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.

The Florida Senate

APPEARANCE RECORD

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

3-3-26		SB 1536
Meeting Date		Bill Number or Topic
Committee		Amendment Barcode (if applicable)

Name Larry Downs Jr. Phone 850-457-6157

Address 12156 Hawsang dr. Email

Street

Pen FL 32506

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.

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 1548
INTRODUCER:	Senator Calatayud
SUBJECT:	Affordable Housing
DATE:	March 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Hackett	Siples	FP	**Favorable**
3.	Hackett	Kruse	RC	**Favorable**

I. Summary:

SB 1548 makes a variety of changes regarding the Live Local Act, passed during the 2023 Regular Session to require the authorization of certain affordable housing developments by local governments under certain conditions. The bill:

- Provides that the preemptions of the Live Local Act permitting the development of affordable housing apply on any property owned by a county, municipality, or school district;
- Provides that a local government may not utilize other dimensional means such as setbacks to constructively restrict the height of a project authorized by the Live Local Act;
- Provides that farming and farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed-use zoning which would require the local government to approve affordable housing developments;
- Permits the utilization of the Live Local Act in the vicinity of airports when approved by the airport's governing body; and
- Clarifies language around the prohibition against discriminating against affordable housing development in land use decisions by a local government, and waives sovereign immunity in cases based on such discrimination.

The bill takes effect July 1, 2026.

II. Present Situation:

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.[1] All development, both public and private, and

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

all development orders[2] approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.[3] The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels[4] within that range are decided by a more detailed, implementing zoning map.[5]

The Live Local Act (act)[6] preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential[7] rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.[8] To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density or floor area ratio of qualifying developments below the highest allowed density, or below 150 percent of the highest allowed floor area ratio, on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. Further height restrictions apply where a proposed development is adjacent to single family residential development.

An application for a development must be administratively approved, and no further action is required from the governing body of the local government if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan.

These zoning and land use provisions do not apply to recreational and commercial working waterfronts in industrial areas, and only mixed-use residential developments must be authorized under these provisions in areas where commercial or industrial capacity is exceptionally limited.

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[2] "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

[3] Section 163.3194(3), F.S.

[4] When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

[5] 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).

[6] The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.

[7] For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

[8] *See* ss. 125.01055(7) and 166.04151(7), F.S., this analysis section.

Commercial, Industrial, and Mixed Use[9]

For the purposes of the Live Local Act, "commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. It includes, but is not limited to:

- Retail sales; wholesale sales; rentals of equipment, goods, or products;
- Offices; restaurants;
- Food service vendors; sports arenas; theaters; and tourist attractions; and
- Other for-profit business activities

A parcel that is zoned to permit these uses by right (without a variance or waiver) is considered commercial use for this statute, regardless of its local land development category or title. Excluded from commercial use are:

- Home-based businesses and cottage food operations on residential property;
- Certain public lodging establishments;
- Accessory, ancillary, incidental, or temporary uses; and
- Recreational uses (e.g., golf courses, tennis courts, swimming pools, clubhouses) when located within an area designated for residential use.

For the purposes of the Live Local Act, "industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. It includes, but is not limited to:

- Automobile manufacturing or repair; boat manufacturing or repair;
- Junk yards; meat packing facilities; citrus or produce processing and packing;
- Electrical generating plants; water treatment plants; sewage treatment plants; and
- Solid waste disposal sites.

A parcel zoned to permit these uses by right is considered industrial use for the statute. The term does not include accessory, ancillary, incidental, or temporary uses, or the same set of recreational uses as above.

For the purposes of the Live Local Act, "mixed use" refers to any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.[10] The commercial and industrial exclusions for accessory, ancillary, incidental, temporary, and recreational uses apply to mixed use as well.

Fair Housing

The Florida Fair Housing Act[11] prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing. The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion. The law also specifically prohibits local governments from discriminatory practices in land use decisions and development permitting, including discrimination based on the source of financing of a

[9] *See* s. 125.01055(7)(n), F.S.
[10] Section 125.01055(n)3., F.S.
[11] Sections 760.20-760.37, F.S.

development, except as otherwise provided by law.[12] The Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.

Sovereign Immunity

Sovereign immunity is "[a] government's immunity from being sued in its own courts without its consent."[13] The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.[14]

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions[15] for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to $200,000 per person and $300,000 per incident.[16] This liability exists only where a private person would be liable for the same conduct.[17] Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.[18] Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.01055 and 166.04151, F.S., related to the administrative approval of certain affordable housing developments under the Live Local Act. The amendments are organized below.

[12] Section 760.26, F.S.
[13] BLACK'S LAW DICTIONARY (11th ed. 2019).
[14] *Cauley v. City of Jacksonville,* 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907).
[15] Section 768.28(2), F.S., defines "state agencies or subdivisions" to include "executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority."
[16] Section 768.28, F.S.
[17] Section 768.28(1), F.S.
[18] Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damaged under a court's judgment except pursuant to an appropriation made by law.

Land Owned by a County, City, or School District

The bill provides that the preemptions requiring approval of certain affordable housing developments applies to any property owned by a county, municipality, or school district. This provision enables local governments, working in conjunction with affordable housing developers, to bypass processes otherwise required for developing affordable housing.

Setbacks and Stepbacks

The bill provides that a local government may not restrict height of a proposed development utilizing the Live Local Act constructively through other dimensional means, such as height determined by setbacks[19] or stepbacks,[20] or require setbacks or stepbacks that are more restrictive than the minimums of the underlying zoning applicable to the proposed development.

Commercial, Industrial, and Mixed-Use Definitions

The bill provides that for the purposes of the Live Local Act farms or farm operations, or uses associated therewith, to include the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use.

The bill refers to s. 823.14(3), F.S., which provides that:

- "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products; and
- "Farm operation" means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities.

The referenced statute includes examples such as roadside stands, agritourism, and the use of certain farm-related machinery.

With this change, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith.

Section 3 provides that that an applicant for a proposed development authorized under ss. 125.01055(7) or 166.04151(7), F.S., who submitted documentation before July 1, 2026, may proceed under the provisions of law as they existed at the time of submission, or notify the local government of their intent to revise their submission to account for the changes made by the bill.

Proposed Developments Near Airports

The preemptions of the Live Local Act do not apply to a proposed development near a runway, within an airport noise zone, or exceeding maximum height restrictions identified in an airport

[19] The distance a building must be from the street as required by zoning laws.
[20] A zoning or design requirement that requires upper floors of a building to be recessed farther from property lines than lower floors.

zoning regulation.[21] **Section 5** amends s. 333.03, F.S., to provide that the Live Local Act may apply if the development application is approved by the governing body of the relevant airport.

Discrimination in Regulatory Decisions

Section 6 amends s. 760.26, F.S., to provide that it is unlawful to discriminate in land use decisions or in the permitting of development based on the nature of a development or proposed development's financing as affordable housing.

Section 7 amends s. 760.35, F.S., to waive sovereign immunity for a cause of action based on a violation of the Florida Fair Housing Act.

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.

[21] Section 333.03(5), F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.01055, 166.04151, 333.03, 760.22, 760.26, and 760.35.

IX. Additional Information:

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

None.

B. Amendments:

None.

By Senator Calatayud

38-01065A-26 20261548__

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; requiring counties and municipalities, respectively, to authorize certain residential use on property owned by a county, municipality, or school district under certain circumstances; providing requirements for certain proposed developments; prohibiting counties and municipalities, respectively, from restricting the height of certain proposed developments through other dimensional means and from requiring certain setbacks or stepbacks; revising the definitions of the terms "commercial use" and "industrial use"; authorizing applicants for certain proposed developments to notify the county or municipality, as applicable, by a specified date of intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; amending s. 333.03, F.S.; providing an exception authorizing the applicability of certain provisions to certain proposed developments, if approved by the governing body of an airport; amending s. 760.22, F.S.; revising the definition of the term "person"; amending s. 760.26, F.S.; revising a prohibition on discriminatory practices in land use decisions and in permitting of development to include housing that is affordable; amending s. 760.35, F.S.; waiving the state's

38-01065A-26 20261548__

sovereign immunity for certain causes of action based upon housing discrimination; providing applicability; providing an effective date.

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

Section 1. Paragraphs (a), (d), and (n) of subsection (7) of section 125.01055, Florida Statutes, are amended to read:

125.01055 Affordable housing.—

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on property owned by a county, municipality, or school district, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential

purposes. A proposed development on property owned by a county, municipality, or school district must be within the geographic boundaries of the respective county, municipality, or school district, and the respective county, municipality, or school district must be a party to the application for the proposed development.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher. A county may not restrict height below the height authorized under this paragraph through other dimensional means, such as height determined by setbacks or stepbacks, or vice versa, or require setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed

development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or three stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or three stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

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

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel

zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not commercial use.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable

uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not industrial use.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 2. Paragraphs (a), (d), and (n) of subsection (7) of section 166.04151, Florida Statutes, are amended to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, ~~and~~ in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, and on property owned by a county, municipality, or school district, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding

any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, amendment to a municipal charter, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes. A proposed development on property owned by a county, municipality, or school district must be within the geographic boundaries of the respective county, municipality, or school district, and the respective county, municipality, or school district must be a party to the application for the proposed development.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or three stories, whichever is higher. A municipality may not restrict height below the height authorized under this paragraph through other dimensional means, such as height determined by setbacks or stepbacks, or vice versa, or require setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development.

For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or three stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or three stories, whichever is higher. The term "highest currently allowed" in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

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

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that

are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not commercial use.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated. Farms and farm operations as those terms are defined in s. 823.14(3) and uses associated therewith, including the packaging and sale of products raised on the premises, are not industrial use.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, a written request, or a notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2026, may notify the county or municipality by July 1, 2026, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such an application, written request, or notice of intent before July 1, 2026, the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 4. Subsection (5) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to

any of the following, unless the respective application is approved by the governing body of the airport:

(a) A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.

(b) A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.

(c) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.

Section 5. Subsection (8) of section 760.22, Florida Statutes, is amended to read:

760.22 Definitions.—As used in ss. 760.20-760.37, the term:

(8) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, ~~and~~ fiduciaries, agencies, governmental entities, and other legal or commercial entities.

Section 6. Section 760.26, Florida Statutes, is amended to read:

760.26 Prohibited discrimination in land use decisions and in permitting of development.—It is unlawful to discriminate in land use decisions or in the permitting of development based on

race, color, national origin, sex, disability, familial status, or religion, or, except as otherwise provided by law, based on the source of financing of a development or proposed development, including, but not limited to, financing of a development or on a proposed development for housing that is affordable as defined in s. 420.0004.

Section 7. Subsection (4) of section 760.35, Florida Statutes, is amended to read:

760.35 Civil actions and relief; administrative procedures.—

(4) If the court finds that a person has engaged in a discriminatory housing practice ~~has occurred~~, it must ~~shall~~ issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney fees and costs. In accordance with s. 13, Art. X of the State Constitution, the state, for itself and its agencies or political subdivisions, waives sovereign immunity for a cause of action based upon the application of this section. Such waiver is limited only to actions brought under this section.

Section 8. 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: March 2, 2026

I respectfully request that **Senate Bill #1548**, relating to Affordable Housing, 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

3/3/26
Meeting Date

Rules
Committee

1548 - Affordable Housing
Bill Number or Topic

Amendment Barcode (if applicable)

Name (AARP) Karen Murillo

Phone 850-567-0414

Address 215 S. Monroe St., Ste. 603
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)

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 1566
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; Community Affairs Committee; and Senator DiCeglie
SUBJECT:	Local Government Finances
DATE:	March 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	**Fav/CS**
2.	Sanders	Betta	AEG	**Fav/CS**
3.	Shuler	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1566 provides that the act may be cited as the "Local Government Financial Transparency and Accountability Act."

The bill requires county and municipal tentative, adopted tentative, and final budgets, be posted on their official websites in PDF or similar downloadable form. The bill revises timeframes for posting budget information and noticing public budget hearings. Counties and municipalities are also required to conduct a budget reduction strategy workshop and post quarterly employee compensation summaries and a budget development calendar.

The bill implements new requirements for local governments seeking to increase impact fee rates beyond the ordinary phase-in limitations due to extraordinary circumstances. Under the bill, the demonstrated-need study required to show extraordinary circumstances justifying an impact fee rate increase must specify the standards used to support the existence of such extraordinary circumstances and be accompanied by a declaration of the method and timeframe by which the impact fee increase will increase capacity.

The bill also prohibits a local government, including a school or special district, from increasing an impact fee rate utilizing the extraordinary circumstances provisions by more than 100 percent in a 4-year period.

The bill also provides for the expiry of certain interlocal agreements, and amends the requirements of the interlocal cooperation element of a comprehensive plan.

The bill has an indeterminate effect on local government revenues and expenditures. *See* **Section V., Fiscal Statement**.

The bill takes effect July 1, 2026.

II. Present Situation:

County Budget Systems and Information

Chapter 129, F.S., establishes a budget system that controls the finances of the boards of county commissioners of Florida counties. Pursuant to s. 129.01, F.S., each county is required to prepare, approve, adopt, and execute an annual budget each fiscal year. The budget must show for each fund, as required by law and sound financial practices, budgeted revenues and expenditures by organizational unit.[1] The level of detail for the budget must meet the level of detail requirements for annual financial reports submitted to the Department of Financial Services under s. 218.32, F.S.[2] The budget is approved by the Board of County Commissioners (Board) and must be balanced so that the total of the estimated receipts, including balances brought forward, equals the total of the appropriations and reserves.[3] Notwithstanding other provisions of law, the budgets of all county officers must be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities.[4]

Preparation, Adoption, and Amendment of County Budgets

On or before June 1 of each year, the Sheriff, the Clerk of the Circuit Court and County Comptroller, the Tax Collector, and the Supervisor of Elections each submit to the Board a tentative budget for their respective offices for the ensuing fiscal year.[5] Upon receipt of the tentative budgets and any revisions, the board prepares a summary of the adopted tentative budgets.[6] Public hearings are held to explain tentative and final budgets and to entertain community requests and complaints prior to budget adoption.[7] The tentative budget must be posted on the county's official website at least 2days before a public hearing and remain on the website for at least 45 days.[8] The final budget must be posted on the website within 30 days after adoption, and remain on the website for at least 2years.[9] The tentative budgets, adopted tentative budgets, and final budgets are filed in the Office of the County Auditor as a public record.[10]

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[1] Section 129.01(1), F.S.
[2] *Id.*
[3] Section 129.01(2), F.S.
[4] Section 129.021, F.S.
[5] Section 129.03(2), F.S. Section 195.087(1) F.S., outlines the budget process for property appraisers in the state.
[6] Section 129.03(3)(b), F.S.
[7] Section 129.03(3)(c), F.S., also outlines public hearing practices and subsequent budget website posting and public record requirements.
[8] *Id.*
[9] *Id.*
[10] *Id.*

A board of county commissioners may amend a budget at any time within a fiscal year for that year's budget or within the first 60 days of a fiscal year for the budget for the prior fiscal year.[11] Except for certain amendments for specifically authorized purposes, the Board may adopt an amendment by resolution or ordinance following a public hearing.[12] The Board must provide notice at least 2 days, but not more than 5 days before the hearing and include each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.[13] If adopted, the amendment must be posted on the website within 5days after adoption and remain on the website for at least 2 years.[14]

Municipal Budget Requirements

The preparation, adoption, and website posting of municipal budgets follows a similar process to that of counties. Section 166.241(2), F.S., provides that each municipality must annually adopt a budget by ordinance or resolution unless the municipality has a charter that specifies another method for adoption. The funds available from taxation and other sources, including balances brought forward, must equal the total appropriations for expenditures and reserves.[15] The tentative budget must be posted on the municipality's official website at least 2 days before a public hearing and remain on the website for at least 45 days.[16] The final budget must be posted on the website within 30 days after adoption and remain on the website for at least 2 years.[17]

If the governing body of a municipality amends the budget, the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years.[18]

Local Government Impact Fees

In Florida, impact fees are imposed pursuant to local legislation and are generally charged as a condition for the issuance of a project's building permit. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.[19] Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.[20] In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, in that the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

[11] Section 129.06(2), F.S.
[12] Section 129.06(2)(f), F.S.
[13] *Id.*
[14] *Id.*
[15] Section 166.241(2), F.S.
[16] Section 166.241(3), F.S.
[17] *Id.* If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website. *Id.*
[18] Section 166.241(9). Just as with the tentative and final budgets, a municipality without its own website must transmit amendments to the county or counties which posted the budget within a reasonable time. *Id.*
[19] *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).
[20] *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); s. 163.31801(2), F.S.

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditure of the funds collected and the benefits accruing to the new residential or nonresidential construction.[21]

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Impact Fee Increases

Section 163.31801(6), F.S., provides limitations on impact fee increases imposed by a local government, school district, or special district. An impact fee may increase only pursuant to a plan for the imposition, collection, and use of the increased impact fees as follows:

- An impact fee increase of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
- If the increase in rate is between 25 and 50 percent of the current rate, the increase must be implemented in four equal annual installments.
- No impact fee increase may exceed 50 percent of the current impact fee rate.
- An impact fee may not be increased more than once every four years.
- An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

A local government, school district, or special district may increase an impact fee rate beyond these phase-in limitations if a local government, school district, or special district:

- Completes, within the 12-month period before the adoption of the impact fee increase, a demonstrated-need study justifying the increase and expressly demonstrating the *extraordinary circumstances* necessitating the need to exceed the limitations;
- Holds at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the limitations; and
- Approves the impact fee increase ordinance by unanimous vote of the governing body.

A local government may not increase impact fee rates beyond the basic phase-in limitations if they have not increased the impact fee within the preceding 5 years, excluding years in which they were prohibited from increases due to hurricane disaster regulations.

III. Effect of Proposed Changes:

Local Government Budget Procedures

The bill provides that the act may be cited as the "Local Government Financial Transparency and Accountability Act."

[21] *See St. Johns County* at 637. Codified at s. 163.31801(3)(f) and (g), F.S.

The bill requires a county or municipality to post tentative, adopted tentative, or final budgets to its official website in PDF or similar form that can be downloaded. The posted budgets must minimally include, for the proposed, current, and preceding 4 fiscal years:

- A budget overview and summary, including a narrative analysis that also utilizes graphical illustrations to highlight major points of emphasis and trends.
- An overall countywide summary of revenue and expenditures.
- A summary of revenue and expenditures by fund.
- A summary of expenses by department and division.
- A summary of expenses by program or function.
- A summary of expenses related to debt obligations.
- A summary of expenses related to capital projects.
- An organizational chart or staffing summary.
- A summary and analysis of county reserves and fund balances..

The bill revises the length of time for which each county and municipality must post certain budget information on its official website. Specifically, the bill would require:

- Tentative budgets to be posted 5 days (rather than 2 days under current law) before the public hearing to adopt the budget;
- Proposed budget amendments to be posted 5 days (rather than 2 days) before the public hearing to adopt the amendment; and
- Final budgets and adopted budget amendments to be posted for 5 years (rather than 2 years under current law) following adoption.

The bill requires counties and municipalities to provide public notice of a hearing on a proposed budget amendment at least 5 days (rather than at least 2 days but no more than 5 days under current law) before the hearing.

At least 14 days before final budget adoption, counties and municipalities must hold a public workshop identifying strategies to potentially reduce the budget by 10 percent without compromising law enforcement, fire protection, or legal obligations. The county or municipality must post the exercise in PDF or similar form that can be downloaded, or a link to a recording of the workshop.

The bill deletes obsolete language related to an annual budget reporting requirement to the Office of Economic and Demographic Research.

Each county and municipality is required under the bill to post on its official website a quarterly compensation summary for all employees in a PDF or similar format.

Under the bill, by January 30 each year, counties and municipalities must publish a budget development calendar that lists budget-related events, including timeframes for:

- County and municipal agencies to submit proposed budget requests.
- Constitutional county officers to submit proposed budget requests.
- Property appraisers to submit valuations to the county or municipality.
- Holding budget workshops.
- Holding budget public hearings.

- Holding budget reduction exercises.

Municipalities that don't have their own official websites are allowed to transmit the calendar to the county for publication on its website. The calendar may not serve as the basis for challenging a county's or municipality's budget.

Impact Fees

The bill implements new requirements for local governments seeking to increase impact fee rates beyond the base phase-in limitations due to extraordinary circumstances based on a demonstrated-need study. The demonstrated-need study must utilize "plan-based methodology," defined by the bill as methodology using the most recent and localized data to project growth over a 10-year period, anticipate capacity impacts, and establish a working list of capital projects to be constructed in a defined time period to mitigate effects of projected growth on capacity.

In order to demonstrate "extraordinary circumstances" under the bill, the demonstrated-need study must specify the capacity standards used to support the existence of such extraordinary circumstances, and be accompanied by a declaration of the method and timeframe by which the impact fee increase will increase capacity. This analysis must use localized data reflecting difference in costs and modality of projects within the study area to project the anticipated growth or capacity impacts necessitating the impact fee increase.

The bill further prohibits local governments, including school districts and special districts, from:
- Utilizing data that is older than 4 years to demonstrate extraordinary circumstances, except as otherwise specifically provided;
- Including in the impact fee increase any deduction authorized by a previous or existing impact fee; or
- Increasing an impact fee rate utilizing the extraordinary circumstances provisions by more than 100 percent in a 4-year period.

The bill provides that a local government must respond to a request for a refund or credit due to impact fee overpayment within 30 days. Upon approval, the requester may elect either a refund or credit within 30 days, which must in turn be processed within 30 subsequent days. A request or response in this process may not be used as an admission against interest of either party in any subsequent action challenging the impact fee.

The bill also provides that an interlocal agreement between a county and municipality regarding the coordination of development and redevelopment fees for transportation capacity impacts which was entered into before October 1, 2024, may not extend beyond October 1, 2031.

The bill amends s. 163.3177(6), F.S., to require that a local government comprehensive plan's intergovernmental coordination element and associated agreements must include plans to provide mitigation funding to address extra-jurisdictional impacts of development.

The bill also amends s. 212.055, F.S., which conforms a statutory reference.

The effective date of the bill is July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The mandate requirement does not apply to laws having an insignificant impact,[22] which for Fiscal Year 2026-2027[23] is forecast at approximately $2.4 million or less.

The fiscal impact of the bill has not been determined; however, the bill may require municipalities and counties to incur additional costs related to posting budget information. If the impact exceeds the threshold for insignificant impact, the mandate requirements may apply.

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest, as provided in section 9 of the bill, 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:

The bill provides that an interlocal agreement between a county and municipality regarding the coordination of development and redevelopment fees for transportation capacity impacts, which was entered into before October 1, 2024, may not extend beyond October 1, 2031. Interlocal agreements are contracts between local governments. To the extent this bill affects previously recorded declarations, the bill may unconstitutionally impair contracts, under s. 10, Art. I, Fla. Const., which provides in relevant part, "No… law impairing the obligation of contracts shall be passed." This provision empowers the courts to strike laws that retroactively burden or alter contractual relations. Article I, s. 10

[22] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE 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 Feb. 18, 2026).

[23] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Feb. 18, 2026).

of the United States Constitution provides in relevant part that "No state shall . . . pass any . . . law impairing the obligation of contracts."

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive impact on persons who pay impact fees to the extent that local governments are prohibited from increasing impact fees beyond the limitations provided in the bill.

C. Government Sector Impact:

The bill has an indeterminate impact on local government revenues and expenditures. Counties and municipalities may incur costs related to the budget data posting and formatting requirements. Additionally, local governments are prohibited from increasing impact fees beyond the limitations provided in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 129.03, 129.06, 163.3164,163.3180, 163.31801, 166.241, and 212.055 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 March 3, 2026:

The committee substitute:

- Changes the relating-to clause to "an act relating to local government finances."
- Revises the posting timeframe for tentative budgets and amendments to 5 days before the hearing.
- Requires local governments to post tentative, adopted tentative, and final budgets on their official websites in PDF or similar format and include data for: the proposed, current, and 4 preceding fiscal years.
- Revises the minimum items the posted budget must contain.

- Requires local governments to post a quarterly compensation summary for all employees in a PDF or similar format.
- Requires, by January 30 each year, local governments to publish a budget development calendar that outlines key milestones. At least 14 days before final budget adoption, local governments must hold a public workshop identifying strategies to potentially reduce the budget by 10 percent without compromising law enforcement, fire protection, or legal obligations.
- Adds provisions implementing requirements for local governments seeking to increase impact fee rates beyond the ordinary phase-in limitations due to extraordinary circumstances. The demonstrated-need study required to show extraordinary circumstances justifying an impact fee rate increase must specify the standards used to support the existence of such extraordinary circumstances and be accompanied by a declaration of the method and timeframe by which the impact fee increase will increase capacity.
- Prohibits a local government, including a school or special district, from increasing an impact fee rate utilizing the extraordinary circumstances provisions by more than 100 percent in a 4-year period; provides for refund and reasonable attorney fees and costs to a petitioner in an action challenging an impact fee imposed in violation of the statute; provides for the expiry of certain interlocal agreements; and amends the requirements of the interlocal cooperation element of a comprehensive plan.
- Adds a finding and declaration that the act fulfills an important state interest.

CS/CS by Appropriations on Agriculture, Environment, and General Government on February 25, 2026:
The committee substitute:
- Removes all provisions from the bill related to the use of county- or municipal-owned utility revenues; and
- Makes a technical revision to clarify that the proposed budget amendments must be posted on the county's or municipal's website within 7 days before adoption.

CS by Community Affairs on February 10, 2026:
The committee substitute:
- Adds provisions regulating the use and budgeting of revenues by county and municipal utilities, including:
  - Specifying Legislative intent that counties and municipalities provide services affordably, transparently, and reliably while protecting public health and natural resources.
  - Requiring counties and municipalities to reinvest utility service revenues into the utility for operational integrity.
  - Requiring the utility to budget forecast and strategize every 5 years for continuous maintenance and strategic improvements. The forecast must anticipate increased demand, technology costs, and disaster costs.
- Revises provisions related to county and municipal tentative and final budget procedures, including:
  - Reducing the advance posting requirement for tentative budgets to seven days before the hearing (rather than 14 days under the bill).

- Revising the items and manner of display for website budget data posting requirements.
- Deleting a requirement for a budget-cutting exercise.
- Deleting an obsolete and redundant requirement for submission of budget data to the Office of Economic and Demographic Research (EDR).

- Removes the section of the bill that would have prohibited local government expenditures on diversity, equity, and inclusion.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/02/2026	.	
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The Committee on Rules (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 137 - 186
and insert:
Section 4. Present subsections (22) through (38) and (39) through (54) of section 163.3164, Florida Statutes, are redesignated as subsections (23) through (39) and (41) through (56), respectively, and new subsections (22) and (40) are added to that section, to read:
163.3164 Community Planning Act; definitions.—As used in this act:

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(22) "Impact fee" means a one-time charge imposed by a local government on new development to fund the capital costs of public infrastructure needed to serve that development.

(40) "Plan-based methodology" means a study methodology that uses the most recent and localized data to project growth within a jurisdiction over a 10-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed or purchased in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in a county or municipal impact fee study and any necessary interlocal agreement must comport with the requirements of s. 163.3177(6)(h).

Section 5. Paragraphs (i) and (j) of subsection (5) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(i) If a local government elects to repeal transportation concurrency, the local government may adopt an alternative transportation system that is mobility-plan and fee-based or an alternative transportation system that is not mobility-plan and fee-based, including impact fees. The local government may not use an alternative transportation system to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government.


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The revenue from the funding mechanism used in the alternative transportation system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. An alternative transportation system must comply with s. 163.31801 governing impact fees. An alternative transportation system may not impose upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h). This section does not require a local government to adopt a mobility fee in lieu of an impact fee for transportation.

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.

d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.


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3. By October 1, 2025, if an interlocal agreement is not executed pursuant to this paragraph:

a. The fee charged to a new development or redevelopment shall be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer's traffic impact study or the mobility plan adopted by the county or municipality.

b. The developer shall receive a 10 percent reduction in the total fee calculated pursuant to sub-subparagraph a.

c. The county or municipality issuing the building permit must collect the fee charged pursuant to sub-subparagraphs a. and b. and distribute the proceeds of such fee to the county and municipality within 60 days after the developer's payment.

4. This paragraph does not apply to:

a. A county as defined in s. 125.011(1).

b. A county or municipality that has entered into, or otherwise updated, an existing interlocal agreement, as of October 1, 2024, to coordinate the mitigation of transportation impacts. However, if such existing interlocal agreement is terminated, the affected county and municipality that have entered into the agreement <u>are</u> ~~shall be~~ subject to the requirements of this paragraph<u>. An interlocal agreement entered into before October 1, 2024, may not extend beyond October 1, 2031</u> ~~unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement~~.

Section 6. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is


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added to that subsection, subsection (15) is added to that section, and subsection (4) and paragraph (g) of subsection (6) of that section are amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government, school district, or special district and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(4) For impact fees adopted or increased after July 1, 2026, at a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

(a) Ensure that the calculation of the impact fee is based on a demonstrated-need study that is plan based and uses ~~using~~ the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee.

(b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.


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(d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(6) A local government, school district, or special


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district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a. A demonstrated-need study using a plan-based methodology which justifies ~~justifying~~ any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. The capacity standards used to support the existence of such extraordinary circumstances must be specified in the impact fee study adopted under paragraph (4)(a). The demonstrated-need study must be accompanied by a declaration stating how and the timeframe during which the proposed impact fee increase will be used to construct or purchase the improvements necessary to increase capacity. The local government, school district, or special district must use localized data reflecting differences in costs and modality of projects between urban, emerging urban, and rural areas, as applicable within the study area, to project the anticipated growth or capacity impacts that underlie the extraordinary circumstances necessitating the impact fee increase.

b. The local government jurisdiction has held at least two publicly noticed workshops dedicated to the extraordinary

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circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c. The impact fee increase ordinance is approved by a unanimous vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government, school district, or special district may not:

a. Increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government, school district, or special district has not increased the impact fee within the past 5 years. Any year in which the local government, school district, or special district is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

b. Use data that is more than 4 years old to demonstrate extraordinary circumstances.

c. Include in the impact fee increase any deduction authorized by a previous or existing impact fee.

d. Increase an impact fee rate beyond the phase-in limitations under this paragraph by more than 100 percent divided equally over a 4-year period.

(15) When an impact fee payor submits a written request to the chief administrative officer of a local government, school district, or special district for a refund or credit from alleged overpayment of an impact fee, the local government,


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school district, or special district that levied the impact fee shall provide a written approval or denial to the payor within 30 days after receiving the written request. If the local government, school district, or special district approves the payor's request, the impact fee payor may, at the payor's discretion, elect to receive either a refund or a credit. The impact fee payor has 30 days after receipt of the written response from the local government, school district, or special district to provide written notice to the chief administrator of the local government, school district, or special district of the payor's election. It is the intent of the Legislature that the impact fee payor elect a credit if the payor has the reasonable opportunity to use the credit, in accordance with law. A full refund or credit of the impact fee must be provided to the payor within 30 days after the chief administrator receives the payor's written election. A request or response provided in accordance with this subsection may not be used as an admission against interest of either party in any subsequent action challenging the impact fee.

Section 7. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 7 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption

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and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) Each tentative budget, adopted tentative budget, or final budget posted on the municipality's official website or the county's official website, as applicable, must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Review revenue and expense trends in the categories in the municipality's chart of accounts, and view and compare such data on a comparison chart.

4. Download budget data.

5. View data in different graphical formats.

6. View information for one or more municipal departments, divisions, funds, or financial categories at the same time.

7. View the average municipal employee salary, the percentage of the budget spent on salaries and benefits for municipal employees, and all municipal employee salaries in a searchable format.

(9) A proposed amendment to the budget must be posted on the municipality's official website within 7 days before adoption. If the governing body of a municipality amends the

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budget pursuant to paragraph (8)(c), the adopted amendment must ~~be posted on the official website of the municipality within 5 days after adoption and must~~ remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

Section 8. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the

school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term

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"infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(43) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially

declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district’s classrooms. As used in this sub-subparagraph, the term “instructional technology” means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be

affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

4. Surtax revenues that are shared with eligible charter schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment

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as adopted by the education estimating conference established in s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 9. The Legislature finds and declares that this act fulfills an important state interest.

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

And the title is amended as follows:

Delete lines 2 - 28

and insert:

An act relating to local government; providing a short title; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; deleting obsolete language; amending s. 129.06, F.S.; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which, and the length of time for

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which, an adopted amendment must be posted on the county's website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 163.3164, F.S.; defining the terms "impact fee" and "plan-based methodology"; amending s. 163.3180, F.S.; authorizing a local government to adopt an alternative transportation system that is mobility-plan and fee-based or that is not mobility-plan and fee-based, including impact fees, under certain circumstances; providing construction; prohibiting certain interlocal agreements from extending beyond a specified date; deleting an exception to an applicability provision relating to concurrency; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; specifying requirements applicable to local governments and special districts for impact fees adopted or increased after a specified date; requiring that a demonstrated-need study use a plan-based methodology for a certain purpose; requiring that certain capacity standards be specified in a certain impact fee study; requiring that a demonstrated-need study be accompanied by a certain declaration; requiring local governments, school districts, and special districts to use localized data for a certain purpose; prohibiting local governments, school districts, and special districts from using certain data for a specified purpose; prohibiting local governments, school districts, and special districts

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from including certain deductions in certain impact fee increases and from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing procedures relating to impact fee payor refunds and credits of impact fee overpayments; providing legislative intent; prohibiting the use of certain provisions as an admission against interest; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on such website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 212.055, F.S.; conforming a cross-reference; providing a finding and declaration of an important state interest; providing

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/03/2026	.	
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The Committee on Rules (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 137 - 186
and insert:
Section 4. Present subsections (22) through (38) and (39) through (54) of section 163.3164, Florida Statutes, are redesignated as subsections (23) through (39) and (41) through (56), respectively, and new subsections (22) and (40) are added to that section, to read:
163.3164 Community Planning Act; definitions.—As used in this act:

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(22) "Impact fee" means a one-time charge imposed by a local government on new development to fund the capital costs of public infrastructure needed to serve that development.

(40) "Plan-based methodology" means a study methodology that uses the most recent and localized data to project growth within a jurisdiction over a 10-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed or purchased in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in a county or municipal impact fee study and any necessary interlocal agreement must comport with the requirements of s. 163.3177(6)(h).

Section 5. Paragraphs (i) and (j) of subsection (5) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(i) If a local government elects to repeal transportation concurrency, the local government may adopt an alternative transportation system that is mobility-plan and fee-based or an alternative transportation system that is not mobility-plan and fee-based, including impact fees. The local government may not use an alternative transportation system to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government.

The revenue from the funding mechanism used in the alternative transportation system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. An alternative transportation system must comply with s. 163.31801 governing impact fees. An alternative transportation system may not impose upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h). This section does not require a local government to adopt a mobility fee in lieu of an impact fee for transportation.

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.

d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

3. By October 1, 2025, if an interlocal agreement is not executed pursuant to this paragraph:

a. The fee charged to a new development or redevelopment shall be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer’s traffic impact study or the mobility plan adopted by the county or municipality.

b. The developer shall receive a 10 percent reduction in the total fee calculated pursuant to sub-subparagraph a.

c. The county or municipality issuing the building permit must collect the fee charged pursuant to sub-subparagraphs a. and b. and distribute the proceeds of such fee to the county and municipality within 60 days after the developer’s payment.

4. This paragraph does not apply to:

a. A county as defined in s. 125.011(1).

b. A county or municipality that has entered into, or otherwise updated, an existing interlocal agreement, as of October 1, 2024, to coordinate the mitigation of transportation impacts. However, if such existing interlocal agreement is terminated, the affected county and municipality that have entered into the agreement are ~~shall be~~ subject to the requirements of this paragraph. An interlocal agreement entered into before October 1, 2024, may not extend beyond October 1, 2031 ~~unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement~~.

Section 6. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is

added to that subsection, subsection (15) is added to that section, and subsection (4) and paragraph (g) of subsection (6) of that section are amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government, school district, or special district and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(4) For impact fees adopted or increased after July 1, 2026, at a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

(a) Ensure that the calculation of the impact fee is based on a demonstrated-need study that is plan based and uses ~~using~~ the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee.

(b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(6) A local government, school district, or special

district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a. A demonstrated-need study using a plan-based methodology which justifies ~~justifying~~ any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. The capacity standards used to support the existence of such extraordinary circumstances must be specified in the impact fee study adopted under paragraph (4)(a). The demonstrated-need study must be accompanied by a declaration stating how and the timeframe during which the proposed impact fee increase will be used to construct or purchase the improvements necessary to increase capacity. The local government, school district, or special district must use localized data reflecting differences in costs and modality of projects between urban, emerging urban, and rural areas, as applicable within the study area, to project the anticipated growth or capacity impacts that underlie the extraordinary circumstances necessitating the impact fee increase.

b. The local government jurisdiction has held at least two publicly noticed workshops dedicated to the extraordinary

circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c. The impact fee increase ordinance is approved by a unanimous vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government, school district, or special district may not:

a. Increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government, school district, or special district has not increased the impact fee within the past 5 years. Any year in which the local government, school district, or special district is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

b. Use data that is more than 4 years old to demonstrate extraordinary circumstances.

c. Include in the impact fee increase any deduction authorized by a previous or existing impact fee.

d. Increase an impact fee rate beyond the phase-in limitations under this paragraph by more than 100 percent divided equally over a 4-year period.

(15) When an impact fee payor submits a written request to the chief administrative officer of a local government, school district, or special district for a refund or credit from alleged overpayment of an impact fee, the local government,

school district, or special district that levied the impact fee shall provide a written approval or denial to the payor within 30 days after receiving the written request. If the local government, school district, or special district approves the payor's request, the impact fee payor may, at the payor's discretion, elect to receive either a refund or a credit. The impact fee payor has 30 days after receipt of the written response from the local government, school district, or special district to provide written notice to the chief administrator of the local government, school district, or special district of the payor's election. It is the intent of the Legislature that the impact fee payor elect a credit if the payor has the reasonable opportunity to use the credit, in accordance with law. A full refund or credit of the impact fee must be provided to the payor within 30 days after the chief administrator receives the payor's written election. A request or response provided in accordance with this subsection may not be used as an admission against interest of either party in any subsequent action challenging the impact fee.

Section 7. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 7 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption

and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) Each tentative budget, adopted tentative budget, or final budget posted on the municipality's official website or the county's official website, as applicable, must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Review revenue and expense trends in the categories in the municipality's chart of accounts, and view and compare such data on a comparison chart.

4. Download budget data.

5. View data in different graphical formats.

6. View information for one or more municipal departments, divisions, funds, or financial categories at the same time.

7. View the average municipal employee salary, the percentage of the budget spent on salaries and benefits for municipal employees, and all municipal employee salaries in a searchable format.

(9) A proposed amendment to the budget must be posted on the municipality's official website within 7 days before adoption. If the governing body of a municipality amends the

budget pursuant to paragraph (8)(c), the adopted amendment must ~~be posted on the official website of the municipality within 5 days after adoption and must~~ remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

Section 8. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the

school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term

"infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(43) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially

declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district’s classrooms. As used in this sub-subparagraph, the term “instructional technology” means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be

affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

4. Surtax revenues that are shared with eligible charter schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment


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as adopted by the education estimating conference established in s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 9. The Legislature finds and declares that this act fulfills an important state interest.

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

And the title is amended as follows:

Delete lines 2 - 28

and insert:

An act relating to local government finance; providing a short title; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; deleting obsolete language; amending s. 129.06, F.S.; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which, and the length of time for

which, an adopted amendment must be posted on the county's website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 163.3164, F.S.; defining the terms "impact fee" and "plan-based methodology"; amending s. 163.3180, F.S.; authorizing a local government to adopt an alternative transportation system that is mobility-plan and fee-based or that is not mobility-plan and fee-based, including impact fees, under certain circumstances; providing construction; prohibiting certain interlocal agreements from extending beyond a specified date; deleting an exception to an applicability provision relating to concurrency; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; specifying requirements applicable to local governments and special districts for impact fees adopted or increased after a specified date; requiring that a demonstrated-need study use a plan-based methodology for a certain purpose; requiring that certain capacity standards be specified in a certain impact fee study; requiring that a demonstrated-need study be accompanied by a certain declaration; requiring local governments, school districts, and special districts to use localized data for a certain purpose; prohibiting local governments, school districts, and special districts from using certain data for a specified purpose; prohibiting local governments, school districts, and special districts

from including certain deductions in certain impact fee increases and from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing procedures relating to impact fee payor refunds and credits of impact fee overpayments; providing legislative intent; prohibiting the use of certain provisions as an admission against interest; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on such website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 212.055, F.S.; conforming a cross-reference; providing a finding and declaration of an important state interest; providing

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2026	.	
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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. This act may be cited as the "Local Government Financial Transparency and Accountability Act."

Section 2. Present paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is redesignated as paragraph (f) of that subsection, a new paragraph (d) and paragraphs (e), (g), and (h) are added to subsection (3) of that section, and paragraph (c) and present paragraph (d) of subsection (3) of

that section are amended, to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 5 ~~2~~ days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must be made in the minutes of the board to record its actions with reference to the budgets.

(d) The county shall hold a budget workshop at which the board shall perform a budget reduction exercise, identifying strategies to potentially reduce the ensuing fiscal year budget

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by 10 percent in comparison to the current year budget without compromising essential public services, such as law enforcement or fire services, or legal obligations. The county shall post such exercise on the county's official website in a portable document format or a similar electronically accessible form that can be downloaded and is independent of the original software and hardware used to create the document, or a link to a recording of the budget workshop. The budget reduction exercise must occur at least 14 days before final budget adoption.

(e) Each tentative budget, adopted tentative budget, and final budget must be posted on the county's official website. The budget must be posted in a portable document format or a similar electronically accessible form that can be downloaded and may be independent of the original software and hardware used to create the document. At a minimum, the posted budgets must include all of the following information for the proposed fiscal year, the current fiscal year, and the preceding 4 fiscal years:

1. Budget overview and summary, including a narrative analysis that also utilizes graphical illustrations to highlight major points of emphasis and trends.

2. An overall countywide summary of revenue and expenditures.

3. A summary of revenue and expenditures by fund.

4. A summary of expenses by department and division.

5. A summary of expenses by program or function.

6. A summary of expenses related to debt obligations.

7. A summary of expenses related to capital projects.

8. An organizational chart or staffing summary.

9. A summary and analysis of county reserves and fund balances.

(f) ~~(d)~~ By each October 15, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.

2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.

3. Median income within the county.

4. The average county employee salary.

5. Percent of budget spent on salaries and benefits for county employees.

6. Number of special taxing districts, wholly or partially, within the county.

7. Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. ~~The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.~~

(g) Each county shall prepare a quarterly summary of compensation for all employees funded with appropriations from the county. The summary must include job titles, names, and

salaries for each employee. The summary must be posted on the county's official website in a portable document format or a similar electronically accessible form that can be downloaded and may be independent of the original software and hardware used to create the document.

(h)1. Each county shall publish a budget development calendar for the ensuing fiscal year. The calendar must list, to the extent practicable, all of the following budget-related events:

a. The expected timeframe for county agencies to submit their proposed budget requests, including the name of the county agency or county budget officer to whom such requests must be submitted.

b. The expected timeframe for constitutional county officers listed in s. 1(d), Art. VIII of the State Constitution to submit their tentative budgets to the board of county commissioners under subsection (2).

c. The expected timeframe in which the county property appraiser is expected to submit to the county budget officer his or her estimate of total valuations against which taxes may be levied as described in subsection (1).

d. An expected timeframe for holding any budget workshops at which the board of county commissioners may discuss the ensuing county budget, county agency funding requests, or the budgets of constitutional county officers.

e. The expected timeframe in which the budget public hearings required under s. 200.065 may be held.

f. The expected timeframe by which the county will hold a budget workshop at which the board of county commissioners will


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perform the budget reduction exercise required by paragraph (d).

2. The budget development calendar must be published on the county's website on or before January 30 of each calendar year. However, the publication of the budget development calendar may not serve as a basis for bringing any civil or equitable action challenging the adoption of a county's tentative or final budgets pursuant to s. 129.01 or s. 200.065.

Section 3. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least ~~2 days, but not more than~~ 5 days~~,~~ before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. The proposed amendment must be posted on the county's official website 5 days before the adoption of the amendment. If

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the board amends the budget pursuant to this paragraph, the adopted amendment ~~must be posted on the county's official website within 5 days after adoption and~~ must remain on the website for at least 5 ~~2~~ years.

Section 4. Present subsections (22) through (38) and (39) through (54) of section 163.3164, Florida Statutes, are redesignated as subsections (23) through (39) and (41) through (56), respectively, and new subsections (22) and (40) are added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(22) "Impact fee" means a one-time charge imposed by a local government on new development to fund the capital costs of public infrastructure needed to serve that development.

(40) "Plan-based methodology" means a study methodology that uses the most recent and localized data to project growth within a jurisdiction over a 10-year period, anticipate capacity impacts on relevant systems which will be created by the projected growth, and establish a list of capital projects to be constructed or purchased in a defined time period to mitigate the anticipated capacity impacts as part of a new or updated impact fee study. The capital projects identified in a county or municipal impact fee study and any necessary interlocal agreement must comport with the requirements of s. 163.3177(6)(h).

Section 5. Paragraphs (i) and (j) of subsection (5) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

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(i) If a local government elects to repeal transportation concurrency, the local government may adopt an alternative transportation system that is mobility-plan and fee-based or an alternative transportation system that is not mobility-plan and fee-based, including impact fees. The local government may not use an alternative transportation system to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative transportation system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. An alternative transportation system must comply with s. 163.31801 governing impact fees. An alternative transportation system may not impose upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h). This section does not require a local government to adopt a mobility fee in lieu of an impact fee for transportation.

(j)1. If a county and municipality charge the developer of a new development or redevelopment a fee for transportation capacity impacts, the county and municipality must create and execute an interlocal agreement to coordinate the mitigation of their respective transportation capacity impacts.

2. The interlocal agreement must, at a minimum:

a. Ensure that any new development or redevelopment is not charged twice for the same transportation capacity impacts.

b. Establish a plan-based methodology for determining the legally permissible fee to be charged to a new development or redevelopment.

c. Require the county or municipality issuing the building permit to collect the fee, unless agreed to otherwise.

d. Provide a method for the proportionate distribution of the revenue collected by the county or municipality to address the transportation capacity impacts of a new development or redevelopment, or provide a method of assigning responsibility for the mitigation of the transportation capacity impacts belonging to the county and the municipality.

3. By October 1, 2025, if an interlocal agreement is not executed pursuant to this paragraph:

a. The fee charged to a new development or redevelopment shall be based on the transportation capacity impacts apportioned to the county and municipality as identified in the developer’s traffic impact study or the mobility plan adopted by the county or municipality.

b. The developer shall receive a 10 percent reduction in the total fee calculated pursuant to sub-subparagraph a.

c. The county or municipality issuing the building permit must collect the fee charged pursuant to sub-subparagraphs a. and b. and distribute the proceeds of such fee to the county and municipality within 60 days after the developer’s payment.

4. This paragraph does not apply to:

a. A county as defined in s. 125.011(1).

b. A county or municipality that has entered into, or otherwise updated, an existing interlocal agreement, as of October 1, 2024, to coordinate the mitigation of transportation

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impacts. However, if such existing interlocal agreement is terminated, the affected county and municipality that have entered into the agreement are ~~shall be~~ subject to the requirements of this paragraph. An interlocal agreement entered into before October 1, 2024, may not extend beyond October 1, 2031 ~~unless the county and municipality mutually agree to extend the existing interlocal agreement before the expiration of the agreement~~.

Section 6. Present paragraphs (a) and (b) of subsection (3) of section 163.31801, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, subsection (15) is added to that section, and subsection (4) and paragraph (g) of subsection (6) of that section are amended, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(3) For purposes of this section, the term:

(a) "Extraordinary circumstances" means measurable effects of development which will require mitigation by the affected local government, school district, or special district and which exceed the total of the current adopted impact fee amount and any increase as provided in paragraphs (6)(c), (d), and (e) in less than 4 years.

(4) For impact fees adopted or increased after July 1, 2026, at a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

(a) Ensure that the calculation of the impact fee is based

on a demonstrated-need study that is plan based and uses ~~using~~ the most recent and localized data available within 4 years of the current impact fee update. The new study must be adopted by the local government within 12 months of the initiation of the new impact fee study if the local government increases the impact fee.

(b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Limit administrative charges for the collection of impact fees to actual costs.

(d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

(e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to

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the new residential or nonresidential construction.

(h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a. A demonstrated-need study <u>using a plan-based methodology which justifies</u> ~~justifying~~ any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. <u>The capacity standards used to support the existence of such extraordinary circumstances must be specified in the impact fee study adopted under paragraph (4)(a). The demonstrated-need study must be accompanied by a</u>

declaration stating how and the timeframe during which the proposed impact fee increase will be used to construct or purchase the improvements necessary to increase capacity. The local government, school district, or special district must use localized data reflecting differences in costs and modality of projects between urban, emerging urban, and rural areas, as applicable within the study area, to project the anticipated growth or capacity impacts that underlie the extraordinary circumstances necessitating the impact fee increase.

b. The local government jurisdiction has held at least two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c. The impact fee increase ordinance is approved by a unanimous vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government, school district, or special district may not:

a. Increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government, school district, or special district has not increased the impact fee within the past 5 years. Any year in which the local government, school district, or special district is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 5-year period.

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b. Use data that is more than 4 years old to demonstrate extraordinary circumstances.

c. Include in the impact fee increase any deduction authorized by a previous or existing impact fee.

d. Increase an impact fee rate beyond the phase-in limitations under this paragraph by more than 100 percent divided equally over a 4-year period.

(15) When an impact fee payor submits a written request to the chief administrative officer of a local government, school district, or special district for a refund or credit from alleged overpayment of an impact fee, the local government, school district, or special district that levied the impact fee shall provide a written approval or denial to the payor within 30 days after receiving the written request. If the local government, school district, or special district approves the payor's request, the impact fee payor may, at the payor's discretion, elect to receive either a refund or a credit. The impact fee payor has 30 days after receipt of the written response from the local government, school district, or special district to provide written notice to the chief administrator of the local government, school district, or special district of the payor's election. It is the intent of the Legislature that the impact fee payor elect a credit if the payor has the reasonable opportunity to use the credit, in accordance with law. A full refund or credit of the impact fee must be provided to the payor within 30 days after the chief administrator receives the payor's written election. A request or response provided in accordance with this subsection may not be used as an admission against interest of either party in any subsequent

action challenging the impact fee.

Section 7. Present subsections (4) through (9) of section 166.241, Florida Statutes are redesignated as subsections (5) through (10), respectively, a new subsection (4) and subsections (11) and (12) are added to that section, and subsection (3) and present subsection (7), paragraph (c) of present subsection (8), and present subsection (9) of that section are amended, to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 5 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) The municipality shall hold a budget workshop at which the governing body of the municipality shall perform a budget reduction exercise, identifying strategies to potentially reduce the ensuing fiscal year budget by 10 percent in comparison to the current year budget without compromising essential public services, such as law enforcement or fire services, or legal obligations. The municipality shall post such exercise on the

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municipality's official website or the county's official website, as applicable, in a portable document format or a similar electronically accessible form that can be downloaded and is independent of the original software and hardware used to create the document, or a link to a recording of the budget workshop. The budget reduction exercise must occur at least 14 days before final budget adoption.

(4) Each tentative budget, adopted tentative budget, or final budget must be posted on the municipality's official website or the county's official website, as applicable. The budget must be posted in a portable document format or a similar electronically accessible form that can be downloaded and may be independent of the original software and hardware used to create the document. At a minimum, the posted budgets must include all of the following information for the proposed fiscal year, the current fiscal year, and the preceding 4 fiscal years:

(a) Budget overview and summary, including a narrative analysis that also utilizes graphical illustrations to highlight major points of emphasis and trends.

(b) An overall municipal summary of revenue and expenditures.

(c) A summary of revenue and expenditures by fund.

(d) A summary of expenses by department and division.

(e) A summary of expenses by program or function.

(f) A summary of expenses related to debt obligations.

(g) A summary of expenses related to capital projects.

(h) An organizational chart or staffing summary.

(i) A summary and analysis of municipal reserves and fund balances.


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(8)~~(7)~~ By each October 15, the municipal budget officer shall electronically submit the following information regarding the final budget and the municipality's economic status to the Office of Economic and Demographic Research in the format specified by the office:

(a) Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.

(b) Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.

(c) Average municipal employee salary.

(d) Median income within the municipality.

(e) Number of special taxing districts wholly or partially within the municipality.

(f) Percent of budget spent on salaries and benefits for municipal employees.

(g) Annual municipal expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. ~~This information must be included in the submission due by October 15, 2020, and each annual submission thereafter.~~

(9)~~(8)~~ The governing body of each municipality at any time within a fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year as follows:

(c) If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the

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budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the municipality's charter. The proposed amendment must be posted on the municipality's official website 5 days before the adoption of the amendment. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the proposed amendment to the manager or administrator of such county or counties who shall post the proposed amendment on the county's website 5 days before the adoption of the amendment.

(10) ~~(9)~~ If the governing body of a municipality amends the budget pursuant to paragraph (9)(c) ~~(8)(c)~~, the adopted amendment must ~~be posted on the official website of the municipality within 5 days after adoption and must~~ remain on the municipality's website or the county's website, as applicable, for at least 5 ~~2~~ years. ~~If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website.~~

(11) Each municipality shall prepare a quarterly summary of compensation for all employees funded with appropriations from the municipality. The summary must include job titles, names, and salaries for each employee. The summary must be posted on the municipality's official website or the county's official website, as applicable, in a portable document format or a similar electronically accessible form that can be downloaded


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and may be independent of the original software and hardware used to create the document. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the summary to the manager or administrator of such county or counties who shall post the summary on the county's website.

(12)(a) Each municipality shall publish a budget development calendar for the ensuing fiscal year. The calendar must list, to the extent practicable, all of the following budget related events:

1. The expected timeframe for municipal agencies to submit their proposed budget requests, including the name of the municipal agency or budget officer to whom such requests must be submitted.

2. The expected timeframe by which the county property appraiser is expected to submit to the municipality the taxable value within the jurisdiction of the municipality under s. 200.065.

3. An expected timeframe for holding any budget workshops at which the municipality's governing body may discuss the ensuing fiscal year budget or the funding requests of the municipality's agencies or governmental units.

4. The expected timeframe in which the budget public hearings required under s. 200.065 may be held.

5. The expected timeframe by which the municipality will hold a budget workshop at which the council or commission will perform the budget reduction exercise required by paragraph (3)(b).

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(b) The budget development calendar must be published on the municipality's official website or the county's official website, as applicable, on or before January 30 of each calendar year. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the budget development calendar to the manager or administrator of such county or counties who shall post the municipality's budget development calendar on the county's website. However, the publication of the budget development calendar may not serve as a basis for bringing any civil or equitable action challenging the adoption of the municipality's tentative or final budget pursuant to this section or s. 200.065.

Section 8. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.


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(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for

purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(43) ~~s. 163.3164(41)~~, s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees

to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district’s classrooms. As used in this sub-subparagraph, the term “instructional technology” means an interactive device that assists a teacher in instructing a class or a group of students

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and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

4. Surtax revenues that are shared with eligible charter

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schools pursuant to paragraph (c) shall be allocated among such schools based on each school's proportionate share of total school district capital outlay full-time equivalent enrollment as adopted by the education estimating conference established in s. 216.136. Surtax revenues must be expended by the charter school in a manner consistent with the allowable uses provided in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this paragraph shall revert to the sponsor.

Section 9. The Legislature finds and declares that this act fulfills an important state interest.

Section 10. This act shall take effect January 1, 2027.

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to local government finances; providing a short title; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the county to hold a budget workshop for a specified purpose by a certain date; requiring the county to post a certain

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budget reduction exercise or link on its website; requiring that tentative, adopted tentative, and final budgets be posted on a county's website; specifying requirements for such posted budgets; deleting obsolete language; requiring counties to prepare certain quarterly compensation summaries; requiring that such summaries be posted on a county website in a certain format; requiring counties to publish budget development calendars; specifying requirements for such calendars; providing that such publication may not serve as a basis for certain actions; amending s. 129.06, F.S.; revising the length of time for which a public hearing for an amendment to a county budget must be advertised; requiring that proposed amendments be posted on the county's website on a certain date; revising the length of time for which adopted amendments must remain on such website; s. 163.3164, F.S.; defining the terms "impact fee" and "plan-based methodology"; amending s. 163.3180, F.S.; authorizing a local government to adopt an alternative transportation system that is mobility-plan and fee-based or that is not mobility-plan and fee-based, including impact fees, under certain circumstances; providing construction; prohibiting certain interlocal agreements from extending beyond a specified date; deleting an exception to an applicability provision relating to concurrency; amending s. 163.31801, F.S.; defining the term "extraordinary circumstances"; specifying requirements applicable to local


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governments and special districts for impact fees adopted or increased after a specified date; requiring that a demonstrated-need study use a plan-based methodology for a certain purpose; requiring that certain capacity standards be specified in a certain impact fee study; requiring that a demonstrated-need study be accompanied by a certain declaration; requiring local governments, school districts, and special districts to use localized data for a certain purpose; prohibiting local governments, school districts, and special districts from using certain data for a specified purpose; prohibiting local governments, school districts, and special districts from including certain deductions in certain impact fee increases and from increasing impact fee rates beyond certain phase-in limitations by more than a specified percentage within a certain timeframe; providing procedures relating to impact fee payor refunds and credits of impact fee overpayments; providing legislative intent; prohibiting the use of certain provisions as an admission against interest; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the municipality to hold a budget workshop for a specified purpose by a certain date; requiring the municipality to post a certain budget reduction exercise or link on its website or the county’s website, as applicable;


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requiring that tentative, adopted tentative, and final budgets be posted on a municipality's website or the county's website, as applicable; specifying requirements for such posted budgets; deleting obsolete language; requiring that proposed amendments be posted on a certain website on a certain date; revising the length of time for which adopted amendments must remain on such website; requiring municipalities to prepare certain quarterly compensation summaries; requiring that such summaries be posted in a specified manner; requiring municipalities to publish budget development calendars in a specified manner; specifying requirements for such calendars; providing that such publication may not serve as a basis for certain actions; amending s. 212.055, F.S.; conforming a cross-reference; declaring that the act fulfills an important state interest; providing an effective date.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Community Affairs; and Senator DiCeglie

601-03235-26 20261566c2

A bill to be entitled

An act relating to local government spending; providing a short title; amending s. 129.03, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on county websites; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; deleting obsolete language; amending s. 129.06, F.S.; revising the timeframe during which a public hearing for an amendment to a county budget must be advertised; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on the county's website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; amending s. 166.241, F.S.; revising the timeframe during which tentative budgets, and the length of time for which final budgets, must be posted on municipal or county websites, as applicable; requiring the posting of such budgets to allow members of the public to view, review, and download certain information and data in specified formats; revising the timeframe during which, and the length of time for which, an adopted amendment must be posted on such website; requiring that the adopted amendment be incorporated into budget data made available to the public in a certain manner; providing an effective date.

601-03235-26 20261566c2

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

Section 1. This act may be cited as the "Local Government Financial Transparency and Accountability Act."

Section 2. Present paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is redesignated as paragraph (e) and amended, a new paragraph (d) is added to that subsection, and paragraph (c) of that subsection is amended, to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 7 ~~2~~ days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at

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

least 5 ~~2~~ years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must be made in the minutes of the board to record its actions with reference to the budgets.

(d) Each tentative budget, adopted tentative budget, and final budget posted on the county's official website must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the county's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Review revenue and expense trends in the categories in the county's chart of accounts, and view and compare such data on a comparison chart.

4. View the data submitted to the Office of Economic and Demographic Research under subparagraphs (e)1. and 2.

5. Download budget data.

6. View data in different graphical formats.

7. View information for one or more county departments, divisions, funds, or financial categories at the same time.

8. View the average county employee salary, the percentage of the budget spent on salaries and benefits for county employees, and all county employee salaries in a searchable format.

(e)~~(d)~~ By each October 15, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of

Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.

2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.

3. Median income within the county.

4. The average county employee salary.

5. Percent of budget spent on salaries and benefits for county employees.

6. Number of special taxing districts, wholly or partially, within the county.

7. Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. ~~The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.~~

Section 3. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to

a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least 7 ~~2~~ days~~,~~ ~~but not more than 5 days,~~ before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. A proposed amendment to the budget must be posted on the county's official website within 7 days before adoption. If the board amends the budget pursuant to this paragraph, the adopted amendment must ~~be posted on the county's official website within 5 days after adoption and must~~ remain on the website for at least 5 ~~2~~ years. The adopted amendment must be incorporated into the budget data made available to the public under s. 129.03(3)(d).

Section 4. Subsections (3) and (9) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(3)(a) The tentative budget must be posted on the municipality's official website at least 7 ~~2~~ days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the

municipality's official website within 30 days after adoption and must remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(b) Each tentative budget, adopted tentative budget, or final budget posted on the municipality's official website or the county's official website, as applicable, must allow members of the public to do all of the following:

1. View budget data in a searchable format.

2. View and filter data according to categories in the municipality's chart of accounts, including, but not limited to, fund, department, division, program, or activity.

3. Review revenue and expense trends in the categories in the municipality's chart of accounts, and view and compare such data on a comparison chart.

4. Download budget data.

5. View data in different graphical formats.

6. View information for one or more municipal departments, divisions, funds, or financial categories at the same time.

7. View the average municipal employee salary, the percentage of the budget spent on salaries and benefits for municipal employees, and all municipal employee salaries in a searchable format.

(9) A proposed amendment to the budget must be posted on the municipality's official website within 7 days before

adoption. If the governing body of a municipality amends the budget pursuant to paragraph (8)(c), the adopted amendment must ~~be posted on the official website of the municipality within 5 days after adoption and must~~ remain on the website for at least 5 ~~2~~ years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website. The adopted amendment must be incorporated into the budget data made available to the public under paragraph (3)(b).

Section 5. 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

3/3/26
Meeting Date

Rules
Committee

1566
Bill Number or Topic

484786
Amendment Barcode (if applicable)

Name LUCAS PARSONS

Phone 850-591-7754

Address 215 S MONROE ST
Street

Email lparsons@carltonfields.com

TLH FLA 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:
FL HOME BUILDERS ASS'N

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/3
Meeting Date

Rules
Committee

1566
Bill Number or Topic

489786
Amendment Barcode (if applicable)

Name Louis Rotundo

Phone 407-699-9311

Address 302 Pinestraw Circle
Street

Email LCR5002@aol.com

Altamonte Springs 32714
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: City of Altamonte Springs

☐ 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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3/3/26
Meeting Date

Rules
Committee

1566
Bill Number or Topic

484786
Amendment Barcode (if applicable)

Name Gary Hunter

Phone 850-567-5763

Address 119 S. Monroe St Suite 500
Street

Email ghunter@holtzmanvogel.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:
Association of Florida Community Developers

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/3/26
Meeting Date

Rules
Committee

SB 1566
Bill Number or Topic

484786
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
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3/3/26
Meeting Date

Rules
Committee

1566
Bill Number or Topic

L184786
Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850 933 4665

Address 516 N Adams
Street

Email cfinke@aif.com

TLH 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: Associated Industries of Florida

☐ 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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3/3/26
Meeting Date

Rules
Committee

SB 1566
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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03/03/26
Meeting Date

RULES
Committee

1566
Bill Number or Topic

Amendment Barcode (if applicable)

Name HANNAH CHRISTIAN

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Email HANNAH.CHRISTIAN@myFloridaCFO.com

TALLAHASSEE FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
CFO BLAISE INGOGLIA

☐ 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)

3-3-26
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1566
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:

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S-001 (08/10/2021)

Following appearance card not read into the record

Amendment was withdrawn

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/26
Meeting Date

Rules
Committee

1566
Bill Number or Topic

707548
Amendment Barcode (if applicable)

Name Louis Rotundo

Phone 407-699-9361

Address 302 Pinestraw Circle
Street

Email LCR5002@AOL.com

Altamonte Springs 32714
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: City of Altamonte Springs

☐ 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 1568
INTRODUCER:	Appropriations Committee on Agriculture, Environment, and General Government; Banking and Insurance Committee; and Senator DiCeglie
SUBJECT:	Florida Stablecoin Pilot Program
DATE:	March 2, 2026 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1568 establishes the Florida Stablecoin Pilot Program (the "program") which allows the Department of Financial Services (the "Department") to accept, purchase, hold, or disburse any payment stablecoins ("stablecoins") that are designated by the Department and meet certain criteria. The bill provides the Legislative intent of the voluntary program is to yield benefits from acceptance of stablecoins for the payment of governmental fees.

The Department is authorized by the bill to accept stablecoins for the payment of government fees, issue certain disbursements and purchase stablecoins that are necessary to make such disbursements and hold stablecoins which are restricted to a specified amount for a certain period if interest or yields are not earned on them. Any yields earned on them must be credited to the benefit of the state.

The bill authorizes the Department to designate one or more stablecoins for the authorized activities. Designated stablecoins must meet several requirements, including complying with relevant federal and state laws, having a minimum market capitalization, being fully backed by reserve assets on a one to one basis, being subjected to reasonable network or exchange platform fees, and being issued by a permitted payment stablecoin issuer. The Department must make certain information regarding the program available on its website within a specified time.

An applicant, a licensee, or other program participant may elect to participate in the program and remit designated stablecoins to a compatible digital wallet address designated by the Department. The Department is required to provide a compatible digital wallet address for the receipt of designated stablecoins and must convert such coins to U.S. currency and credit the applicable account within a reasonable time after receipt of payment. A participant that elects to receive authorized disbursements in designated stablecoin must provide the Department with a compatible digital wallet address where payment may be sent.

The Department is authorized to conduct examinations, audits, and investigations of the designated stablecoin issuer to verify asset backing, redeemability, and adherence to consumer protection standards, including standards related to fraud prevention and dispute resolution. The Department is required to coordinate with the Office of Financial Regulation (OFR) when conducting such activity.

There is an indeterminate fiscal impact to state revenues and expenditures. *See* **Section V., Fiscal Impact Statement.**

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 $187.03 billion and $75.43 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] Stablecoin may be secured in a custodial or noncustodial wallet that stores private keys required

[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 12, 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").

for transaction authorization.[8] Custodial wallets are maintained by third-party services for key management, whereas noncustodial wallets are maintained by the stablecoin owner keeping full control.[9] There are "hot" wallets that are connected to the internet or a device that is connected to the internet and "cold" wallets that have no connection.[10] The most common types of wallets are noncustodial software hot wallets, noncustodial hardware cold or hot wallets, or custodial hardware cold wallets.[11]

Some reported benefits of stablecoins include: fast transactions, transparency, programmability, unrestricted availability, minimal cost, global access, and flexibility in models.[12] 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.[13]

Stablecoin Regulation

Last year, the Guiding and Establishing National Innovation for U.S. Stablecoins Act (the "GENIUS Act")[14] 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 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

[8] The Investopedia Team, *Cryptocurrency Wallets Explained: Types, Functionality & Security* (Jan. 6, 2026), Investopedia, https://www.investopedia.com/terms/b/bitcoin-wallet.asp (last visited Feb. 12, 2026).
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] Sergeenkov, Andrey; *Forbes*, *What Are Stablecoins and How Can One Use Them for Payments?* (Oct. 13, 2024), Forbes, Forbes 101, Forbes Digital Assets, https://www.forbes.com/sites/digital-assets/article/what-are-stablecoins-how-to-use-them/ (last visited Feb. 12, 2026).
[13] AFP Stablecoins Article.
[14] Guiding and Establishing National Innovation for U.S. Stablecoin Act, Pub. L. 119-27 (July 18, 2025).

restricts the issuance, offer, or sale of a payment stablecoin[15] to permitted payment stablecoin issuers,[16,17] which must:[18]

- Maintain identifiable reserves backing the outstanding payment stablecoins on at least a one-to-one basis[19] 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 containing specified information on its website.

A permitted payment stablecoin issuer must have monthly reports examined by a registered public accounting firm.[20] The GENIUS Act requires the primary federal payment stablecoin regulator (the "federal regulator"),[21] 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

[15] 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.

[16] 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.

[17] 12 U.S.C. s. 5902(a).

[18] 12 U.S.C. s. 5903(a)(1).

[19] 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.

[20] 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.

[21] 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.

- Appropriate operational, compliance and information technology risk management principles-based requirements and standards.[22]

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[23] with a consolidated total outstanding issuance of less than $10 billion that elect to be regulated under a state-level regulatory regime provided such regime is "substantially similar" to the GENIUS Act regulatory framework.[24]

Other Federal Regulation

Congress is considering passage of the Digital Asset Market Clarity Act of 2025 (the "CLARITY Act")[25] which would establish a regulatory framework for digital commodities[26] that are defined as digital assets[27] and rely upon blockchain[28] for their value.[29] The CLARITY Act requires a digital commodity broker, dealer, or exchange to register with the Commodity Futures Trading Commission unless an exemption applies,[30] and requires a digital commodities transaction to meet specified requirements including qualifications to trade on an exchange.[31] 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.[32] The CLARITY Act has passed the House and is currently in the Senate Banking, Housing, and Urban Affairs Committee.[33]

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[22] 12 U.S.C. s. 5903(a)(4).
[23] 12 U.S.C. s. 5906(a).
[24] 12 U.S.C. s. 5903(c).
[25] *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")
[26] 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).
[27] *Id.* defines "digital asset" as any digital representation of value which is recorded on a cryptographically-secured distributed ledger or similar technology.
[28] *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)."
[29] 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)
[30] *Id.*
[31] The CLARITY Act.
[32] *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).
[33] 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).

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 related laws. Stablecoin issuers operating in Florida would be required to obtain licensure in another state or at the federal level.[34]

Department of Financial Services

The Department of Financial Services (the "Department") consists of several divisions including, for instance, the Division of Insurance Agent and Agency Services (the "Insurance Division"),[35] and is jointly responsible with the Office of Insurance Regulation for enforcing the applicable statutory provisions related to the Florida Insurance Code.[36] Part of the Department's responsibilities include licensing insurance agents, agencies, adjusters, and adjusting firms,[37] and collecting licensing fees with respect to such licensing.[38]

The Insurance Division "monitors 1.27 million active licenses, processes more than 2.9 million appointment requests, reviews over 100,00 (sic) applications, and conducts over 3,000 investigations each year."[39] The Insurance Division's efforts generate approximately $120 million which are credited to the Insurance Regulatory Trust Fund.[40]

Qualified Public Depositories

Unless a specific exemption applies, state and local governments must deposit public funds in a bank or savings association that has been designated as a qualified public depository (QPD) under the Florida Security for Public Deposits Act.[41]

To be designated as a QPD by the CFO, a bank, savings bank, or savings association must:
- Have authority to accept deposits because it has been chartered and regulated by the state or federal government;
- Have its principal place of business in Florida, or a branch office in Florida;

[34] The OFR, *2026 Agency Legislative Bill Analysis for Senate Bill 314, Florida Office of Financial Regulation*, (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).
[35] Section 20.121(2), F.S.
[36] Section 624.307(1), F.S.
[37] Section 626.112(1)(a), F.S. and s. 626.172(1), F.S.
[38] Section 624.501, F.S.
[39] The Department of Financial Services, *Department of Financial Services 2026 Legislative Bill Analysis for SB 1568* (Jan. 30, 2026) (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "The Department's Agency Analysis for SB 1568").
[40] *Id.*; s. 624.523, F.S.
[41] Sections 280.01 and 280.03(1)(b), F.S. Certain public deposits, including those that are fully collateralized under other laws and moneys contributions to the state retirement system that are held in the System Trust Fund, are exempt pursuant to s. 280.03(3), F.S.

- Have deposit insurance pursuant to the Federal Deposit Insurance Act[42] or the National Credit Union Share Insurance Fund;
- Have procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits;
- Meet all the requirements of ch. 280, F.S., relating to security for public deposits; and
- Refrain from engaging in the unsafe and unsound practice of discriminating against a person in providing services.[43]

Qualified public depositories must secure public deposits with a pledge of eligible collateral, to protect the deposit against losses that could occur in the event of insolvency or default.[44] The amount of collateral that is required is based on statutory guidelines and the QPD's overall financial condition.[45]

Public deposits include, but are not limited to, time deposit accounts, demand deposit accounts, and nonnegotiable certificates of deposits; they do not include moneys in deposit notes, securities, mutual funds, and similar investments.[46]

A bank or savings association must guarantee public depositors against losses caused by the default or insolvency of other QPDs.[47] Any shortfall that is not covered by the maximum federal deposit insurance of $250,000, the CFO must demand payment under letters of credit or the sale of pledged or deposited collateral by the defaulting depository. The CFO may assess QPDs for the total loss if the demand for payment or sale cannot be accomplished within seven days.[48]

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. [49] The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.[50]

III. Effect of Proposed Changes:

The bill creates a pilot program for the Department of Financial Services (the "Department") to accept payment stablecoin for payment of governmental fees and hold and disburse payment stablecoin.

[42] 12 U.S.C. ss. 1811 et. seq.
[43] Section 280.02(26), F.S.
[44] Sections 280.04 and 280.041(6), F.S.
[45] Section 280.04, F.S., and Rule 69C-2.024, F.A.C.
[46] Section 280.02(23), F.S.
[47] Section 280.07, F.S.
[48] Section 280.08, F.S.
[49] Section 560.103(23), F.S.
[50] Section 560.114(1), F.S.

Section 1 creates s. 17.72, F.S., to establish the Florida Stablecoin Pilot Program (the "program") and specify the intent of the Legislature is for the voluntary program to yield benefits from acceptance of payment stablecoins for governmental fees.

The bill defines the following terms:

- "Blockchain" means a mathematically secured, chronological, decentralized, distributed, and digital ledger or database that consists of records of transaction that cannot be altered retroactively.
- "Compatible digital wallet address" means the address of a software application that securely stores private keys for accessing and completing transactions with payment stablecoins.
- "Digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.
- "Exchange platform" means a company licensed and regulated by the federal or a state government which provides training, custody, or money transmission services of payment stablecoins or other digital assets.
- "Federal qualified payment stablecoin issuer" means 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. As used in this subsection, the term "national bank" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.
  - 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.
- "Network fee" means the cost paid by a user to have a transaction processed and confirmed on a blockchain network.
- "Payment stablecoin" means a digital asset that meets all the following requirements:
  - Is, or is designed to be, used as a means of payment or settlement.
  - 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.
    - 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 does not include a digital asset that is any of the following:
    - A national currency.
    - A deposit as defined in section 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" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.
    - A security, as defined in s. 517.21, section 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, section 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or section 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

- "Permitted payment stablecoin issuer" means a person formed in the United States which is one of the following:
  - A subsidiary of an insured depository institution that has been approved to issue payment stablecoins under the GENIUS Act, Pub. L. No. 119-27. For purposes of this subparagraph, the term "insured depository institution" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.
  - A federal qualified payment stablecoin issuer.
  - A state qualified payment stablecoin issuer.
- "State qualified payment stablecoin issuer" means an entity legally established under the laws of a state and approved by the Office of Financial Regulation (OFR) to issue payment stablecoins.

The bill authorizes the Department to engage in the following activities:
- Accept payment stablecoin ("stablecoin") as a form of payment for licensing, application, renewal, other regulatory fees, or any other fee owed to the Department.
- Issue refunds, reimbursements, or other similar disbursements in the form of stablecoins to any participant who elects to participate in the program. The Department is authorized to purchase stablecoins in an amount that is necessary to support such activity.
- Hold stablecoins. The Department may hold stablecoins only in the amount that is estimated to be required to issue refunds, reimbursements, or other similar disbursements during a revolving 30-day period if the stablecoin does not earn any interest or yields. Any interest earned on stablecoin must be credited to the benefit of the state.

The Department may designate one or more payment stablecoins for activities authorized under the bill if the payment stablecoin meets all requirements specified in the bill. The requirements are that the stablecoin must:
- Have an average market capitalization of at least one billion dollars during the preceding 12 month period.
- Be fully backed by reserve assets on a one-to-one basis limited to U.S. currency, demand deposits at insured depository institutions, U.S. Treasury bills having a remaining maturity of 93 days or less, or reverse repurchase agreements collateralized by the Treasury bills.
- Be redeemable at all times at a one-to-one ratio for U.S. dollars through the permitted payment stablecoin issuer or its agent.
- Be issued by a permitted payment stablecoin issuer.
- Be purchased by the department directly from a permitted payment stablecoin issuer through a blockchain network or indirectly through an exchange platform or received by the department from a program participant.
- Be subject to reasonable network or exchange fees that are consistent with industry standards if they are paid by the department. Examples of fees that may be paid are fees for purchasing, selling, transacting, converting, withdrawing, payment processing, or gas fees. The fees must not exceed the fees that would be charged to the department if payment were accepted by similar mediums of exchange.
- Be issued by an issuer that meets any additional criteria for a permitted payment stablecoin issuer under any applicable federal or state law, such as the GENIUS Act, unless the provisions of the bill provide otherwise.

The bill allows the Department to accept payment stablecoins as a form of payment for fees, which may include licensing fees, registration fees, certification fees, assessment fees, application fees, renewal fees, and other regulatory fees administered by the department. An applicant, a licensee, or other program participant may remit stablecoins to a compatible digital wallet address designated by the Department as a valid form of payment for such fees.

If the Department decides to engage in any of the authorized activities, the Department must comply with several requirements, as applicable:

- Ensure that any payment stablecoin issuer designated for use in the pilot program is a permitted payment stablecoin issuer. The Department may not designate a payment stablecoin or engage in any activities that are authorized in the pilot program if a federal or state qualified payment stablecoin issuer has not been approved by the respective regulator.
- Provide a compatible digital wallet address for the receipt of stablecoins.
- Within a reasonable time after receiving a stablecoin from any program participant, convert the stablecoins into U.S. currency and credit the account where the funds would be held in a qualified public depository, unless an exception applies, in the same manner as they would have been credited for payments made by other authorized means. The Department is required to attempt to minimize the amount of potential fees when determining the date and time to convert the payment stablecoin.
- Make certain information available on the Department's website at least 15 days before the information, designation, or change of information become effective, including:
  - The intended or actual start date of the pilot program.
  - An explanation of how the pilot program operates and how to elect to participate in the pilot program.
  - The designation of any payment stablecoins that meet all of the requirements in this section, and information about the process of being selected as a designated payment stablecoin.
  - Whether the Department will engage or is engaging in any of the activities authorized in the program.
  - Whether the Department will cease or has ceased engaging in one or more of the authorized activities.

The bill authorizes the Department to send stablecoins for refunds, reimbursements, or other disbursements to participants who elect to receive the payments in stablecoins. The bill allows a participant who receives funds from the Department to elect to receive refunds, reimbursements, or other disbursements in those stablecoins designated by the Department for participation in the pilot program. A participant who elects to receive authorized disbursements in stablecoin must provide the Department with a compatible digital wallet address where the payment may be sent.

The bill authorizes the Department to conduct examinations, audits, and investigations of the issuer of the stablecoin that is designated for use in the program to verify asset backing, redeemability, and adherence to consumer protection standards, such as standards related to fraud prevention and dispute resolution. The bill requires the Department and the Office of Financial Regulation (OFR) to coordinate any examinations, audits, and investigations of state payment stablecoin issuers to avoid duplicative efforts and ensure for efficient use of resources.

The bill requires the Department to monitor and evaluate the program and collect data on transaction volume, cost savings, security incidents, regulatory compliance, economic impacts, and any instances of fraud or disputes. Every February 1st beginning in 2027, the Department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include the following:

- A summary of the data the Department is required to collect.
- Any findings related to the pilot program, such as trends or patterns relating to financial matters, like fiscal impacts, or nonfinancial matters, like utilization analysis.
- Recommendations for expansion or termination of the program.
- Proposed statutory changes, if appropriate.

The bill includes statutory construction which specifies that the bill's provisions:

- Do not alter or supersede any existing statutory fee obligations, licensing requirements, or enforcement authority of the Department.
- May not construed to require the Department to implement the pilot program, or to engage in any or all of the authorized activities.
- Clarify that acceptance of stablecoins is an optional payment method and does not require acceptance of any other digital asset.
- May not be construed to relieve the Chief Financial Officer or the Department of any obligation to secure public funds, including any stablecoins, in a qualified public depository unless an exemption applies or, with respect to payment stablecoins, to hold such stablecoins in a manner similar to how direct United States Treasury obligations are held pursuant to s. 17.57(2)(a), F.S.[51]

The Department is authorized to adopt rules to implement the provisions of the bill.

Section 2 provides 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.

D. State Tax or Fee Increases:

None.

[51] *See* s. 17.57, F.S.

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 Department of Financial Services (Department) reports that "[t]he bill may result in operational efficiencies or cost savings associated with payment processing, settlement times, and transactions fees; however, the magnitude of any savings is indeterminate and would depend on program participation and implementation decisions made by the department."[52]

The Department also recognizes that there could be expenditures associated with the program, noting "[t]here could be associated custody costs with the stablecoin program. More information will have to be obtained through the contracting process. In addition, there will be nominal, but indeterminate network fees for each transaction."[53] The bill requires the Department to pay only reasonable network and exchange fees that do not exceed the fees that would be charged to the department if payment were accepted by credit card or wire transfer. Further, the Department must attempt to minimize the amount of potential fees when determining the date and time to convert stablecoins.

The Department expects a fiscal impact to the Department's technology systems and reports "[t]he Treasury will have to contract with the appropriate custody and technology providers in order to receive, convert, and/or create stablecoin. The impact to current business systems and processes will have to be addressed throughout."[54]

Finally, the Department anticipates a fiscal impact because "[t]he state will have to remain in compliance with federal law related to stablecoin and financial reporting."[55]

VI. Technical Deficiencies:

None.

[52] The Department's Agency Analysis for SB 1568.
[53] *Id.*
[54] *Id.*
[55] *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 17.72 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 Agriculture, Environment, and General Government on February 18, 2026:
The committee substitute:

- Clarifies the Department of Financial Services (DFS) may choose one or more of the authorized activities in which to engage.
- Specifies the authorized activities must be with any payment stablecoins designated by the DFS.
- Modifies the requirement of a U.S. Treasury bill as a reserve asset to have a remaining maturity of 93 days or less, rather than 90 days or less.
- Prohibits network or exchange platform fees paid by the DFS from exceeding fees that would be charged by "similar mediums of exchange," rather than charged by credit card or wire transfer.
- Modifies the DFS duties to clarify that the duties apply only to the extent that the DFS decides to engage in any of the authorized activities.
- Clarifies that the DFS may not designate a payment stablecoin if the Federal government has not approved any Federal qualified payment stablecoin issuers or the Office of Financial Regulation (OFR) has not approved any state qualified payment stablecoin issuers.
- Clarifies that once payment stablecoins are converted as required in the bill, the funds would be held in a qualified public depository, unless an exception applies as provided under current law.
- Requires the DFS to make specified public disclosures on its website at least 15 days before the information, designation, or change of information becomes effective.
- Provides statutory construction to clarify that the DFS is not required to implement the pilot program, or to engage in any or all of the authorized activities.
- Modifies the statutory construction to allow stablecoins to be held in a manner similar to how direct United States Treasury obligations are held pursuant to s. 17.57(2)(a), F.S.

CS by Banking and Insurance on February 4, 2026:
The committee substitute:

- Clarifies the Legislative intent of the program.
- Authorizes the Department of Financial Services (Department) to engage in specified activities relating to stablecoins.

- Restricts the amount and time that stablecoin may be held if no interest or yield is earned on them.
- Provides any yields earned on stablecoins must be credited to the benefit of the state.
- Authorizes the Department to designate one or more stablecoins for use in the program.
- Specifies requirements that stablecoins used in the program must meet.
- Clarifies the Department's fees that may be paid in stablecoins.
- Requires a program participant that elects to receive certain disbursements from the Department to provide a compatible digital wallet address where such payment may be sent.
- Clarifies the Department's requirements relating to the program, including using permitted payment stablecoin issuers, providing participants with a compatible digital wallet address, and converting stablecoins.
- Requires the Department to coordinate with the OFR to conduct examinations, audits, or investigations in certain circumstances.
- Clarifies the information required to be included to annual reports that must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Expands statutory construction to clarify that the Chief Financial Officer or the Department are not relieved from complying with obligations to secure public funds, including stablecoins, in a qualified public depository unless an exemption applies.
- Defines terms.

B. Amendments:

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator DiCeglie

601-02966-26 20261568c2

A bill to be entitled

An act relating to the Florida Stablecoin Pilot Program; creating s. 17.72, F.S.; establishing the Florida Stablecoin Pilot Program within the Department of Financial Services; providing legislative intent; defining terms; authorizing the department to engage in certain activities; authorizing the department to designate one or more payment stablecoins for certain activities; requiring that certain payment stablecoins meet specified criteria; authorizing the department to accept payment stablecoins; authorizing program participants to elect to voluntarily participate in the program and remit payment stablecoins to a compatible digital wallet address; requiring certain participants to provide the department with a compatible digital wallet address; requiring the department to comply with certain requirements; requiring the department to provide a compatible digital wallet address for a specified purpose; authorizing the department to conduct examinations, audits, and investigations of permitted payment stablecoin issuers; requiring the department to coordinate with the Office of Financial Regulation under certain circumstances; requiring the department to monitor and evaluate the pilot program and collect certain data; requiring the department to submit an annual report containing certain information to the Governor and the Legislature, beginning on a specified date and annually thereafter; providing construction; authorizing the department to adopt rules; providing an effective date.

601-02966-26 20261568c2

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

Section 1. Section 17.72, Florida Statutes, is created to read:

17.72 Florida Stablecoin Pilot Program.—There is established within the Department of Financial Services the Florida Stablecoin Pilot Program. It is the intent of the Legislature that the Florida Stablecoin Pilot Program yield benefits from the acceptance of payment stablecoins as a form of payment for governmental fees through this voluntary pilot program.

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

(a) "Blockchain" means a mathematically secured, chronological, decentralized, distributed, and digital ledger or database that consists of records of transactions that cannot be altered retroactively.

(b) "Compatible digital wallet address" means the address of a software application that securely stores private keys for accessing and completing transactions with payment stablecoins.

(c) "Digital asset" means any digital representation of value that is recorded on a cryptographically secured digital ledger.

(d) "Exchange platform" means a company licensed and regulated by the federal or a state government which provides trading, custody, or money transmission services of payment stablecoins or other digital assets.

(e) "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.

(f) "Network fee" means the cost paid by a user to have a transaction processed and confirmed on a blockchain network.

(g)1. "Payment stablecoin" means a digital asset that meets all of the following requirements:

a. Is, or is designed to be, used as a means of payment or settlement.

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.

b. A deposit as defined in section 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" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

c. A security, as defined in s. 517.021, section 2 of the Securities Act of 1933, 15 U.S.C. s. 77b, section 3 of the Securities and Exchange Act of 1934, 15 U.S.C. s. 78c, or section 2 of the Investment Company Act of 1940, 15 U.S.C. s. 80a-2.

(h) "Permitted payment stablecoin issuer" means a person formed in the United States which is one of the following:

1. A subsidiary of an insured depository institution that has been approved to issue payment stablecoins under the GENIUS Act, Pub. L. No. 119-27. For purposes of this subparagraph, the term "insured depository institution" has the same meaning as in the GENIUS Act, Pub. L. No. 119-27.

2. A federal qualified payment stablecoin issuer.

3. A state qualified payment stablecoin issuer.

(i) "State qualified payment stablecoin issuer" means an entity legally established under the laws of a state and approved by the Office of Financial Regulation to issue payment stablecoins.

(2) PROGRAM PARTICIPATION.—

(a) The department may engage in one or more of the

following activities with any payment stablecoins that are designated by the department pursuant to paragraph (b) and that meet the requirements of this section:

1. Accept payment stablecoins for the payment of authorized fees as provided in paragraph (c).

2. Issue refunds, reimbursements, or other similar disbursements in the form of payment stablecoins to any participant who elects to receive a payment in such form. The department may purchase payment stablecoins in an amount that is necessary to support such activity.

3. Hold payment stablecoins. If a payment stablecoin held by the department does not earn interest or yields, the department may hold such payment stablecoin only in the amount that is estimated to be required to issue refunds, reimbursements, or other similar disbursements during a revolving 30-day period. Any direct or indirect yields earned with respect to payment stablecoins shall be credited to the benefit of the state.

(b) The department may designate one or more payment stablecoins for the activities authorized in paragraph (a). Any payment stablecoin that is accepted, purchased, held, or disbursed by the department pursuant to this section must meet all of the following criteria:

1. Have an average market capitalization of at least $1 billion during the preceding 12-month period.

2. Be fully backed by reserve assets on a one-to-one basis limited to United States currency, demand deposits at insured depository institutions, United States Treasury bills having a remaining maturity of 93 days or less, or reverse repurchase

agreements collateralized by such Treasury bills.

3. Be redeemable at all times at a one-to-one ratio for United States dollars through the permitted payment stablecoin issuer or its agent.

4. Be issued by a permitted payment stablecoin issuer.

5. Be purchased by the department directly from a permitted payment stablecoin issuer through a blockchain network or indirectly through an exchange platform, or received by the department from a program participant.

6. If network fees or exchange platform fees are paid by the department, be subject to reasonable network fees or exchange platform fees, including, but not limited to, purchasing, selling, transacting, converting, withdrawing, payment processing, or gas fees, which are consistent with industry standards. Such fees must not exceed the fees that would be charged to the department if payment were accepted by similar mediums of exchange.

7. Except as otherwise provided in this section, be issued by an issuer that meets any additional criteria for a permitted payment stablecoin issuer under any applicable federal or state law including, but not limited to, the GENIUS Act, Pub. L. No. 119-27.

(c) The department may accept payment stablecoins as a form of payment for fees that include, but are not limited to, licensing fees, registration fees, certification fees, assessment fees, application fees, renewal fees, other regulatory fees administered by the department, or any other fee owed to the department.

(d) An applicant, a licensee, or other program participant

may elect to voluntarily participate in the pilot program and remit payment stablecoins to a compatible digital wallet address designated by the department as a valid form of payment for any fee authorized in paragraph (c).

(e) A participant that elects to receive from the department a refund, reimbursement, or other similar disbursement in the form of payment stablecoin must provide the department with a compatible digital wallet address where such payment may be sent.

(3) DEPARTMENT DUTIES.—

(a) To the extent the department decides to engage in any of the activities authorized under paragraph (2)(a), the department must comply with all of the following requirements, as applicable:

1. Ensure that any payment stablecoin issuer designated for use in the pilot program is a permitted payment stablecoin issuer. If the Federal Government has not approved any federal qualified payment stablecoin issuers, or if the Office of Financial Regulation has not approved any state qualified payment stablecoin issuers, the department may not designate a payment stablecoin for use in the pilot program pursuant to paragraph (2)(b) or engage in any of the activities authorized in paragraph (2)(a).

2. Provide a compatible digital wallet address to any participant that elects to participate in the voluntary pilot program for the payment of any fees authorized in paragraph (2)(c) to be paid in the form of payment stablecoins.

3. Within a reasonable time after receiving a payment stablecoin from any program participant, convert the payment

stablecoin into United States currency and credit the applicable account where the funds would be held in a qualified public depository, unless an exception applies pursuant to s. 280.03, in the same manner as a payment made by any other authorized means. The department is required to attempt to minimize the amount of potential fees when determining the date and time to convert the payment stablecoin.

4. Make the following information available to the public on the department's website at least 15 days before the information, designation, or change of information becomes effective:

a. The intended or actual start date of the pilot program.

b. An explanation of how the pilot program operates and how to elect to participate in the pilot program.

c. The designation of any payment stablecoins that meet all of the requirements in this section, and information about the process of being selected as a designated payment stablecoin.

d. Whether the department will engage, or is engaging in, any of the activities authorized in paragraph (2)(a).

e. Whether the department will cease, or has ceased engaging in, one or more of the activities authorized in paragraph (2)(a).

(b) The department may conduct examinations, audits, or investigations of a permitted payment stablecoin issuer of a payment stablecoin designated for use in the pilot program to verify asset backing, redeemability, and adherence to consumer protection standards, including standards related to fraud prevention and dispute resolution. To the extent that the department intends to engage in such conduct as to a state

qualified payment stablecoin issuer, the department shall coordinate with the Office of Financial Regulation to avoid duplicated efforts and to efficiently regulate such issuer.

(4) REPORTING.—

(a) The department shall monitor and evaluate the pilot program and collect data on transaction volume, cost savings, security incidents, regulatory compliance, and economic impacts, as well as any instances of fraud or disputes.

(b) Beginning February 1, 2027, and annually thereafter, the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include all of the following:

1. A summary of the data collected pursuant to paragraph (a).

2. Any findings the department makes with respect to the pilot program which include, but are not limited to, findings regarding any trends or patterns relating to financial matters, such as fiscal impacts, or nonfinancial matters, such as utilization analyses.

3. Any recommendations for expansion or termination of the pilot program.

4. Any proposed statutory changes, if appropriate.

(5) CONSTRUCTION.—This section:

(a) Does not alter or supersede any existing statutory fee obligations, licensing requirements, or enforcement authority of the department.

(b) May not be construed to require the department to implement the pilot program, or to engage in any of the activities authorized in paragraph (2)(a).

(c) Authorizes the acceptance of payment stablecoins as an optional payment method and does not require or authorize the acceptance of any other digital asset.

(d) May not be construed to relieve the Chief Financial Officer or the department of any obligation to secure public funds, including any payment stablecoins, in a qualified public depository unless an exemption applies pursuant to s. 280.03 or, with respect to payment stablecoins, to hold such stablecoins in a manner similar to how direct United States Treasury obligations are held pursuant to s. 17.57(2)(a).

(6) RULEMAKING.—The department may adopt rules to implement this section.

Section 2. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

03/03/26
Meeting Date

RULES
Committee

1568
Bill Number or Topic

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 1580
INTRODUCER:	Rules Committee; Regulated Industries Committee; and Senator Martin
SUBJECT:	Illegal Gaming
DATE:	March 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Imhof	Imhof	RI	**Fav/CS**
2.	Davis	Betta	AEG	**Favorable**
3.	Imhof	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1580 is a comprehensive update to Florida's gaming and gambling laws.

The bill clarifies some duties and restrictions for the Florida Gaming Control Commission (FGCC) by transferring the authority to appoint the Inspector General to the commission and refining ethics rules regarding post-employment interests. To address specialized staffing needs in the gaming industry, the bill permits the FGCC to grant employment waivers for technical experts with prior gaming industry experience. Additionally, the bill enhances annual reporting requirements for the FGCC to provide more transparency for the state of Florida.

The bill strengthens enforcement by enhancing criminal penalties for wagering on events with prearranged outcomes and incorporating illegal gambling violations into portions of existing law.

Additionally, the bill provides immediate administrative consequences for businesses that facilitate illegal gaming, authorizing the summary suspension of business and alcoholic beverage licenses for establishments deemed an immediate danger to public welfare.

The bill further targets the proliferation of illegal hardware by creating the first-degree felony of "Trafficking in Slot Machines" for the unauthorized possession or sale of illegal slot machines.

In an effort to reduce costs to the government, the bill allows the physical destruction of seized slot machines upon court order. Additionally, the bill creates a slot machine surrender program to allow for voluntary compliance without prosecution.

For digital activities, the bill defines "internet gambling" and "internet sports wagering" to close any "gray market" loopholes, declaring any such unauthorized activity a third-degree felony.

To provide clarity for certain non-profit entities, a formal declaratory statement process is established with specific guidelines for what needs to be provided to the FGCC. The bill prohibits the FGCC from declining to provide a declaratory statement when asked and requirements are met.

The bill establishes specific criteria for bail determinations, clarifying what is to be considered for bail determination in certain illegal gambling crimes.

In addition, the bill:

- Prohibits the false impersonation of commission personnel or representatives and provides a criminal penalty.
- Increases criminal penalties for keeping an illegal gambling house.
- Increases criminal penalties for agents or employees of a gambling house.
- Increases criminal penalties for renting a house for gambling purposes.
- Prohibits trafficking in slot machines or devices and provides a criminal penalty.
- Allows a slot machine licensee to apply to the commission to change the location of a designated slot machine gaming area under certain circumstances.
- Requires the imposition of a specified fine for an offender convicted of trafficking in a specified number of slot machines and provide for the deposit of fines and use of proceeds.
- Prohibits the transport or procurement of the transport of a specified number of persons to facilitate illegal gambling, defines the term "illegal gambling" and provides criminal penalties.
- Prohibits the making or disseminating of specified advertisements to promote or facilitate illegal gambling, prohibits activities for the creation of specified advertisements, defines the term "illegal gambling", and provides a criminal penalty and provides exceptions. Preempts enactment or enforcement of local ordinances on activities under s. 546.10 and ch. 849, F.S.
- Ranks offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code.
- Changes the rank of certain specified offenses on the offense severity ranking chart.

The bill has an indeterminate fiscal impact to the state. See Section V., Fiscal Impact Statement.

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

II. Present Situation:

Background

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

- Pari-mutuel[5] wagering at licensed greyhound and horse tracks and jai alai frontons;[6]
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;[7]
- Cardrooms[8] at certain pari-mutuel facilities;[9]
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;[10]
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act;[11] and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
  - Penny-ante games;[12]
  - Bingo;[13]
  - Charitable drawings;[14]
  - Game promotions (sweepstakes);[15] and
  - Bowling tournaments.[16]

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

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[1] *See* s. 849.08, F.S.
[2] *See* s. 849.01, F.S.
[3] *See* s. 849.09, F.S.
[4] *See* s. 849.16, F.S.
[5] Section 550.002(22), F.S., defines "pari-mutuel" as "a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes."
[6] *See* ch. 550, F.S., relating to the regulation of pari-mutuel activities.
[7] *See* FLA. CONST., art. X, s. 23, and ch. 551, F.S.
[8] Section 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[9] *See* Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 19, at https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Feb. 19, 2026), which states that of 30 licensed permitholders, 29 operated at a pari-mutuel facility.
[10] Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.
[11] *See* s. 546.10, F.S.
[12] *See* s. 849.085, F.S.
[13] *See* s. 849.0931, F.S.
[14] *See* s. 849.0935, F.S.
[15] Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.
[16] *See* s. 849.141, F.S.
[17] Section 550.1625(1), F.S., "…legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state." *See also, Solimena v. State,* 402 So.2d 1240, 1247 (Fla. 3d

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

Enforcement of Gaming Laws and Florida Gaming Control Commission

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

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

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

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the FGCC's regulatory and executive functions.

DCA 1981), *review denied*, 412 So.2d 470, which states "Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right," citing *State ex rel. Mason v. Rose,* 122 Fla. 413, 165 So. 347 (1936).

[18] The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

[19] The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

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

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

[22] Section 16.71, F.S.

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

- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the FGCC, information that is reported by sports governing bodies or other parties to the FGCC relating to:
  - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
  - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
  - The use of data deemed unacceptable by the FGCC or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the DPMW and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the DBPR, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature and adopt rules to implement the above.

Commissioners

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

Division of Gaming Enforcement

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

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

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

Further, any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the FGCC also have access to, and the right to inspect, premises licensed by the FGCC, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the FGCC.[28]

The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term "contraband" has the same meaning as the

[24] For a summary of DGE highlights in Fiscal Year 2023-2024, s*ee* Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 8, at https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf (last visited Feb. 7, 2026).
[25] Section 16.711(2), F.S.
[26] Section 16.711(3), F.S.
[27] *Id*.
[28] *Id*.

term "contraband article" in s. 932.701(2)(a)2., F.S.[29] The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.[30]

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the FGCC's executive director and agreed to by the FDLE's executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the FGCC with any information relevant to any investigation conducted as described above, and the FGCC must reimburse any agency for the actual cost of providing any such assistance.[31]

Division of Pari-mutuel Wagering

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

Commission Annual Report

By December 1 of each year, the FGCC is required to make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include, in part, a summary of actions taken and investigations conducted by the FGCC.[34]

[29] Section 16.711(4), F.S.
[30] *Id*.
[31] Section 16.711(5), F.S.
[32] *See* s. 285.710, F.S. Until June 30, 2022, the DPMW was designated as the SCA, prior to that division's transfer to the FGCC from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.
[33] Section 285.710(3)(b), F.S., provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida (2021 Gaming Compact), executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The 2021 Gaming Compact may be accessed at https://www.flgov.com/eog/sites/default/files/press/2021%20Gaming%20Compact.pdf (last visited Feb. 19, 2026). The May 17, 2021, amendment states that Part XVIII.A [relating to certain negotiations within 36 months] is deleted in its entirety and replaced with "Reserved", and that the Seminole Tribe of Florida agrees that it will not commence Sports Betting, as defined in Part III.CC, prior to October 15, 2021 (The 2021 Gaming Compact is on file with the Senate Regulated Industries Committee).
[34] Section 16.712(3)(h), F.S.

Cardrooms

Cardrooms are authorized at certain pari-mutuel facilities.[35] Under current law, notwithstanding any other provision of law, a pari-mutuel permitholder (other than a limited thoroughbred permitholder) may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021.[36] An initial cardroom license may be issued to a pari-mutuel permitholder only after its facilities are in place and after it conducts its first day of pari-mutuel activities on racing or games.[37]

A licensed pari-mutuel permitholder that holds a valid pari-mutuel permit may hold a cardroom license authorizing the operation of a cardroom and the conduct of authorized games at the cardroom.[38] An authorized game is a game or series of games of poker or dominoes.[39] Such games must be played in a non-banking manner,[40] where the participants play against each other, instead of against the house (cardroom).

Prohibited activities of cardrooms include the following:[41]

- Conducting any banking game or game not specifically authorized, or any game that violates the exclusivity provided in the gaming compact.
- Allowing persons under 18 years of age to hold a cardroom or employee license, or engage in any game.
- Allowing electronic or mechanical devices, except mechanical card shufflers to be used to conduct any authorized game in a cardroom.
- Allowing cards, game components, or game implements to be used in playing an authorized game unless such has been furnished or provided to the players by the cardroom operator.

Internet Gambling

Online gaming has rapidly normalized in the United States, with recent data showing that 22 percent of American adults now hold an active account with an online sportsbook.[42] In Florida, the only legal form of gambling by means of the Internet is through the Seminole Tribe of Florida's Hard Rock Bet: Sportsbook App.

[35] Section 849.086, F.S.; s. 849.086(2)(c), F.S., defines "cardroom" to mean "a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility."
[36] Section 849.086(5), F.S.
[37] *Id.*
[38] Section 849.086(5) and (6), F.S.
[39] *See* s. 849.086(2)(a), F.S.
[40] *Id.*
[41] Section 849.086(12), F.S.
[42] Siena College Research Institute, 22% of Americans, Half of Men 18-49, Have Active Online Sports Betting Account, (Feb. 18, 2025), available at https://sri.siena.edu/2025/02/18/22-of-all-americans-half-of-men-18-49-have-active-online-sports-betting-account/ (last visited Feb. 19, 2026).

Unregulated Internet gambling platforms (often from offshore operations, although not exclusively offshore) drain significant revenue from the state. Estimates suggest that the illegal iGaming market has grown to 31 percent of the total U.S. gaming market.[43]

Prohibitions for Commission Employees and Commissioners

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

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

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), or a license issued under ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permitholder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,[44] of such permitholder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe, or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity;
- Be or have been, a member of the Legislature;
- Be a registered lobbyist for the executive or legislative branch, except while a commissioner when officially representing the FGCC; or
- Be a bingo game operator or an employee of a bingo game operator.

Persons who fail to meet or who violate the above requirements are ineligible for appointment to or employment with the FGCC, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is:

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

[43] American Gaming Association, *New AGA Analysis Reveals Illegal Gaming Remains Nearly a Third of the U.S. Market*, (Aug. 13, 2025) available at https://www.prnewswire.com/news-releases/new-aga-analysis-reveals-illegal-gaming-remains-nearly-a-third-of-the-us-market-302529007.html (last visited Feb. 19, 2026).

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

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

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

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

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

A commissioner or an employee must notify the FGCC within three calendar days of arrest for any offense. In addition, a commissioner or an employee must provide detailed written notice of the circumstances to the FGCC if the member or employee is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:
- A misdemeanor involving gambling, dishonesty, theft, or fraud;
- A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which would constitute a misdemeanor in Florida; or
- A felony under the laws of Florida or any other state, the United States, or any other jurisdiction.

Veterans Service Organizations

Veterans Service Organizations (VSOs) that are granted a federal charter under Title 36, U.S.C., are groups that have been formally recognized by Congress. While recognized federally, these groups are private, non-profit entities that must maintain a specific standard of service and submit an annual report to Congress. Examples of these VSOs are groups like The American

Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the American Veterans, and Paralyzed Veterans of America. Some VSOs choose to operate facilities with a valid alcoholic beverage license.

If certain requirements are met, alcohol licenses for VSOs are issued by the Division of Alcoholic Beverages and Tobacco within the DBPR.

Under Florida law, VSOs operating with alcoholic beverage licenses receive certain gaming privileges; notably, s. 546.10(6)(a), F.S., provides specific exemptions regarding amusement games or machines. These and similar provisions exempt licensed VSOs from certain limitations on amusement machine operations, authorizing them to facilitate gaming activities that support their charitable missions.

Slot Machine Controversy

At any location other than licensed pari-mutuel facilities[45] and Seminole tribe facilities[46], it is a violation to "manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to sell, rent, lease, let on shares, lend or give away, or permit the operation of any slot machine or device or any part thereof."[47]

The legal community in general has spent decades trying to find the right balance in defining and differentiating a slot machine from an amusement machine. Because of this, amusement games or machines are primarily governed by a tension between the Florida statutes that allow amusement games under certain exemptions and Florida's prohibition on slot machines.

Florida law prohibits slot machines in VSOs but allows certain types of amusement machines or games. In Florida, a slot machine is defined as a machine or device that:[48]

- Is activated by inserting something of value (money, coin, account number, code, or other object or information);
- Is caused to operate or be operated by a user by application of skill, element of chance, or other outcome that is unpredictable to the user; and
- Entitles the user to receive something of value or additional chances or rights to use the device or machine.

A person who violates the prohibitions[49] against manufacturing, selling, or possessing slot machines or devices commits a:[50]

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[45] Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum.
[46] Florida allows only a few operators of slot machines: certain Seminole tribal facilities and eight pari-mutuel facilities located in Miami-Dade and Broward counties. The FGCC, *FAQ's 'Are slot machines legal in Florida?'*, available at https://flgaming.gov/faq/#:~:text=Are%20slot%20machines%20legal%20in,at%20certain%20Indian%20tribal%20facilities, (last visited Feb. 19, 2026).
[47] Section 849.15(1)(a), F.S.
[48] Section 849.16(1), F.S.
[49] Sections 849.15, F.S. – 849.22, F.S.
[50] Section 849.23, F.S.

- Second degree misdemeanor upon a first conviction.[51]
- First degree misdemeanor upon a second conviction.[52]
- Third degree felony upon a third or subsequent conviction, and the person is deemed a "common offender."[53]

There is a rebuttable presumption that a device, system, or network is a prohibited slot machine or device if it is used to display images of games of chance and is part of a scheme involving any payment or donation of money or its equivalent and awarding anything of value.[54]

In recent years, legal discussion has existed over slot machine and amusement machine distinctions including the "material element of chance" test; if a machine's outcome can be influenced by factors outside the player's immediate skill – such as a predetermined win/loss ratio or invisible game logic – the device is legally classified as a slot machine under s. 849.16, F.S.[55]

Amusement Games or Machines

In 2015, the Legislature created s. 546.10, F.S., in an attempt to regulate the operation of skill-based amusement games or machines at specified locations to prevent expansion of casino-style gambling in the state.[56] To differentiate between slot machines, which are generally prohibited, and amusement machines there is a lengthy definition of what includes an amusement game or machine and what does not constitute an amusement game or machine.

An "amusement game or machine" is defined in s. 546.10(3)(a), F.S., as:

> …a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, *by the application of skill, with no material element of chance* inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game.

The term does not include:

- Any game or machine that uses mechanical slot reels, video depictions of slot machine reels or symbols, or video simulations or video representations of any other casino game, including, but not limited to, any banked or banking card game, poker, bingo, pull-tab, lotto, roulette, or craps.

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[51] *Id*. A second degree misdemeanor is punishable by up to 60 days in county jail and a $500 fine. Sections 775.082 or 775.083, F.S.
[52] *Id*. A first degree misdemeanor is punishable by up to one year in county jail and a $1,000 fine. Sections 775.082 or 775.083, F.S.
[53] *Id*. A third degree felony is punishable by up to five years in prison and a $5,000 fine. Sections 775.082, 775.083, or 775.084, F.S.
[54] Section 849.16(3), F.S.
[55] *See Gator Coin II, Inc. v Dep't Bus. & Prof'l Reg.*, 254 So. 3d 114 (Fla. 1st DCA 2018), where the "material element of chance" issue is discussed.
[56] *See* Ch. 2015-93 s. 1, Laws of Fla. (creating s. 546.10(2), F.S, effective July 1, 2015).

- A game in which the player does not control the outcome of the game through skill or a game where the outcome is determined by factors not visible, known, or predictable to the player.
- A video poker game or any other game or machine that may be construed as a gambling device under the laws of this state.
- Any game or device defined as a gambling device in 15 U.S.C. s. 1171, unless excluded under 15 U.S.C. s. 1178.

Florida law further distinguishes amusement machines or games into three types of machines, Type A, Type B, and Type C.

A Type A amusement game or machine is a game or machine that offers no prizes, or any other thing of value other than free replays so long as:

- The amusement game or machine can accumulate and react to no more than 15 such replays;
- The amusement game or machine can be discharged of accumulated replays only by reactivating the game or device for one additional play for each accumulated replay;
- The amusement game or machine cannot make a permanent record, directly or indirectly, of any free replay;
- The amusement game or machine does not entitle the player to receive anything of value other than a free replay;
- An unused free replay may not be exchanged for anything of value, including merchandise or a coupon or a point that may be redeemed for merchandise; and
- The amusement game or machine does not contain any device that awards a credit and contains a circuit, meter, or switch capable of removing and recording the removal of a credit if the award of a credit is dependent upon chance.[57]

A Type B amusement game or machine is a game or machine that, upon activation and game play, entitles or enables a person to receive a coupon or a point that *may be redeemed onsite for merchandise* and the coupon or point:

- Has no value other than for redemption onsite for merchandise;
- The redemption value that a person receives for a single game played does not exceed the maximum value determined under s. 546.10(7), F.S. The maximum value was set at $5.25 in 2016 and is adjusted annually by the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items by the Department of Revenue. The current maximum value is $7.10.[58] However, a player may accumulate coupons or points to redeem onsite for a single item of merchandise that has a wholesale cost of not more than 100 times the maximum value, or for a prize consisting of more than one item, unit, or part, only if the aggregate wholesale cost of all items, units, or parts does not exceed 100 times the maximum value; and
- The redemption value that a person receives for playing multiple games simultaneously or competing against others in a multiplayer game does not exceed the maximum value.[59]

A Type B amusement game or machine may only be operated at:

- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;

[57] Section 546.10(5)(a), F.S.
[58] See https://floridarevenue.com/Forms_library/current/brochure/gt800020.pdf (last visited Feb. 19, 2026).
[59] Section 546.10(5)(b), F.S.

- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- The following premises, if the owner or operator of the premises has a current license issued by the DBPR pursuant to ch. 509, ch. 561, ch. 562, ch. 563, ch. 564, ch.565, ch. 567, or ch. 568, of the Florida Statutes;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.; or
- A truck stop.[60]

A Type C amusement game or machine is a game or machine that allows the player to manipulate a claw or similar device within an enclosure that entitles or enables a person to receive merchandise directly from the game or machine, if the wholesale cost of the merchandise does not exceed 10 times the maximum value determined under s. 546.10(7), F.S.

A type C amusement game or machine may only be operated at:
- A facility as defined in s. 721.05(17), F.S., that is under the control of a timeshare plan;
- An arcade amusement center;
- A bowling center, as defined in s. 849.141, F.S.;
- The premises of a retailer, as defined in s. 212.02, F.S.;
- A public lodging establishment or public food service establishment licensed pursuant to ch. 509, F.S.;
- A truck stop; or
- The premises of a veterans' service organization (VSO) granted a federal charter under Title 36, U.S.C., or a division, department, post, or chapter of such organization, for which an alcoholic beverage license has been issued.[61]

Chapter 120 Declaratory Statement Process

As a matter of general policy, a declaratory statement serves as an administrative tool designed to resolve regulatory uncertainty. Under the Florida Administrative Procedure Act, a declaratory statement is a formal mechanism that allows any “substantially affected person” to obtain an agency’s opinion regarding the applicability of a statutory provision, rule, or order to their specific set of circumstances.[62]

The petitioning party must state their particular circumstances with specificity and identify the exact law or regulation they believe applies to that situation.[63] Upon receiving a petition, an agency is required to give notice of the filing in the Florida Administrative Register and must either issue the statement or deny the petition within 90 days.[64]

[60] *Id*.
[61] Section 546.10(5)(c), F.S.
[62] Section 120.565(1), F.S.
[63] Section 120.565(2), F.S.
[64] Section 120.565(3), F.S.

Once issued, a declaratory statement constitutes a "final agency action," making it a legally binding interpretation that provides the petitioner with a definitive regulatory position upon which they can rely.[65]

IGRA and Indian Tribes ability to Transport Slot Machines

Gambling on Indian lands is regulated by the Indian Gaming Regulatory Act of 1988 (IGRA), which generally preempts state law on tribal land.[66]

Under the IGRA, gaming is categorized in three classes:

- **Class I** gaming means social games for minimal value or traditional forms of Indian gaming engaged in by individuals for tribal ceremonies or celebrations;
- **Class II** gaming includes bingo and pull-tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and certain non-banked card games if not explicitly prohibited by the laws of the state and if played in conformity with state law; and
- **Class III** gaming includes all forms of gaming that are not Class I or Class II gaming, such as banked card games such as baccarat, chemin de fer, and blackjack (21), casino games such as craps and roulette, electronic or electromechanical facsimiles of games of chance, slot machines, and pari-mutuel wagering.[67]

Under the IGRA, Class III gaming is lawful on Indian lands only if conducted pursuant to a tribal-state compact that has been ratified by the state and approved by the United States Secretary of the Interior.[68]

The Seminole Tribe of Florida is the only Indian tribe in Florida to have a legally binding compact recognized by the IGRA, and therefore is the only Indian tribe allowed to offer Class III gaming. The Miccosukee Tribe of Indians of Florida offers Class II type of gaming and is prohibited from offering Class III type of gaming, like slot machines.

Because shipments of slot machines for Indian casinos physically travel through the state and not exclusively on tribal lands, there is some potential ambiguity as to whether the general prohibition on transporting slot machines in s. 849.15, F.S., applies to devices destined for tribal lands.

Recent Regulatory Efforts by the FGCC

The FGCC employs approximately 18 sworn law enforcement officers.[69] The FGCC reported seizing around $14.47 million and over 6,700 slot machines in 2025, more than doubling its enforcement totals from the previous year.[70]

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[65] *Id*.
[66] *See* Pub. L. 100-497, 102 Stat. 2467, codified at 18 U.S.C. ss. 1166-1168 and 25 U.S.C. s. 2701 *et seq.*
[67] *See* 25 U.S.C. s. 2703.
[68] 25 U.S.C. s. 2710(d).
[69] The FGCC, available at https://flgaming.gov/enforcement (last visited Feb. 19, 2026).
[70] Casino.Org, *Florida Gaming Regulator Doubles Down on Illegal Gambling Raids*, available at https://www.casino.org/news/florida-gaming-regulator-doubles-down-on-illegal-gambling-raids/ (last visited Feb. 7, 2026).

Preservation of Slot Machines

The FGCC has been faced with is the cost associated with the preservation of potentially criminal slot machines. Most slot machines are bulky, heavy, and require climate-controlled environments to prevent the degradation of digital components and mechanical parts needed for trial. Beyond the monthly storage fees, which for items this size can range significantly, the FGCC must spend time and resources to document and transport these devices, creating a cost for preservation that often exceeds the administrative fines collected from the illegal operators.

State Preemption

There are two ways that a local enactment can be inconsistent with state law. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.[71]

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.[72] In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.[73] Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.[74]

III. Effect of Proposed Changes:

Section 1 repeals s. 849.23, F.S., relating to general penalties for criminal penalties for the possession, manufacturing, or sale of prohibited slot machines, replacing them with specific criminal penalties tailored to the individual offenses established throughout the bill.

Operations of the FGCC

Section 2 amends s. 16.71, F.S., to provide that the Florida Gaming Control Commission (FGCC or commission), rather than only the chair of the commission, must appoint an inspector general and to authorize the FGCC to delegate any of the other duties and powers of an agency head under s. 20.055, F.S., to a commissioner.

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[71] *Orange County v. Singh,* 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County,* 3 So. 3d 309, 314 (Fla. 2008)); *see also* James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis,* 83 FLA. BAR J. 92 (2009), available at https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/ (last visited Feb. 19, 2026).

[72] *City of Hollywood v. Mulligan,* 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.,* 3 So. 3d at 1018.

[73] *Sarasota Alliance for Fair Elections, Inc. v. Browning,* 28 So. 3d 880, 886 (Fla. 2010).

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

Section 3 amends s. 16.712, F.S., to require the FGCC to include within the annual report submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

- The number of investigations that led to criminal charges being filed and the resolution of such a criminal case, the number of complaints received by the FGCC, categorized by subject matter or type, and a summary of the action taken on each such complaint; and
- A list of property seized by the FGCC during the course of investigations and the disposition of such property, including a list of forfeiture actions.

Section 6 amends s. 20.055, F.S., to provide that the commissioners of the FGCC, rather than the chair, are authorized to act as an agency head for the purposes of s. 20.055, F.S.

Section 8 amends s. 551.107, F.S., to expand the waiver process to all disqualifying offenses under the statute.

Employment Restrictions and Waiver Authority

Section 4 amends s. 16.713, F.S., to authorize a person ineligible for employment based on pre-employment activities otherwise prohibited under s. 16.713(2)(d), F.S., to request a waiver from such prohibitions if such person is applying for a career service or other-personal-services position and possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

The FGCC is required to consider the waiver requests on a case-by-case basis. The waiver does not apply to persons seeking appointment to the commission. Any standard of review for the decision is abuse of discretion. The FGCC is authorized to adopt rules to implement these provisions.

Section 5 amends s. 16.715(1)(b)3, F.S., to remove repetitive post-employment and post-appointment restrictions applicable to future employment. Also, s. 16.715(2)(c), F.S., is amended to:

- Clarify that the post-employment restrictions apply to employees classified as Senior Management Service, Selected Exempt Service, or career service.
- Impose additional post-employment restrictions on such employees relating to future employment with business entities that directly or indirectly owns or controls a person regulated by the FGCC, a person regulated by the commission, an entity that is an affiliate or subsidiary of a person regulated by the commission or any entity that has been a party before the commission within two years before the person's resignation or termination of employment from the commission.
- Provide for a waiver process from such restrictions for employees classified as career service.

Declaratory Statement for VSOs

Section 7 creates s. 546.10(10), F.S., to allow Veterans Service Organizations (VSOs) which are granted a federal charter under Title 36, U.S.C., or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued, to petition the FGCC for a declaratory statement under s. 120.565, F.S., to determine whether the operation of a

game or machine would be authorized under this section or would be a violation of this section or ch. 849, F.S. Specifically, subsection (10) is created to:

- Authorize certain VSOs to petition the FGCC for a declaratory statement under s. 120.565, F.S., on whether the operation of a game or machine is authorized under s. 546.10, F.S., or whether it violates Florida law. Under the newly created subsection, a VSO may not purchase or install a machine that is the subject of a pending declaratory statement and may not petition the commission for a declaratory statement for any machine subject to an ongoing criminal investigation.
- Require the FGCC to deny the petition or issue a declaratory statement within the earlier of 60 days after completing its investigation of the game or machine or 90 days after receiving the complete application.
- Provide that a petition is deemed complete if it provides information required by the FGCC to issue a declaratory statement, including access to hardware and associated software.
- Provide that a declaratory statement issued under the subsection is binding on the FGCC and may be introduced in proceedings to demonstrate a good faith effort to comply with Florida law.
- Allow the FGCC or any other criminal justice agency as defined in s. 943.045, F.S., from detecting, apprehending, and arresting a person for any alleged violation of part II of ch. 285, F.S., chs. 24, 550, 551, 546, or 849, F.S., or any rule adopted pursuant thereto, or of any law of this state.
- Provide that an owner or operator of an amusement game or machine under this section is not required to request or obtain a declaratory statement in order to operate.

Enhancement of Penalties

Section 9 amends s. 551.114, F.S., relating to slot machine gaming areas, to allow a slot machine licensee to apply to the commission to change the location of a designated slot machine gaming area provided that:

- The location of the designated slot machine gaming area is in the same county as the address specified in the licensed permitholder's slot machine license issued for Fiscal Year 2020-2021.
- The location of the designated slot machine gaming area is within 1,320 feet on a straight line of any outermost boundary of the licensed permitholder's designated slot machine gaming area as of January 1, 2026.
- The designated slot machine gaming area is at a location where the licensed permitholder is authorized to conduct pari-mutuel wagering activities pursuant to the licensed permitholder's valid pari-mutuel permit.
- The location is owned by the licensed pari-mutuel permitholder.
- The location is approved under the zoning regulations of the county or municipality where the permit is to be located as a planned development use, consistent with the comprehensive plan.
- The location does not violate any of the provisions of any tribal-state gaming compact with a federally recognized Indian tribe located within Florida.

Additionally, prior to an application submission, the licensed pari-mutuel permitholder must submit a survey indicating the existing location of the designated slot machine gaming area and the proposed location of the new designated slot machine gaming area.

The commission must examine the application and approve or deny the change of location of the designated slot machine gaming area within specified timeframes required by s. 120.60, F.S.

Section 10 amends s. 782.04, F.S., to provide that when a human being is killed during the perpetration of, or during the attempt to perpetrate, a violation of s. 849.01, F.S., (keeping a gambling house) by a person other than the person perpetrating or attempting to perpetrate the violation of s. 849.01, F.S., the person in violation of s. 849.01, F.S., commits murder in the second degree, which constitutes a felony of the first degree.

Section 11 creates s. 838.12, F.S., to provide that a person who stakes, bets, or wagers on the result of a professional or amateur game, contest, match, race, or sport with the knowledge that the outcome of such an event is prearranged or predetermined commits a third-degree felony.

Section 12 amends s. 843.08, F.S., relating to false personation, to provide that a person who falsely assumes or pretends to be, and acts as any personnel or representative of the commission, commits a third-degree felony.[75]

Under current law, the false personation offense occurs when a person impersonates and acts as a firefighter, a sheriff, a Florida Highway Patrol officer, a Fish and Wildlife Conservation Commission officer, a Department of Environmental Protection officer, a Department of Financial Services officer, any personnel or representative of the Division of Investigative and Forensic Services, a Department of Corrections officer, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, any personnel or representative of the Department of Law Enforcement, certain federal law enforcement officers, and others.[76]

If the false personation occurs during the course of the commission of a felony, the violator commits a felony of the second degree (up to 15 years/$10,000 fine).[77]

Section 13 amends s. 849.01, F.S., relating to the keeping of gambling houses, to increase the penalty for that offense from a second degree misdemeanor (up to 60 days/$500 fine)[78] to a:

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

- For a first offense, a third degree felony (up to five years/$5,000 fine).[79]
- For a second or subsequent violation, a felony of the second degree (up to 15 years/$10,000 fine). [80]

Current law provides, in part, that the keeping of a gambling house includes any person, servant, clerk, or agent who:

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

The bill creates s. 849.01(3), F.S., to define "course of conduct" to mean a pattern of conduct composed of a series of acts over time which evidence a continuity of purpose. It prohibits a person from knowingly, or in reckless disregard of the fact (i) benefitting financially or receiving anything of value in furtherance of violation of keeping a gambling house; and (ii) participating in a course of conduct in providing a service, product, or material benefit in furtherance of violation of keeping a gambling house. The penalties for a violation of s. 849.01(3), F.S., are a third-degree felony and a fine of $50,000 per violation. The bill also creates s. 849.01(4), F.S., to provide for a criminal penalty of a felony of the second degree if, during the commission of an offense under s. 849.01, F.S., an individual suffers great bodily harm, permanent disability, or permanent disfigurement.

Section 14 amends s. 849.02, F.S., relating to agents or employees keeping a gambling house, to create a tier for violators based on the frequency of offenses, providing that:

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

The bill also provides that if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01, F.S., or to act on behalf of any person in the violation thereof, he or she commits: (i) for a first offense, a third-degree felony; or (ii) for a second or subsequent offense, a second-degree felony.

[79] Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed $5,000.
[80] Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed $10,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

Section 15 creates s. 849.021, F.S., to define: "government employee" to mean any person employed by, or acting on behalf of, the state or any political subdivision; and "political subdivision" to mean any public body created by or under state law.

This section prohibits a government employee from knowingly certifying, licensing, approving, aiding, facilitating, or concealing the operation of a gambling house in violation of s. 849.01, F.S.; and imposes a criminal penalty for a violation of s. 849.021, F.S., of: (i) for a first offense, a third-degree felony; and (ii) for a second or subsequent offense, a second-degree felony. The bill exempts any person acting in the scope of his or her employment and, in good faith, reports suspected violations of ch. 849, F.S., to law enforcement.

Section 17 amends s. 849.03, F.S., relating to renting a house for gambling purposes, to provide that a person who knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

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

The term "knowingly' is defined as having a general or reasonable knowledge of a reasonable belief or grounds for belief that keeping a gambling house is occurring.

Section 19 amends s. 849.086, F.S., relating to authorized cardrooms, to provide that it is a felony of the third degree to manipulate or attempt to manipulate the playing cards, outcome, or payoff of a card game by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means.

Section 20 republishes s. 849.09, F.S., relating to lottery prohibitions and exceptions.

Section 21 amends s. 849.11, F.S., relating to games of chance, to provide that a person who plays any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device, in person or by the use, at least in part, of the Internet, commits a misdemeanor of the second degree. The bill makes it a third-degree felony to:

- Setup up, operate, conduct, promote, or receive in any manner any money or other thing of value offered for the purpose of conducting games of chance by lot;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any such acts.

Section 22 amends s. 849.13, F.S., relating to second convictions, to revise the first-degree misdemeanor penalty for subsequent offenses of lottery convictions to specify a person who is convicted of a second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first-degree misdemeanor, and adds penalties for habitual offenders.

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022, F.S., or s. 921.0023, F.S., of the felony offense committed.

Section 23 amends s. 849.14, F.S., relating to unlawful betting on games of skill, to revise the third-degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to add penalties for habitual offenders provided in s. 775.084, F.S.

Slot Machine Penalties

Section 24 amends s. 849.15, F.S., relating to the prohibited manufacture, sale, or possession of slot machines or devices, to provide a definition for a "conviction" to mean "a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered." The bill provides a definition for "part thereof" to mean any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device The bill also provides a definition for "person of authority" to mean a person who, at any business, establishment, premises, or other locations at which a slot machine or device is offered for play, has:

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

The bill also provides the following criminal penalties:

- A person who violates the prohibitions on slot machines commits a first-degree misdemeanor (imprisonment up to one year and a fine up to $1,000).
- A person commits a third-degree felony (imprisonment up to five years and a fine up to $5,000), if he or she violates the prohibitions on slot machines and:
  - At the time of the violation, the person was a person of authority; or
  - The person has one prior conviction for a violation of this section.
- A person commits a second-degree felony (imprisonment up to 15 years and a fine up to $10,000), if he or she violates the prohibitions on slot machines and:
  - At the time of the violation, the person was a person of authority; and
  - The violation involves five or more slot machines or devices; or
  - The person has two or more prior convictions for a violation of this section.

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

Trafficking Slot Machines

Section 25 creates s. 849.155, F.S., relating to trafficking in slot machines or devices or parts thereof. The bill makes it a:

- First degree felony, (imprisonment up to 30 years and a fine up to $10,000), to knowingly sell, purchase, manufacture, transport, deliver, or bring into Florida more than 15 slot machines or devices or any part thereof; and includes:
  - An additional fine of $100,000, if the quantity of slot machines or devices or any part thereof involved is more than 15 slot machines or devices or any part thereof, but less than 25 slot machines or devices or any part thereof.
  - An additional fine of $250,000, if the quantity of slot machines or devices or any part thereof involved is more than 25 slot machines or devices or any part thereof, but less than 50 slot machines or devices or any part thereof.
  - An additional fine of $500,000, if the quantity of slot machines or devices or any part thereof involved is more than 50 slot machines or devices or any part thereof.

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

The bill requires all fines imposed and collected pursuant these provisions be deposited into the Pari-mutuel Wagering Trust Fund and authorizes such funds to be used for the enforcement of chs. 546, 550, 551, and 849, F.S., by the commission.

Section 26 creates s. 849.157, F.S., relating to making a false or misleading statement regarding the legality of slot machines to facilitate sales. The bill makes it a:

- Third degree felony (imprisonment up to five years and a fine up to $5,000), punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., to knowingly and willfully:
  - Make a materially false or misleading statement regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other thing of value; or
  - Disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other thing of value.
- Second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices.

Destruction of Slot Machines

Section 27 amends s. 849.18 F.S., to specify that the FGCC may destroy slot machines or devices prohibited under s. 849.15, F.S., which are not destroyed under the newly created s. 849.181, F.S., when: a person arrested for a violation of s. 849.15, F.S., a person enters a plea

of guilty or nolo contendere, regardless of adjudication; a nolle prosequi is filed; the arrested person successfully completes a diversion program or a deferred prosecution agreement; or a no-information is filed in the case.

Section 849.18, F.S., is further amended to provide that if no arrest or criminal charge has been filed against any person for violations of ss. 849.15-849.22, F.S., the FGCC may destroy seized slot machines or devices if, 60 days after the conclusion of a lawful investigation, no claim has been filed seeking the return of such machines.

Section 28 creates s. 849.181, F.S., to authorize a seizing agency to destroy excess slot machines seized during an investigation provided certain requirements are met. Under subsection (2), the term "excess slot machines" means more than five slot machines.

Under subsection (3), the seizing agency may destroy such excess slot machines if the seizing agency: (i) retains at least five slot machines until such time as the slot machines may be destroyed under s. 849.18, F.S.; (ii) notifies the appropriate prosecuting attorney that such machines will be destroyed within 60 days of such notice unless the prosecuting attorney notifies the seizing agency otherwise; (iii) photographs and video records each excess slot machine before destruction for evidentiary purposes; and (iv) destroys each excess slot machine in the presence of a law enforcement officer, who must create a sworn record of same.

Under subsection (4), the photographing and video recording of an excess slot machine may be deemed admissible, competent evidence.

Slot Machine Surrender Program

Section 32 creates s. 849.51, F.S., to authorize a limited slot machine surrender program, under which individuals and organizations may surrender or otherwise disclaim any and all interest in any gaming devices and convey such gaming devices to the FGCC. The bill provides to any individual or organization surrendering devices immunity from criminal prosecution for a violation of ch. 849, F.S., related to such devices.

Under subsection (4), the program's duration is from September 1, 2026, to October 31, 2026. Under subsection (5), the FGCC is required to advertise the surrender program no earlier than 60 days before October 1, 2026.

Illegal Transportation

Section 29 creates s. 849.47, F.S., relating to the transportation of persons to facilitate illegal gambling, define the term "illegal gambling" to mean "any criminal violation of chs. 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location."

Under the bill, a person who knowingly and willfully transports, or procures the transportation of five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a first-degree misdemeanor (a fine up to $1,000).

A person who transports, or procures the transportation of, a minor or a person 65 years of age or older commits a third-degree felony (imprisonment up to five years and a fine up to $5,000).

A person who transports, or procures the transportation of, 12 or more persons commits a third-degree felony (imprisonment up to five years and a fine up to $5,000).

Gaming Advertisements

Section 30 creates s. 849.48, F.S., relating to prohibited gambling or gaming advertisements. Except as otherwise specifically authorized by law, a person may not:

- Knowingly and intentionally make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated or circulated or placed before the public in Florida, in any manner, whether in person or by the use, at least in part, of the internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling; and
- Set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

The bill provides that for a first offense, violators of the above prohibitions commit a first-degree misdemeanor. For a second or subsequent offense, violators of the above prohibitions commit a third-degree felony.

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

The bill provides the term "illegal gambling" has the same meaning as in s. 849.47(1), F.S.

Administrative Consequences for Gaming Violations

Section 16 creates s. 849.023, F.S., to: (i) define "commission" as the FGCC; define "controlling person" as specified key individuals who are owners or otherwise control a business entity (including an officer, director, or, if a limited liability company, a manager) of the licensee or applicant for a license issued by certain agencies; define "conviction" as a determination of guilt regardless of whether adjudication is withheld or a plea of nolo contendere is entered; define a license as a license under s. 120.52, F.S., that is issued by the DBPR, the FGCC, or the Office of Financial Regulation; (ii) impose licensure penalties on any licensee holding a license issued by the DBPR, the FGCC, or the Office of Financial Regulation, including summary suspension and revocation of any such license, for violations of s. 849.01, F.S. s. 849.03, F.S., or s. 849.15, F.S., by the licensee or its controlling person; (iii) provide that a licensee or applicant may retain or reapply for a license if the license-issuing agency finds that the licensee has removed the specified key individual; and (iv) provide for a fine of up to $75,000 for a violation of ss. 849.01, F.S., 849.03, F.S., or 849.15, F.S.

This section establishes regulatory accountability for business entities by authorizing the summary suspension or revocation of state issued licenses based on the illegal gaming activities of a controlling person.

Bail Determination

Section 33 amends s. 903.046(2), F.S., to provide that 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 the amount of currency seized that is connected to or involved in a violation of chs. 546, 550, 551, or 849, F.S.

Internet Gambling

Section 18 amends s. 849.08, F.S., to relating to gambling, to provide a definition for the terms "Internet gambling" and "Internet sports wagering" along with associated penalties.

- "Internet gambling" means "to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games."
- "Internet sports wagering" means "to stake, bet, or wager money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast, other than pari-mutuel wagering conducted pursuant to ch. 550, F.S., which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device."

The bill also provides criminal penalties for a person who plays or engages in Internet gaming (a misdemeanor of the second degree). Additionally, a person who plays or engages in Internet sports wagering commits:

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

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

State Preemption of Gaming and Gambling Regulations

Section 31 creates s. 849.49, F.S., relating to preemption of gaming regulations, to provide legislative intent that illegal gambling is a detriment to public safety and that in order for the Legislature to preserve the safety and welfare of residents, that laws regarding illegal gambling

be enforced uniformly throughout this state and regardless of local jurisdiction. Further, the bill provides that a Florida county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by general law, special law, or the State Constitution.

Offense Severity Ranking Chart

Section 34 amends relating to the offense severity ranking chart of the Criminal Punishment Code, to revise the penalties for offenses in the ranking chart for specified gaming offenses, which incorporate changes being made by the bill.

The offense severity ranking chart 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 offense severity ranking chart has 10 offense levels, ranked from least severe, which are Level 1 offenses, to most severe, which are Level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense.[81]

Conforming Amendments

Section 35 amends s. 772.102, F.S., to conform definitions relating to civil remedies for criminal practices, to remove references to s. 849.23, F.S., which is repealed by the bill.

Section 36 amends s. 849.17, F.S., to eliminate references to the repealed s. 849.23, F.S.

Section 37 amends s. 849.18, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 38 amends s. 849.20, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 39 amends s. 849.21, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 40 amends s. 849.22, F.S., to eliminate references to repealed s. 849.23, F.S.

Section 41 amends s. 895.02, F.S., to conform definitions relating to offenses concerning racketeering and illegal debts, to remove references to s. 849.23, F.S., which is repealed by the bill.

Effective Date

There is one section of the bill (Section 32) that goes into effect on July 1, 2026. This is the Limited Slot Machine Surrender Program. The program must begin by September 1, 2026 and end on October 1, 2026.

Aside from that section, the rest of the bill takes effect on October 1, 2026.

[81] *See* s. 921.0022, F.S.

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:

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

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

C. Government Sector Impact:

The fiscal impact on state and local government is indeterminate. The bill increases and creates new criminal penalties for violations relating to illegal gambling. This may create a positive fiscal impact on the state and local governmental entities that receive proceeds from related fines. There could also be a possible positive fiscal impact due to an increase in forfeitures of contraband.[82]

[82] *See* Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 1580* at 11 (Jan. 23, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

This bill may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) due to expanding the crimes eligible for enhancements which may lead to an increased number of offenders receiving enhanced sentences. The Criminal Justice Impact Conference (conference), which provides the final, official estimate of the prison bed impact, if any, of legislation, evaluated a similar bill, CS/HB 189 on February 12, 2024, and the conference adopted the estimate of "Positive Indeterminate."[83] (i.e., an unquantifiable positive prison bed impact).

The Florida Gaming Control Commission (commission) may see a fiscal impact due to the revised procedures that allow VSOs to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 849, F.S. Under these revised procedures, the commission would now have to respond within 60 days instead of the current 90-day timeline laid out under s. 120.565, F.S.[84] However, the workload associated with issuing declaratory statements required in the bill is anticipated to be handled with existing resources. The commission may experience an increase in revenues resulting from increased confiscation of contraband under the bill. The bill also requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the commission for the enforcement of chs. 546, 550, 551, and 849, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.71, 16.712, 16.713, 16.715, 20.055, 551.114, 546.10, 551.107, 782.04, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.09, 849.11, 849.13, 849.14, 849.15, 849.18, 903.046, 921.0022, 772.102, 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02.

This bill creates the following sections of the Florida Statutes: 849.021; 849.023; 849.155, 849.157; 849.181; 849.47; 849.48; 849.49; and 849.51.

This bill repeals section 849.23 of the Florida Statutes.

[83] See the conference's Narrative Analysis of CS/HB 189 at http://www.edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSHB189.pdf (last visited February 20, 2026).
[84] *See* Florida Gaming Control Commission, *2026 Agency Legislative Bill Analysis for SB 1580* at 12 (Jan. 23, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

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 March 3, 2026:

The committee substitute changed the bill by:

- Adding "legislative intent" to the preemption language to establish that uniform, statewide enforcement of gaming is a matter of "public safety and welfare," provides that the local government preemption does not apply to a local land use or zoning regulation that prohibits gaming, gambling, lotteries, or any activity described in s . 546.10, F.S., or chapter 849, F.S.
- Changing the effective date from July 1, 2026 to October 1, 2026.
- Allowing a pari-mutuel permitholder that holds a slot machine license to change the location of its designated slot machine gaming area, within a ¼ mile of its current location, if certain requirements are met.

CS by Regulated Industries on February 10, 2026:

The committee substitute removed provisions related to fantasy sports from the bill.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 798 - 1535
and insert:

Section 17. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

(1) As used in this section, the term "Internet sports wagering" means to stake, bet, or wager money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast, other than pari-mutuel

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wagering conducted pursuant to chapter 550, which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.

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

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

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

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

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

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

Section 18. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

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849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

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

Section 19. Section 849.09, Florida Statutes, is republished to read:

849.09 Lottery prohibited; exceptions.—

(1) It is unlawful for any person in this state to:

(a) Set up, promote, or conduct any lottery for money or for anything of value;

(b) Dispose of any money or other property of any kind whatsoever by means of any lottery;

(c) Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise;

(d) Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing;

(e) Attempt to operate, conduct, or advertise any lottery scheme or device;

(f) Have in her or his possession any lottery wheel, implement, or device whatsoever for conducting any lottery or

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scheme for the disposal by lot or chance of anything of value;

(g) Sell, offer for sale, or transmit, in person or by mail or in any other manner whatsoever, any lottery ticket, coupon, or share, or any share in or fractional part of any lottery ticket, coupon, or share, whether such ticket, coupon, or share represents an interest in a live lottery not yet played or whether it represents, or has represented, an interest in a lottery that has already been played;

(h) Have in her or his possession any lottery ticket, or any evidence of any share or right in any lottery ticket, or in any lottery scheme or device, whether such ticket or evidence of share or right represents an interest in a live lottery not yet played or whether it represents, or has represented, an interest in a lottery that has already been played;

(i) Aid or assist in the sale, disposal, or procurement of any lottery ticket, coupon, or share, or any right to any drawing in a lottery;

(j) Have in her or his possession any lottery advertisement, circular, poster, or pamphlet, or any list or schedule of any lottery prizes, gifts, or drawings; or

(k) Have in her or his possession any so-called "run down sheets," tally sheets, or other papers, records, instruments, or paraphernalia designed for use, either directly or indirectly, in, or in connection with, the violation of the laws of this state prohibiting lotteries and gambling.

Provided, that nothing in this section shall prohibit participation in any nationally advertised contest, drawing, game or puzzle of skill or chance for a prize or prizes unless

it can be construed as a lottery under this section; and, provided further, that this exemption for national contests shall not apply to any such contest based upon the outcome or results of any horserace, harness race, dograce, or jai alai game.

(2) Any person who is convicted of violating any of the provisions of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The provisions of this section do not apply to bingo as provided for in s. 849.0931.

(4) Any person who is convicted of violating any of the provisions of paragraph (h) or paragraph (j) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 20. Section 849.11, Florida Statutes, is amended to

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read:

849.11 Plays at games of chance by lot.—

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

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

Section 21. Section 849.13, Florida Statutes, is amended to read:

849.13 Punishment on second or subsequent conviction.—A person who is convicted of a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent violation shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of

sentencing under chapter 921, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 22. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who ~~Whoever~~ stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast, or who ~~whoever~~ receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result, or who ~~whoever~~ knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result, or who ~~whoever~~ aids, or assists, or abets, or influences in any manner in any of such acts ~~all of which are hereby forbidden~~, commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 23. Section 849.15, Florida Statutes, is amended to read:

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

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

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

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(b) "Part thereof" means any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or device or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device.

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

1. Actual authority to act on behalf of such business, establishment, premises, or other location; or

2. Any ownership interest in such business, establishment, premises, or other location. For purposes of this paragraph, the term "ownership interest" includes an officer, a director, or a managing member of the business, establishment, premises, or other location.

(2) It is unlawful:

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

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of

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value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

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

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

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

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

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

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

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

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

(4) ~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State

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of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, are ~~shall be~~ deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state are deemed legal shipments, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the

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state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Section 24. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts thereof.—

(1) Any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, the term "parts thereof" has the same meaning as in s. 849.15. If the quantity of slot machines or devices or any parts thereof involved is:

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

(b) More than 25 slot machines or devices or any parts thereof, but fewer than 50 slot machines or devices or any parts thereof, such person must be fined $250,000.

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

(2) Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, relating to transportation of gambling devices in interstate and foreign commerce, the State of Florida, acting by and through the duly

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elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of slot machines into any county of this state in which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, are deemed legal shipments thereof into this state, provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

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

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ss. 2701 et seq.

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

Section 25. Section 849.157, Florida Statutes, is created to read:

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

(1) Except as provided in subsection (2), a person may not knowingly and willfully make a materially false or misleading statement or knowingly and willfully disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of such slot machine or device for any money or other thing of value. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1), when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 26. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—

(1) For any slot machine or device prohibited pursuant to

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s. 849.15 which is not destroyed pursuant to s. 849.181, upon entering a plea of guilty or nolo contendere to, regardless of adjudication, the filing of a nolle prosequi or upon the successful completion of a diversion program or a deferred prosecution agreement, the filing of a no-information, or upon conviction of the person arrested for the violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed~~, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county~~.

(2) For any slot machine or device prohibited pursuant to s. 849.15 which is not destroyed pursuant to s. 849.181, if no arrests or criminal charges have been filed against any person for violations of ss. 849.15-849.22, the Florida Gaming Control Commission may destroy such seized machine, apparatus, or device under s. 849.16 if, 60 days after the conclusion of a lawful investigation, no claim has been filed in any court of competent jurisdiction for such machine, apparatus, or device.

Section 27. Section 849.181, Florida Statutes, is created to read:

849.181 Destruction of excess machines.—

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(1) It is the intent of the Legislature to protect the public health, safety, and welfare of the residents of this state by removing slot machines or devices as defined in s. 849.16 from public circulation and preventing the warehousing of large quantities of such slot machines or devices.

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

(a) "Criminal justice agency" has the same meaning as provided in s. 943.045.

(b) "Excess slot machines" means more than five slot machines seized during an investigation.

(c) "Slot machine" has the same meaning as the term "slot machine or device" as defined in s. 849.16(1) and includes the definition of "parts thereof" provided in s. 849.15.

(3) Notwithstanding any other law, a criminal justice agency having custody of excess slot machines may destroy such slot machines during the pendency of any related legal proceedings or ongoing criminal investigations, provided that such criminal justice agency:

(a) Retains at least five slot machines seized during an investigation until such time as the slot machines may be destroyed as provided in s. 849.18;

(b) Notifies the appropriate United States Attorney or assistant United States Attorney, the responsible state or local prosecutor, or a criminal justice agency conducting a criminal investigation that the excess slot machines will be destroyed after 60 days from the date notice is provided, unless the entity receiving the notice under this paragraph requests in writing that the criminal justice agency not destroy the excess slot machines;

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(c) Photographs and records on video each excess slot machine before its destruction to serve as evidentiary exhibits for use at trial. Each photograph and video recording must include a written description of the name of the violator of this chapter, the location where the alleged violation occurred, the name of the investigating law enforcement officer, the date the photograph or video recording was taken, and the name of the photographer or videographer. Such writing must be made under oath by the investigating law enforcement officer, and the photograph and video recording must be authenticated by the photographer's or videographer's signature;

(d) Destroys each excess slot machine in the presence of a law enforcement officer. The law enforcement officer shall create a written and properly sworn documentation of the date, time, location, and number of excess slot machines destroyed; and

(e) Maintains the written and properly sworn documentation created by the witnessing law enforcement officer pursuant to paragraph (d) as required under s. 119.021.

(4) In any prosecution for a violation of this chapter, a photograph and video recording of an excess slot machine captured and documented pursuant to paragraph (c) may be deemed competent evidence and may be admissible in the prosecution to the same extent as if such excess slot machine were introduced as evidence.

(5) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section or chapter which can be given effect without the invalid provision

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or application, and to this end the provisions of this section are severable.

Section 28. Section 849.47, Florida Statutes, is created to read:

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

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

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

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

Section 29. Section 849.48, Florida Statutes, is created to

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read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" has the same meaning as in s. 849.47(1).

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

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

(c) A person who violates this subsection commits:

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

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

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in

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any other state or nation, outside of this state, where such gambling is not prohibited.

Section 30. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in this chapter or s. 546.10, except as otherwise expressly provided by general law, special law, or the State Constitution.

Section 31. Section 849.51, Florida Statutes, is created to read:

849.51 Limited Slot Machine Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust but also expose citizens of this state to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party may avoid criminal prosecution or civil penalty.

(2) There is created within the commission the Limited Slot Machine Surrender Program. The purpose of the program is to allow individuals and organizations an opportunity to surrender

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or otherwise disclaim any and all interest in any gaming devices, including, but not limited to, those devices or games described in ss. 849.09 and 849.16, and devices or games purported to be authorized by ss. 546.10, 849.0931, 849.094, and 849.14, and convey such gaming devices to the commission. The surrender of a gaming device pursuant to the program is deemed irrevocable and final.

(3) Any individual or organization that surrenders a gaming device to the commission pursuant to the program is immune from criminal prosecution for a violation of this chapter related to any of the surrendered devices.

(4) The program shall begin by September 1, 2026, and end on October 1, 2026.

(5) The commission shall advertise the program no earlier than 60 days before October 1, 2026.

(6) A person or an entity does not have any right to property in any of the devices surrendered to the commission pursuant to this section.

(7) The commission may execute memoranda of understanding with other criminal justice agencies to administer the program.

Section 32. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(i) The amount of currency seized which is connected to or

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563 involved in a violation of chapter 546, chapter 550, chapter
564 551, or chapter 849.
565 Section 33. Paragraphs (c), (e), (g), and (h) of subsection
566 (3) of section 921.0022, Florida Statutes, are amended to read:
567 921.0022 Criminal Punishment Code; offense severity ranking
568 chart.—
569 (3) OFFENSE SEVERITY RANKING CHART
570 (c) LEVEL 3
571

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of

			motor vehicle with identification number plate removed.
577			
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
578			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
579			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
580			
	327.35(2)(b)	3rd	Felony BUI.
581			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
582			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID

			number.
583			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
584			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
585			
	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
586			
	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a

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		violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.

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624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
800.045(3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image.
806.10(1)	3rd	Maliciously injure,

		destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
812.081(2)	3rd	Theft of a trade secret.

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815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of

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		$1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
836.13(4)	3rd	Promoting, or possessing with intent to promote, an altered sexual depiction of an identifiable person

			without consent.
619			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
620			
	838.12	3rd	Bribery in athletic contests.
621			
	847.01385	3rd	Harmful communication to a minor.
622			
	849.01(2)(a)	3rd	Keeping a gambling house.
623			
	849.01(3)(b)	3rd	Knowingly benefitting from or participating in the operation of a gambling house.
624			
	849.02(1)(b) & (2)(a)	3rd	Agents or employees of keeper of gambling house.
625			
	849.021(3)(a)	3rd	Government employee misconduct relating to gambling houses.
626			
	849.03(1)(a)	3rd	Renting space at a gambling house.
627			
	849.08(4)	3rd	Internet wagering.

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849.086(12)(e)	3rd	Manipulating playing cards.
849.09(2)	3rd	Illegal lottery.
849.11(2)	3rd	Operating or playing games of chance by lot.
849.14	3rd	Betting on result of trial or contest of skill.
849.15(3)(b)	3rd	Manufacture, sale, possession, etc. of slot machines or devices.
849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
849.25(2)	3rd	Bookmaking.
849.47(3)(a)&(b)	3rd	Transporting or procuring transportation of certain persons to facilitate gambling.
849.48(2)(c)2.	3rd	Prohibited gambling or gaming advertisements.

860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2.,

			(2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
643			
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
644			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
645			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
646			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
647			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled

		substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner’s practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.

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893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

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Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)(a)2.	3rd	Vessel accidents

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			involving personal injuries other than serious bodily injury; leaving scene.
666			
	365.172 (14)(b)2.	2nd	Misuse of emergency communications system resulting in death.
667			
	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or

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		imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
674			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
675			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
676			
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
677			
	790.162	2nd	Threat to throw or discharge destructive device.
678			
	790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use

		of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)	3rd	Commercial digital

			voyeurism dissemination.
686			
	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
687			
	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
688			
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
689			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
690			
	812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
691			
	812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
692			
	812.015(8)(g)	3rd	Retail theft; committed

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		with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property

			values relating to the solvency of an insuring entity.
700			
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
701			
	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
702			
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
703			
	825.1025(4)	3rd	Lewd or lascivious exhibition in the

			presence of an elderly person or disabled adult.
828.12(2)		3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)		2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
<u>838.12</u>		<u>3rd</u>	<u>Bribery in athletic contests (2nd or subsequent conviction).</u>
839.13(2)(b)		2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)		3rd	Resist officer with violence to person; resist arrest with

			violence.
709			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
710			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
711			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
712			
	849.01(2)(b)	2nd	Keeping a gambling house (2nd or subsequent offense).
713			
	849.02(1)(c)&(2)(b)	2nd	Agents or employees of keeper of gambling house (2nd or subsequent offense).
714			
	849.021(3)(b)	2nd	Government employee misconduct relating to gambling houses (2nd or

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		subsequent offense).
849.03(1)(b)	2nd	Renting space at a gambling house (2nd or subsequent offense).
849.08(4)	2nd	Operating, conducting, promoting, aiding, assisting, abetting, influencing Internet sports wagering (2nd or subsequent conviction).
849.086(12)(e)	2nd	Tampering with cards or card games (2nd or subsequent conviction).
849.11(2)	2nd	Offenses related to games of chance (2nd or subsequent conviction).
849.14	2nd	Betting on result of trial or contest of skill (2nd or subsequent conviction).
849.15(3)(c)	2nd	Manufacture, sale, possession, etc. of slot machines or devices.

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849.47(3)(a)&(b)	2nd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons (2nd or subsequent conviction).
849.48(2)(c)2.	2nd	Prohibited gambling or gaming advertisements (2nd or subsequent offense).
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

			(2)(b), or (2)(c)5. drugs).
726			
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
727			
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
728			
	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or

			other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
729			
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
730			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
731			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

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732
733
734
735
736 ================ T I T L E A M E N D M E N T ================
737 And the title is amended as follows:
738 Delete lines 116 - 118
739 and insert:
740 defining the term “Internet sports wagering”;
741 providing criminal penalties for persons who play,
742 engage in, operate, conduct, or promote Internet
743 sports wagering;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1312 - 1938

and insert:

849.49 Preemption.—

(1) The Legislature finds that illegal gambling is a detriment to public safety and pervasive in local communities throughout this state. It is the intent of the Legislature that, in order to preserve the safety and welfare of residents, laws regarding illegal gambling be enforced uniformly throughout this state and regardless of local jurisdiction. Any ordinance,

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regulation, resolution, rule, or other policy relating to illegal gambling which is passed by any county, municipality, or political subdivision commenced or in effect on or after October 1, 2026, is deemed null and void and of no legal force and effect unless authorized in subsection (2).

(2) A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activity described in s. 546.10 or this chapter, except as otherwise expressly provided by general law, special law, or the State Constitution. This subsection does not apply to a local land use or zoning regulation that prohibits gaming, gambling, lotteries, or any activity described in s. 546.10 or this chapter.

Section 31. Effective July 1, 2026, section 849.51, Florida Statutes, is created to read:

849.51 Limited Slot Machine Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust but also expose citizens of this state to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party may avoid criminal prosecution or civil penalty.

(2) There is created within the commission the Limited Slot Machine Surrender Program. The purpose of the program is to allow individuals and organizations an opportunity to surrender or otherwise disclaim any and all interest in any gaming devices, including, but not limited to, those devices or games described in ss. 849.09 and 849.16, and devices or games purported to be authorized by ss. 546.10, 849.0931, 849.094, and 849.14, and convey such gaming devices to the commission. The surrender of a gaming device pursuant to the program is deemed irrevocable and final.

(3) Any individual or organization that surrenders a gaming device to the commission pursuant to the program is immune from criminal prosecution for a violation of this chapter related to any of the surrendered devices.

(4) The program shall begin by September 1, 2026, and end on October 1, 2026.

(5) The commission shall advertise the program no earlier than 60 days before October 1, 2026.

(6) A person or an entity does not have any right to property in any of the devices surrendered to the commission pursuant to this section.

(7) The commission may execute memoranda of understanding with other criminal justice agencies to administer the program.

Section 32. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail

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or other conditions, and what that bail or those conditions may be, the court shall consider:

(i) The amount of currency seized which is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 33. Paragraphs (c), (e), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights

			activated.
319.30(4)		3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)		3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)		3rd	Procure or pass title on stolen vehicle.
319.33(4)		3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)		3rd	Felony BUI.
328.05(2)		3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

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379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance

		without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
800.045(3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or

		lascivious image.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with

		others.
812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

			insurance card.
123			
	817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
124			
	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
125			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
126			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
127			
	836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
128			
	836.13(4)	3rd	Promoting, or possessing

		with intent to promote, an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
838.12	3rd	Bribery in athletic contests.
847.01385	3rd	Harmful communication to a minor.
849.01(2)(a)	3rd	Keeping a gambling house.
849.01(3)(b)	3rd	Knowingly benefitting from or participating in the operation of a gambling house.
849.02(1)(b) & (2)(a)	3rd	Agents or employees of keeper of gambling house.
849.021(3)(a)	3rd	Government employee misconduct relating to gambling houses.
849.03(1)(a)	3rd	Renting space at a gambling

			house.
137			
	849.08(4)	3rd	Internet wagering.
138			
	849.086(12)(e)	3rd	Manipulating playing cards.
139			
	849.09(2)	3rd	Illegal lottery.
140			
	849.11(2)	3rd	Operating or playing games of chance by lot.
141			
	849.14	3rd	Betting on result of trial or contest of skill.
142			
	849.15(3)(b)	3rd	Manufacture, sale, possession, etc. of slot machines or devices.
143			
	849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
144			
	849.25(2)	3rd	Bookmaking.
145			
	849.47(3)(a)&(b)	3rd	Transporting or procuring transportation of certain persons to facilitate gambling.

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849.48(2)(c)2.	3rd	Prohibited gambling or gaming advertisements.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

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893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

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893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner’s practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a

		controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

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327.30(5)(a)2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
365.172 (14)(b)2.	2nd	Misuse of emergency communications system resulting in death.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags;

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		possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers'

			compensation claims.
183			
	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
184			
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
185			
	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
186			
	790.01(3)	3rd	Unlawful carrying of a concealed firearm.
187			
	790.162	2nd	Threat to throw or discharge destructive device.
188			
	790.163(1)	2nd	False report of bomb,

		explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

810.145(4)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.

812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact

		or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
838.12	3rd	Bribery in athletic contests(2nd or subsequent conviction).
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with

		violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
849.01(2)(b)	2nd	Keeping a gambling house (2nd or subsequent offense).
849.02(1)(c)&(2)(b)	2nd	Agents or employees of keeper of gambling house (2nd or subsequent offense).
849.021(3)(b)	2nd	Government employee

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			misconduct relating to gambling houses (2nd or subsequent offense).
225			
	849.03(1)(b)	2nd	Renting space at a gambling house (2nd or subsequent offense).
226			
	849.08(4)	2nd	Operating, conducting, promoting, aiding, assisting, abetting, influencing Internet gambling and Internet sports wagering (2nd or subsequent conviction).
227			
	849.086(12)(e)	2nd	Tampering with cards or card games (2nd or subsequent conviction).
228			
	849.11(2)	2nd	Offenses related to games of chance (2nd or subsequent conviction).
229			
	849.14	2nd	Betting on result of trial or contest of skill (2nd or subsequent conviction).
230			

849.15(3)(c)	2nd	Manufacture, sale, possession, etc. of slot machines or devices.
849.47(3)(a)&(b)	2nd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons (2nd or subsequent conviction).
849.48(2)(c)2.	2nd	Prohibited gambling or gaming advertisements (2nd or subsequent offense).
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or

			deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.		2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.		1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

238			
	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
239			
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
240			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
241			
	893.1351(1)	3rd	Ownership, lease, or

		rental for trafficking in or manufacturing of controlled substance.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.

459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.

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467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.


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560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working

		where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

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782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent

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		predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.

787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to

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			use a hoax weapon of mass destruction.
302			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
303			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
304			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
305			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
306			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and

		subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied

			dwelling; unarmed; no assault or battery.
	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
	812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
	812.014(2)(b)3.	2nd	Property stolen,

			emergency medical equipment; 2nd degree grand theft.
318			
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
319			
	812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
320			
	812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
321			
	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
322			
	812.131(2)(a)	2nd	Robbery by sudden snatching.
323			
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other

		weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or

		advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.

827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or

		reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
849.01(4)	2nd	Keeping a gambling house; great bodily harm, permanent disability, or

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			permanent disfigurement.
849.157(2)		2nd	False or misleading statement to facilitate sale of 5 or more slot machines or devices.
872.06		2nd	Abuse of a dead human body.
874.05(2)(b)		1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10		1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.		1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care

			facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.		1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)		1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.		1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.		1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

360	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
361	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
362	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
363	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
364	893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
365	893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
	893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

372			
	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
373			
	893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
374			
	893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
375			
	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
376			
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
377			
	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration

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			requirements, financial transactions exceeding $300 but less than $20,000.
378			
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
379			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
380			
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
381			
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
382			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister;

			failure to respond to address verification; providing false registration information.
383			
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
384			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
385			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
386			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
387			
	985.4815(10)	3rd	Sexual offender; failure

		to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or

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		attempted eluding with serious bodily injury or death.
327.35 (3)(a)3.c.(I)	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.

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655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(3)	1st	Killing of a human being during the attempt or perpetration of certain felonies.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.071(1)(c)	1st	Vehicular homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.
782.072(2)(b)	1st	Committing vessel homicide and failing to render aid or give information.
782.072(3)	1st	Vessel homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.

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787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

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790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
794.011(5)(d)	1st	Sexual battery; victim 12

			years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
794.08(3)		2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
800.04(4)(b)		2nd	Lewd or lascivious battery.
800.04(4)(c)		1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
806.01(1)		1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)		1st,PBL	Burglary with assault or

		battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.015(11)(b)	1st	Retail theft; possession of a firearm during commission of offense.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.418(2)(b)	2nd	Offering for sale or advertising personal

			protective equipment with intent to defraud; second or subsequent offense.
433			
	817.504(1)(b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
434			
	817.505(4)(c)	1st	Patient brokering; 20 or more patients.
435			
	817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
436			
	817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
437			
	817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
438			

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817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at

		$50,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
849.155	1st	Trafficking in slot machines or devices.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

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893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
893.135	1st	Trafficking in oxycodone,

(1)(c)3.c.		25 grams or more, less than 100 grams.
893.135 (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid

			(GHB), 5 kilograms or more, less than 10 kilograms.
463			
	893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
464			
	893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
465			
	893.135 (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
466			
	893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
467			
	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but

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less than $100,000.

Section 34. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare

arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public

office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 35. Section 849.17, Florida Statutes, is amended to read:

849.17 Confiscation of machines by arresting officer.—Upon


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the arrest of any person charged with the violation of ss. 849.15-849.22, ~~any of the provisions of ss. 849.15-849.23~~ the arresting officer shall take into his or her custody any such machine, apparatus or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete and correct list and inventory of all such things so taken into his or her custody, and deliver to the person from whom such article or articles may have been seized, a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and shall have the same forthcoming at any investigation, prosecution, or other proceedings~~,~~ incident to charges of violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~.

Section 36. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—Upon conviction of the person arrested for the violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county.

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Section 37. Section 849.20, Florida Statutes, is amended to read:

849.20 Machines and devices declared nuisance; place of operation subject to lien for fine.—Any room, house, building, boat, vehicle, structure, or place wherein any machine or device, or any part thereof, the possession, operation, or use of which is prohibited by ss. 849.15-849.22 ~~ss. 849.15-849.23~~, must ~~shall~~ be maintained or operated, and each of such machines or devices, is declared to be a common nuisance. If a person has knowledge, or reason to believe, that his or her room, house, building, boat, vehicle, structure, or place is occupied or used in violation of ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ and by acquiescence or consent suffers the same to be used, such room, house, building, boat, vehicle, structure, or place is ~~shall be~~ subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of such nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

Section 38. Section 849.21, Florida Statutes, is amended to read:

849.21 Injunction to restrain violation.—An action to enjoin any nuisance as herein defined may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon

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application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing, or in any way interfering with the machines or devices or other things used in connection with the violation of ss. 849.15-849.22 ~~ss. 849.15-849.23~~ constituting such a nuisance. A ~~No~~ bond is not ~~shall be~~ required in instituting such proceedings.

Section 39. Section 849.22, Florida Statutes, is amended to read:

849.22 Fees of clerk of circuit court and sheriff.—The clerks of the courts and the sheriffs performing duties under ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees must ~~shall~~ be paid out of the fine and forfeiture fund of the county as costs are paid upon conviction of an insolvent person.

Section 40. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

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4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 41. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2026, this act shall take effect October 1, 2026.

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

And the title is amended as follows:

Delete lines 199 - 227

and insert:

creating s. 849.49, F.S.; providing legislative findings and intent; prohibiting counties, municipalities, or other political subdivisions from enacting or enforcing any ordinance or local rule relating to certain gaming and gambling activities; providing applicability; creating s. 849.51, F.S.; providing legislative findings; creating the Limited Slot Machine Surrender Program within the commission; providing the purpose of the program; providing that the surrender of any slot machine to the commission is irrevocable and final; providing that an individual or organization that surrenders a slot machine pursuant to the program is immune from criminal prosecution; requiring that the program begin and end within specified timeframes; requiring the commission to advertise the program before a specified timeframe; providing that a person or entity that surrenders a gaming device does not have any rights of the property


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inside the slot machine; authorizing the commission to enter into memoranda of understanding with other criminal justice agencies to administer the program; amending s. 903.046, F.S.; revising the circumstances a court must consider when determining whether to release a defendant on bail or other conditions; amending s. 921.0022, F.S.; revising the ranking of certain offenses on the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102, 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02, F.S.; conforming provisions to changes made by the act; providing effective dates.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 508 and 509
insert:

Section 9. Subsection (4) of section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—

(4) Designated slot machine gaming areas must be located at or within 1 mile of the address specified in the licensed permitholder's slot machine license, excluding roads, highways, and streets. The designated slot machine gaming area must be

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under the ownership or lease of the permitholder ~~issued for fiscal year 2020-2021~~.

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

And the title is amended as follows:

Between lines 74 and 75

insert:

551.114, F.S.; revising where a designated slot machine gaming area is required to be located; requiring that a designated slot machine gaming area be under the ownership or lease of the permitholder; deleting obsolete language; amending s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 508 and 509
insert:

Section 9. Subsection (4) of section 551.114, Florida Statutes, is amended to read:

551.114 Slot machine gaming areas.—

(4)(a) Designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-2021.

(b) Notwithstanding paragraph (a), a slot machine licensee

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may apply to the commission to change the location of its designated slot machine gaming area if all of the following apply:

1. The location of the designated slot machine gaming area is in the same county as the address specified in the licensed permitholder's slot machine license issued for fiscal year 2020-2021.

2. The location of the designated slot machine gaming area is within 1,320 feet on a straight line of any outermost boundary of the licensed permitholder's designated slot machine gaming area as of January 1, 2026.

3. The designated slot machine gaming area is at a location where the licensed permitholder is authorized to conduct pari-mutuel wagering activities pursuant to the licensed permitholder's valid pari-mutuel permit.

4. The location is owned by the licensed pari-mutuel permitholder.

5. The location is approved under the zoning regulations of the county or municipality where the permitted slot machine gaming area is to be located as a planned development use, consistent with the comprehensive plan.

6. The location does not violate any of the provisions of any tribal-state gaming compact with a federally recognized Indian tribe located within this state pursuant to the Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168, and 25 U.S.C. ss. 2701 et seq.

(c) Before submitting an application to the commission to change the location of the designated slot machine gaming area, the licensed pari-mutuel permitholder must submit a survey

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indicating the existing location of the designated slot machine gaming area and the proposed location of the new designated slot machine gaming area.

(d) The commission is responsible for approving or denying the application to change the location of the designated slot machine gaming area. A slot machine licensee must apply to the commission using forms adopted by the commission. The commission shall examine the application and approve or deny the change of location of the designated slot machine gaming area within the timeframes required by s. 120.60. The commission may adopt rules to implement this subsection.

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

And the title is amended as follows:

Between lines 74 and 75

insert:

551.114, F.S.; authorizing a slot machine licensee to apply to the commission to change the location of its designated slot machine gaming area under certain circumstances; requiring the licensed pari-mutuel permitholder to submit to the commission a survey indicating specified information; providing that the commission is responsible for approving or denying the application to change the location of the designated slot machine gaming area; requiring a slot machine licensee to apply to the commission using forms adopted by the commission; requiring the commission to examine the application and approve or deny the application within a specified timeframe; authorizing

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the commission to adopt rules; amending s.

By the Committee on Regulated Industries; and Senator Martin

580-02716-26 20261580c1

A bill to be entitled

An act relating to illegal gaming; repealing s. 849.23, F.S., relating to penalties and violations related to illegal gambling; amending s. 16.71, F.S.; requiring that the Florida Gaming Control Commission, rather than the chair of the commission, appoint an inspector general; authorizing the commission to delegate any of the duties and powers of an agency head to a commissioner, with an exception; amending s. 16.712, F.S.; revising the information to be included in the commission's annual report to the Governor and the Legislature; amending s. 16.713, F.S.; authorizing a person who is ineligible for employment with the commission to submit a waiver request to the commission asking to be considered eligible for employment if the person possesses certain expertise or experience; requiring the commission to consider such requests on a case-by-case basis and to approve or deny such requests; providing that such person is eligible for employment with the commission if the waiver request is approved by the commission; providing applicability; providing the standard of review for such waiver requests; authorizing the commission to adopt rules; amending s. 16.715, F.S.; revising the standards of conduct for current and former commissioners and employees of the commission; revising the persons who may not hold permits or licenses relating to gaming within a certain timeframe; prohibiting such persons from accepting

580-02716-26 20261580c1

employment or compensation from or engaging in any business activity with certain persons or entities for a specified timeframe; authorizing certain employees to request that the commission waive certain postemployment restrictions for a certain purpose; requiring the commission to consider and approve or deny each waiver request on a case-by-case basis; authorizing the commission to adopt rules; amending s. 20.055, F.S.; conforming a provision to changes made by the act; amending s. 546.10, F.S.; authorizing certain veterans' service organizations to petition the commission for a declaratory statement to determine whether a game or machine is authorized by law before such organizations purchase or install such game or machine; prohibiting the purchase or installation of a game or machine awaiting such declaratory statement until the declaratory statement has been issued; authorizing veterans' service organizations that have a game or machine already installed on their premises to petition the commission for a declaratory statement to determine whether a game or machine is authorized by law; prohibiting such veterans' service organizations from petitioning the commission if the game, machine, premises, or organization is the subject of an ongoing criminal investigation; requiring the commission to issue the declaratory statement or deny the petition for a declaratory statement within a specified timeframe; prohibiting the commission from denying a veterans'

service organization's petition that is validly requested; providing that a petition is deemed complete if the petition includes certain information; providing that the declaratory statement is valid only for the game or machine for which it was requested; providing that a declaratory statement is invalid if the specifications of the game or machine have changed; providing that the declaratory statement is binding on the commission and may be introduced in subsequent proceedings as evidence of a good faith effort to comply with certain provisions; providing construction; amending s. 551.107, F.S.; requiring the commission to consider and approve or deny waiver requests on a case-by-case basis; providing the standard of review for certain actions of the commission; making technical changes; amending s. 782.04, F.S.; revising the underlying felonies for felony murder of the second degree to include keeping a gambling house; amending s. 838.12, F.S.; providing criminal penalties for persons who stake, bet, or wager any money or other thing of value upon the result of certain games, contests, matches, races, or sports if such persons have knowledge that the outcome of the games, contests, matches, races, or sports is prearranged or predetermined; making technical changes; amending s. 843.08, F.S.; revising a prohibition on false personation of certain persons to include any personnel or representative of the commission; amending ss. 849.01 and 849.02, F.S.;

revising the criminal penalties for persons who keep a gambling house or are agents or employees of a keeper of a gambling house, respectively; defining the term "course of conduct"; prohibiting a person from knowingly or recklessly benefit or participate in a course of conduct in furtherance of illegal gambling; creating s. 849.021, F.S.; defining the terms "government employee" and "political subdivision"; prohibiting a government employee from knowingly certifying, licensing, approving, aiding, facilitating, or concealing the operation of a gambling house; providing criminal penalties; providing applicability; creating s. 849.023, F.S.; defining terms; providing that violations of certain laws are deemed immediate and serious dangers to public health, safety, and welfare; authorizing the Department of Business and Professional Regulation, the commission, or the Office of Financial Regulation to summarily suspend the license of certain persons violating such laws; authorizing a licensee or an applicant to retain, apply for, or be reissued a license if the license-issuing agency finds that such licensee has removed the controlling person violating such laws from the business; providing that a licensee is subject to a specified fine; amending s. 849.03, F.S.; revising the criminal penalties for persons who rent or lease a house for gambling purposes; defining the term "knowingly"; amending s. 849.08, F.S.; defining terms; providing criminal penalties for

persons who play, engage in, operate, conduct, or promote Internet gambling or Internet sports wagering; providing applicability; amending s. 849.086, F.S.; revising the prohibited activities of licensed cardrooms; providing criminal penalties for violations of such prohibitions; republishing s. 849.09, F.S., relating to the prohibition against lotteries; amending s. 849.11, F.S.; providing criminal penalties for persons who play in person, or by the use of the Internet, certain games of chance; providing criminal penalties for persons who set up, operate, conduct, promote, or receive any money or other thing of value for certain prohibited conduct; amending s. 849.13, F.S.; revising the criminal penalties for persons convicted of a second or subsequent violation in connection with lotteries; reclassifying certain criminal violations to the next level higher in the Criminal Punishment Code's offense severity ranking chart; amending s. 849.14, F.S.; making technical changes; amending s. 849.15, F.S.; defining terms; revising criminal penalties relating to persons owning or operating slot machines or devices; providing that all shipments of legal slot machines into Indian lands are deemed legal shipments under certain circumstances; creating s. 849.155, F.S.; providing criminal penalties for persons who knowingly sell, purchase, manufacture, transport, deliver, or bring into this state more than a specified number of slot machines or devices or any parts thereof; defining the

term "parts thereof"; providing for fines for specified violations; providing that any county in which slot machine gaming is authorized is exempt from certain federal provisions; providing that all shipments of slot machines into any county in this state are deemed legal shipments if specified requirements are met; providing that all shipments of legal gaming devices into Indian lands located within this state are deemed legal shipments under certain circumstances; requiring that any fines imposed and collected be deposited into the Pari-mutuel Wagering Trust Fund to be used for a specified purpose; creating s. 849.157, F.S.; prohibiting persons from knowingly and willfully making or disseminating materially false or misleading statements or information regarding the legality of a slot machine or device to facilitate the sale of such slot machine or device; providing criminal penalties; amending s. 849.18, F.S.; revising the circumstances under which a judge may order a slot machine, apparatus, or device seized; authorizing the commission to destroy a seized machine, apparatus, or device after a specified timeframe if no arrests or criminal charges have been filed and no person files a claim for such machine, apparatus, or device; creating s. 849.181, F.S.; providing legislative intent; defining terms; authorizing a criminal justice agency having custody of excess slot machines related to a legal proceeding or ongoing criminal investigation to destroy such

machines if the criminal justice agency takes certain actions; requiring that written descriptions of such slot machines be made under oath by the investigating law enforcement officer before the slot machines are destroyed; requiring that photographs and video recordings of such slot machines be authenticated by the photographer's or videographer's signature; requiring that a law enforcement officer create written and sworn documentation of certain information regarding a destroyed slot machine; providing that such photographs or video recordings may be deemed competent evidence and may be admissible in a prosecution to the same extent as if such slot machines were introduced as evidence; providing severability; creating s. 849.47, F.S.; defining the term "illegal gambling"; prohibiting persons from knowingly and willfully transporting, or procuring the transportation of, certain persons into this state for the purpose of illegal gambling; providing criminal penalties; creating s. 849.48, F.S.; defining the term "illegal gambling"; prohibiting persons from advertising illegal gambling or setting up any type or plate for any type for advertising illegal gambling; providing criminal penalties; providing exceptions; creating s. 849.49, F.S.; prohibiting counties, municipalities, or other political subdivisions from enacting or enforcing any ordinance or local rule relating to certain gaming and gambling activities; creating s. 849.51, F.S.; providing legislative

findings; creating the Limited Slot Machine Surrender Program within the commission; providing the purpose of the program; providing that the surrender of any slot machine to the commission is irrevocable and final; providing that an individual or organization that surrenders a slot machine pursuant to the program is immune from criminal prosecution; requiring that the program begin and end within specified timeframes; requiring the commission to advertise the program before a specified timeframe; providing that a person or entity that surrenders a gaming device does not have any rights of the property inside the slot machine; authorizing the commission to enter into memoranda of understanding with other criminal justice agencies to administer the program; amending s. 903.046, F.S.; revising the circumstances a court must consider when determining whether to release a defendant on bail or other conditions; amending s. 921.0022, F.S.; revising the ranking of certain offenses on the offense severity ranking chart of the Criminal Punishment Code; amending ss. 772.102, 849.17, 849.18, 849.20, 849.21, 849.22, and 895.02, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 849.23, Florida Statutes, is repealed.

Section 2. Subsection (5) of section 16.71, Florida

Statutes, is amended to read:

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

(5) INSPECTOR GENERAL.—The ~~chair of the~~ commission shall appoint an inspector general who shall perform the duties of an inspector general under s. 20.055. Except for the appointment of an inspector general under s. 20.055(3)(a)1., the commission may delegate any of the duties and powers of an agency head under s. 20.055 to a commissioner serving on the commission.

Section 3. Paragraph (h) of subsection (3) of section 16.712, Florida Statutes, is amended, and paragraphs (i) and (j) are added to that subsection, to read:

16.712 Florida Gaming Control Commission authorizations, duties, and responsibilities.—

(3) By December 1 of each year, the commission shall make an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include all of the following:

(h) A summary of actions taken and investigations conducted by the commission, including the number of investigations that led to criminal charges being filed and the resolution of such criminal cases.

(i) The number of complaints received by the commission, categorized by subject matter or type of complaint, and a summary of the action taken by the commission on each complaint.

(j) A list of property seized by the commission during the course of its investigations, and the disposition of such property, including a list of forfeiture actions.

Section 4. Paragraph (d) is added to subsection (2) of

section 16.713, Florida Statutes, to read:

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

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

(d)1. A person who is ineligible for employment with the commission under this subsection may submit a waiver request to the commission to be considered eligible for employment as a career service or other-personal-services employee if such person possesses industry expertise in pari-mutuel wagering, cardrooms, or slot machine operations.

2. The commission shall consider waiver requests on a case-by-case basis and shall approve or deny each request. If the commission approves the waiver request, the person is eligible for employment with the commission. This paragraph does not apply to persons seeking appointment to the commission. The standard of review applicable to the commission under this subsection is whether the commission's action was an abuse of discretion. The commission may adopt rules to implement the provisions of this subsection.

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

Section 5. Paragraph (b) of subsection (1) and paragraph

(c) of subsection (2) of section 16.715, Florida Statutes, are amended to read:

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

(1) STANDARDS OF CONDUCT.—

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

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

to the conference fee and that is sponsored, in whole or in part, by a person regulated by the commission.

3. While employed, ~~and for 2 years after service as a commissioner or for 2 years after employment with the commission,~~ a commissioner or an employee may not accept any form of employment with or engage in any business activity with any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; any person regulated by the commission; or any business entity that, either directly or indirectly, is an affiliate or subsidiary of any person regulated by the commission.

4. While employed, and for 2 years after service as a commissioner or for 2 years after employment with the commission, a commissioner, an employee, or a relative living in the same household as a commissioner or an employee may not have any financial interest, other than shares in a mutual fund, in any person regulated by the commission; in any business entity that, either directly or indirectly, owns or controls any person regulated by the commission; or in any business entity that, either directly or indirectly, is an affiliate or a subsidiary of any person regulated by the commission. If a commissioner, an employee, or a relative living in the same household as a commissioner or an employee acquires any financial interest prohibited by this subsection during the commissioner's term of office or the employee's employment with the commission as a result of events or actions beyond the commissioner's, the employee's, or the relative's control, he or she must ~~shall~~ immediately sell such financial interest. For the purposes of this subsection, the term "relative" has the same meaning as in

s. 16.713(2)(b).

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

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

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

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

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

10. A commissioner or an employee may not directly or indirectly, through staff or other means, solicit anything of value from any person regulated by the commission, or from any business entity that, whether directly or indirectly, is an

affiliate or a subsidiary of any person regulated by the commission, or from any party appearing in a proceeding considered by the commission in the last 2 years.

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

(2) FORMER COMMISSIONERS AND EMPLOYEES.—

(c) A person employed by the commission and classified as Senior Management Service, Selected Exempt Service, or career service may not, for the 2 years immediately following the date of termination or resignation from employment with the commission:

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

2. Accept employment or compensation from, or engage in any business activity with, a business entity that, directly or indirectly, owns or controls a person regulated by the commission; any person regulated by the commission; any business entity that, directly or indirectly, is an affiliate or subsidiary of a person regulated by the commission; or any business entity or trade association that has been a party to a commission proceeding within the 2 years preceding the employee's resignation or termination of employment from the commission; or

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

operator.

Notwithstanding any other law, an employee classified as career service may request that the commission waive the postemployment restrictions of subparagraph 1., but only for the purpose of obtaining an occupational license under s. 550.105, s. 551.107, or s. 849.086(6); or for any other postemployment restrictions under subparagraph 2. or subparagraph 3. If the commission approves the request, the employee is exempt from paragraph (d). The commission shall consider and approve or deny waiver requests on a case-by-case basis. The commission may adopt rules to implement this paragraph.

Section 6. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

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

(a) "Agency head" means the Governor, a Cabinet officer, or a secretary or executive director as those terms are defined in s. 20.03, the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the commissioners ~~chair~~ of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.

Section 7. Subsection (10) of section 546.10, Florida Statutes, is added to read:

546.10 Amusement games or machines.—

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

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

2. A veterans' service organization as described in subparagraph 1. which has a game or machine already installed on its premises may petition the commission for a declaratory statement under s. 120.565 on whether the operation of such game or machine is authorized under this section or is a violation of this section or chapter 849. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

3. The commission must issue a declaratory statement or deny the petition within 60 days after completing its investigation of the game or machine subject to the statement or 90 days after receiving a complete petition requesting such statement, whichever is earlier. The commission may not deny a petition that is validly requested pursuant to this subsection and s. 120.565.

(b) A petition for a declaratory statement made pursuant to paragraph (a) is deemed complete if it provides the information required for the commission to issue the declaratory statement

and is accompanied by the specifications, including all pertinent information and documentation and access to hardware and associated software by the commission's contracted testing lab, for the type of game or machine that the organization will purchase or install or has already installed on the premises. The declaratory statement issued under this subsection is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or the machine have been changed.

(c) A declaratory statement issued under this subsection is binding on the commission and may be introduced in any subsequent proceedings relating to the game or machine for which the declaratory statement is requested as evidence of a good faith effort to comply with this section or chapter 849.

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

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

Section 8. Paragraph (b) of subsection (6) of section 551.107, Florida Statutes, is amended to read:

551.107 Slot machine occupational license; findings; application; fee.—

(6)

(b) The commission may deny, revoke, or refuse to renew any slot machine occupational license if the applicant for such license or the licensee has been convicted of a felony or misdemeanor in this state, in any other state, or under the laws of the United States if such felony or misdemeanor is related to gambling or bookmaking as described in s. 849.25. The restrictions excluding offenders under this section ~~authorized in this paragraph~~ may be waived by the commission if the applicant establishes that she or he is of good moral character, that she or he has been rehabilitated, and that the crime she or he was convicted of is not related to slot machine gaming and is not a capital offense. The commission shall consider and approve or deny waiver requests on a case-by-case basis. The standard of review applicable to the commission under this paragraph is whether the commission's action was an abuse of discretion.

Section 9. Subsection (3) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(3) When a human being is killed during the perpetration of, or during the attempt to perpetrate, any:

(a) Trafficking offense prohibited by s. 893.135(1),

(b) Arson,

(c) Sexual battery,

(d) Robbery,

(e) Burglary,

(f) Kidnapping,

(g) Escape,

(h) Aggravated child abuse,

(i) Aggravated abuse of an elderly person or disabled

adult,

(j) Aircraft piracy,

(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,

(l) Carjacking,

(m) Home-invasion robbery,

(n) Aggravated stalking,

(o) Murder of another human being,

(p) Aggravated fleeing or eluding with serious bodily injury or death,

(q) Resisting an officer with violence to his or her person, ~~or~~

(r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or

(s) Keeping a gambling house under s. 849.01,

by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Subsections (1) and (2) of section 838.12, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

838.12 Bribery in athletic contests.—

(1) A person who ~~Whoever~~ gives, promises, offers or

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

(2) Any participant or prospective participant in any professional or amateur game, contest, match, race or sport; or any umpire, referee, judge or other official of such game, contest, match, race or sport; or any owner, manager, coach or trainer of, or any relative of, or any person having any direct, indirect, remote or possible connection with, any team, individual, participant or prospective participant in any such professional or amateur game, contest, match, race or sport, or the officials aforesaid; who in any way solicits, receives or accepts, or agrees to receive or accept, or who conspires to receive or accept, any bribe, money, goods, present, reward or

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

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

Section 11. Section 843.08, Florida Statutes, is amended to read:

843.08 False personation.—A person who falsely assumes or pretends to be a firefighter, a sheriff, an officer of the Florida Highway Patrol, an officer of the Fish and Wildlife Conservation Commission, an officer of the Department of Environmental Protection, an officer of the Department of Financial Services, any personnel or representative of the Florida Gaming Control Commission, any personnel or representative of the Division of Criminal Investigations, an officer of the Department of Corrections, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant

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

Section 12. Section 849.01, Florida Statutes, is amended to read:

849.01 Keeping gambling houses, etc.—

(1) A person who, ~~Whoever~~ by herself or himself, her or his ~~servant,~~ clerk or agent, or in any other manner has, keeps, exercises, or maintains a gaming table or room, or gaming

implements or apparatus, or house, booth, tent, shelter, or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control, or management, either exclusively or with others, procures, suffers, or permits any person to play for money or other valuable thing at any game whatever~~, whether heretofore prohibited or not,~~ commits the offense of keeping a gambling house.

(2)(a) For a first offense, a person who violates subsection (1) commits a felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(b) For a second or subsequent offense, a person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) As used in this subsection, the term "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose.

(a) A person may not knowingly, or in reckless disregard of the fact:

1. Benefit financially or receive anything of value, whether or not as a legal entity, in furtherance of a violation of subsection (1); or

2. Participate in a course of conduct in providing any service, product, or material benefit in the furtherance of a violation of subsection (1).

(b) A person who violates paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s.

775.083, or s. 775.084.

(c) A person found in violation of paragraph (a) shall be ordered to pay a fine of $50,000 for each violation.

(4) Notwithstanding subsection (2), a person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, during the commission of an offense under this section, an individual suffers great bodily harm, permanent disability, or permanent disfigurement.

Section 13. Section 849.02, Florida Statutes, is amended to read:

849.02 Agents or employees of keeper of gambling house.—

(1) A person who ~~Whoever~~ acts as ~~servant,~~ clerk, agent, or employee of any person in the violation of s. 849.01 commits:

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

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

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

(2)(a) Notwithstanding subsection (1), if the clerk, agent, or employee is authorized to bind the gambling house in violation of s. 849.01 or act on behalf of any person in the violation of s. 849.01, he or she commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 755.084.

(b) For a second or subsequent offense, a person commits a

felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Section 849.021, Florida Statutes, is created to read:

849.021 Government employee misconduct.—

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

(a) "Government employee" means any person employed by, or acting on behalf of, the state or any political subdivision thereof.

(b) "Political subdivision" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(2) A government employee may not knowingly certify, license, approve, aid, facilitate, or conceal the operation of a gambling house in violation of s. 849.01.

(3) A person who violates subsection (2) commits:

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

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

(4) This section does not apply to any person who is acting in the scope of his or her employment and, in good faith, reports suspected violations of chapter 849 to law enforcement or regulatory agencies.

Section 15. Section 849.023, Florida Statutes, is created to read:

849.023 Licensure disqualifying offenses; corporate shielding prohibited.—

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

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

(b) "Controlling person" means:

1. A corporate officer or director, or, if a limited liability company, a manager, of the licensee or applicant for a license;

2. A general partner, member, or owner of more than 5 percent of any equity interest, direct or indirect, in the licensee or applicant; or

3. An owner of any interest in the licensee or applicant, including any immediate family member of the owner, or holder of any debt, mortgage, contract, or concession from the licensee or applicant, who by virtue thereof is able to control the business of the licensee or applicant.

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

(d) "License" has the same meaning as in s. 120.52 and is issued by:

1. The Department of Business and Professional Regulation pursuant to chapter 509, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 567, chapter 568, or chapter 569;

2. The commission pursuant to chapter 550, chapter 551, or s. 849.086; or

3. The Office of Financial Regulation pursuant to chapter 560.

(e) "Licensee" means a holder of a license.

(f) "Owner" means a sole member or owner of 100 percent of any equity interest, direct or indirect, in the licensee or applicant.

(2) PENALTIES.—

(a)1. Notwithstanding subsection (1), pursuant to s. 120.60(6), a violation of s. 849.01, s. 849.03, or s. 849.15 is deemed an immediate and serious danger to public health, safety, and welfare, and the Department of Business and Professional Regulation, the commission, or the Office of Financial Regulation may summarily suspend the license of any person found in violation of s. 849.01, s. 849.03, or 849.15, or of any business entity if its controlling person or sole owner is found to be in violation of s. 849.01, s. 849.03, or s. 849.15.

2. In addition to any other penalty provided by law, a licensee or an applicant may have a license revoked or any application thereof denied or not reissued if the licensee or applicant, the controlling person of the licensee or applicant, or the sole owner of the licensee or applicant is convicted of a violation of s. 849.01, s. 849.03, or s. 849.15.

3. Notwithstanding subparagraph 2., a licensee or applicant may retain, apply for, or be reissued a license if the license-issuing agency finds that such licensee has removed the controlling person from the business.

(b) Notwithstanding paragraph (a), a licensee is subject to a fine of up to $75,000 for a violation of s. 849.01, s. 849.03, or s. 849.15.

Section 16. Section 849.03, Florida Statutes, is amended to read:

849.03 Renting or leasing house for gambling purposes.—

(1) A person who ~~Whoever~~, whether as owner or agent, knowingly rents or leases to another a house, room, booth, tent, shelter, or place for the purpose of gaming commits:

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

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

(2) For purposes of this section, the term "knowingly" means having general or reasonable knowledge of, or reasonable belief or grounds for belief that, a violation of s. 849.01 is occurring.

Section 17. Section 849.08, Florida Statutes, is amended to read:

849.08 Gambling.—

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

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

(b) "Internet sports wagering" means to stake, bet, or wager money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast, other than pari-mutuel wagering conducted pursuant to

chapter 550, which is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.

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

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

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

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

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

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

Section 18. Paragraph (e) is added to subsection (12) of section 849.086, Florida Statutes, to read:

849.086 Cardrooms authorized.—

(12) PROHIBITED ACTIVITIES.—

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

Section 19. Section 849.09, Florida Statutes, is republished to read:

849.09 Lottery prohibited; exceptions.—

(1) It is unlawful for any person in this state to:

(a) Set up, promote, or conduct any lottery for money or for anything of value;

(b) Dispose of any money or other property of any kind whatsoever by means of any lottery;

(c) Conduct any lottery drawing for the distribution of a prize or prizes by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circulars, posters, pamphlets, radio, telegraph, telephone, or otherwise;

(d) Aid or assist in the setting up, promoting, or conducting of any lottery or lottery drawing, whether by writing, printing, or in any other manner whatsoever, or be interested in or connected in any way with any lottery or lottery drawing;

(e) Attempt to operate, conduct, or advertise any lottery scheme or device;

(f) Have in her or his possession any lottery wheel, implement, or device whatsoever for conducting any lottery or scheme for the disposal by lot or chance of anything of value;

(g) Sell, offer for sale, or transmit, in person or by mail or in any other manner whatsoever, any lottery ticket, coupon, or share, or any share in or fractional part of any lottery ticket, coupon, or share, whether such ticket, coupon, or share represents an interest in a live lottery not yet played or whether it represents, or has represented, an interest in a lottery that has already been played;

(h) Have in her or his possession any lottery ticket, or any evidence of any share or right in any lottery ticket, or in any lottery scheme or device, whether such ticket or evidence of share or right represents an interest in a live lottery not yet played or whether it represents, or has represented, an interest in a lottery that has already been played;

(i) Aid or assist in the sale, disposal, or procurement of any lottery ticket, coupon, or share, or any right to any drawing in a lottery;

(j) Have in her or his possession any lottery advertisement, circular, poster, or pamphlet, or any list or schedule of any lottery prizes, gifts, or drawings; or

(k) Have in her or his possession any so-called "run down sheets," tally sheets, or other papers, records, instruments, or paraphernalia designed for use, either directly or indirectly, in, or in connection with, the violation of the laws of this state prohibiting lotteries and gambling.

Provided, that nothing in this section shall prohibit

participation in any nationally advertised contest, drawing, game or puzzle of skill or chance for a prize or prizes unless it can be construed as a lottery under this section; and, provided further, that this exemption for national contests shall not apply to any such contest based upon the outcome or results of any horserace, harness race, dograce, or jai alai game.

(2) Any person who is convicted of violating any of the provisions of paragraph (a), paragraph (b), paragraph (c), or paragraph (d) of subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who is convicted of violating any of the provisions of paragraph (e), paragraph (f), paragraph (g), paragraph (i), or paragraph (k) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The provisions of this section do not apply to bingo as provided for in s. 849.0931.

(4) Any person who is convicted of violating any of the provisions of paragraph (h) or paragraph (j) of subsection (1) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who, having been convicted of violating any provision thereof, thereafter violates any provision thereof is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083,

or s. 775.084.

Section 20. Section 849.11, Florida Statutes, is amended to read:

849.11 Plays at games of chance by lot.—

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

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

Section 21. Section 849.13, Florida Statutes, is amended to read:

849.13 Punishment on second or subsequent conviction.—A person who is convicted of a second or subsequent violation of the same ~~Whoever, after being convicted of an~~ offense ~~forbidden by law~~ in connection with lotteries for which there is no penalty specified for a second or subsequent violation shall have the offense reclassified to an offense of the next higher degree~~, commits the like offense, shall be guilty of a~~

~~misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the felony offense committed.

Section 22. Section 849.14, Florida Statutes, is amended to read:

849.14 Unlawful to bet on result of trial or contest of skill, etc.—A person who ~~Whoever~~ stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, speed or power or endurance of human or beast, or who ~~whoever~~ receives in any manner whatsoever any money or other thing of value staked, bet, or wagered, or offered for the purpose of being staked, bet, or wagered, by or for any other person upon any such result, or who ~~whoever~~ knowingly becomes the custodian or depositary of any money or other thing of value so staked, bet, or wagered upon any such result, or who ~~whoever~~ aids, or assists, or abets, or influences in any manner in any of such acts ~~all of which are hereby forbidden~~, commits a felony of the third degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 23. Section 849.15, Florida Statutes, is amended to read:

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

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

(a) "Conviction" means a determination of guilt which is the result of a plea or trial, regardless of whether

adjudication is withheld or a plea of nolo contendere is entered.

(b) "Part thereof" means any equipment, subassembly, or other part of a slot machine or device, whether attached to the slot machine or device or separate therefrom, which was used, attempted to be used, or intended to be used in connection with the play or operation of the slot machine or device.

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

1. Actual authority to act on behalf of such business, establishment, premises, or other location; or

2. Any ownership interest in such business, establishment, premises, or other location. For purposes of this paragraph, the term "ownership interest" includes an officer, a director, or a managing member of the business, establishment, premises, or other location.

(2) It is unlawful:

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

(b) To make or to permit to be made with any person any agreement with reference to any slot machine or device, pursuant to which the user thereof, as a result of any element of chance

or other outcome unpredictable to him or her, may become entitled to receive any money, credit, allowance, or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value.

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

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

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

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

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

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

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

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

(4)~~(2)~~ Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign

commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with the provisions of section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from the provisions of section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of gaming devices, including slot machines, into any county of this state within which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, are ~~shall be~~ deemed legal shipments thereof into this state provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(5) All shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state are deemed legal shipments, provided that such Indian lands are held

in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

Section 24. Section 849.155, Florida Statutes, is created to read:

849.155 Trafficking in slot machines, devices, or parts thereof.—

(1) Any person who knowingly sells, purchases, manufactures, transports, delivers, or brings into this state more than 15 slot machines or devices or any parts thereof commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, the term "parts thereof" has the same meaning as in s. 849.15. If the quantity of slot machines or devices or any parts thereof involved is:

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

(b) More than 25 slot machines or devices or any parts thereof, but fewer than 50 slot machines or devices or any parts thereof, such person must be fined $250,000.

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

(2) Pursuant to section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, relating to

transportation of gambling devices in interstate and foreign commerce, the State of Florida, acting by and through the duly elected and qualified members of its Legislature, does hereby in this section, and in accordance with and in compliance with section 2 of such chapter of Congress, declare and proclaim that any county of the State of Florida within which slot machine gaming is authorized pursuant to chapter 551 is exempt from section 2 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," designated as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All shipments of slot machines into any county of this state in which slot machine gaming is authorized pursuant to chapter 551 and the registering, recording, and labeling of which have been duly performed by the manufacturer or distributor thereof in accordance with sections 3 and 4 of that chapter of the Congress of the United States entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce," approved January 2, 1951, being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C. ss. 1171-1177, are deemed legal shipments thereof into this state, provided the destination of such shipments is an eligible facility as defined in s. 551.102 or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a).

(3) All shipments of legal gaming devices, including legal slot machines, onto Indian lands located within this state are deemed legal shipments thereof, provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state

compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.

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

Section 25. Section 849.157, Florida Statutes, is created to read:

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

(1) Except as provided in subsection (2), a person may not knowingly and willfully make a materially false or misleading statement or knowingly and willfully disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of such slot machine or device for any money or other thing of value. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who violates subsection (1), when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 26. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—

(1) For any slot machine or device prohibited pursuant to s. 849.15 which is not destroyed pursuant to s. 849.181, upon entering a plea of guilty or nolo contendere to, regardless of adjudication, the filing of a nolle prosequi or upon the successful completion of a diversion program or a deferred prosecution agreement, the filing of a no-information, or upon conviction of the person arrested for the violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed~~, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county~~.

(2) For any slot machine or device prohibited pursuant to s. 849.15 which is not destroyed pursuant to s. 849.181, if no arrests or criminal charges have been filed against any person for violations of ss. 849.15-849.22, the Florida Gaming Control Commission may destroy such seized machine, apparatus, or device under s. 849.16 if, 60 days after the conclusion of a lawful investigation, no claim has been filed in any court of competent jurisdiction for such machine, apparatus, or device.

Section 27. Section 849.181, Florida Statutes, is created

to read:

849.181 Destruction of excess machines.—

(1) It is the intent of the Legislature to protect the public health, safety, and welfare of the residents of this state by removing slot machines or devices as defined in s. 849.16 from public circulation and preventing the warehousing of large quantities of such slot machines or devices.

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

(a) "Criminal justice agency" has the same meaning as provided in s. 943.045.

(b) "Excess slot machines" means more than five slot machines seized during an investigation.

(c) "Slot machine" has the same meaning as the term "slot machine or device" as defined in s. 849.16(1) and includes the definition of "parts thereof" provided in s. 849.15.

(3) Notwithstanding any other law, a criminal justice agency having custody of excess slot machines may destroy such slot machines during the pendency of any related legal proceedings or ongoing criminal investigations, provided that such criminal justice agency:

(a) Retains at least five slot machines seized during an investigation until such time as the slot machines may be destroyed as provided in s. 849.18;

(b) Notifies the appropriate United States Attorney or assistant United States Attorney, the responsible state or local prosecutor, or a criminal justice agency conducting a criminal investigation that the excess slot machines will be destroyed after 60 days from the date notice is provided, unless the entity receiving the notice under this paragraph requests in

writing that the criminal justice agency not destroy the excess slot machines;

(c) Photographs and records on video each excess slot machine before its destruction to serve as evidentiary exhibits for use at trial. Each photograph and video recording must include a written description of the name of the violator of this chapter, the location where the alleged violation occurred, the name of the investigating law enforcement officer, the date the photograph or video recording was taken, and the name of the photographer or videographer. Such writing must be made under oath by the investigating law enforcement officer, and the photograph and video recording must be authenticated by the photographer's or videographer's signature;

(d) Destroys each excess slot machine in the presence of a law enforcement officer. The law enforcement officer shall create a written and properly sworn documentation of the date, time, location, and number of excess slot machines destroyed; and

(e) Maintains the written and properly sworn documentation created by the witnessing law enforcement officer pursuant to paragraph (d) as required under s. 119.021.

(4) In any prosecution for a violation of this chapter, a photograph and video recording of an excess slot machine captured and documented pursuant to paragraph (c) may be deemed competent evidence and may be admissible in the prosecution to the same extent as if such excess slot machine were introduced as evidence.

(5) If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does

not affect other provisions or applications of this section or chapter which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Section 28. Section 849.47, Florida Statutes, is created to read:

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

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

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

(3)(a) A person who transports, or procures the transportation of, a minor or a person 65 years of age or older into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

775.082, s. 775.083, or s. 775.084.

Section 29. Section 849.48, Florida Statutes, is created to read:

849.48 Gambling or gaming advertisements; prohibited.—

(1) As used in this section, the term "illegal gambling" has the same meaning as in s. 849.47(1).

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

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

(c) A person who violates this subsection commits:

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

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

(3) This section does not prohibit the printing or producing of any advertisement, circular, bill, poster,

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

Section 30. Section 849.49, Florida Statutes, is created to read:

849.49 Preemption.—A county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in this chapter or s. 546.10, except as otherwise expressly provided by general law, special law, or the State Constitution.

Section 31. Section 849.51, Florida Statutes, is created to read:

849.51 Limited Slot Machine Surrender Program.—

(1) The Legislature finds that illegal gaming operations not only undermine public trust but also expose citizens of this state to organized criminal conduct, financial exploitation, and a host of other social harms. Furthermore, the Legislature finds that certain persons or entities owning, storing, keeping, possessing, transporting, permitting the operation of, or otherwise offering illegal gaming devices for play may have been misled regarding the legality of the otherwise illegal gaming devices. Therefore, the Legislature finds that there is a compelling state interest in creating a limited period of time in which otherwise illegal gaming devices may be surrendered without penalty to ensure that any unknowing or otherwise innocent party may avoid criminal prosecution or civil penalty.

(2) There is created within the commission the Limited Slot

Machine Surrender Program. The purpose of the program is to allow individuals and organizations an opportunity to surrender or otherwise disclaim any and all interest in any gaming devices, including, but not limited to, those devices or games described in ss. 849.09 and 849.16, and devices or games purported to be authorized by ss. 546.10, 849.0931, 849.094, and 849.14, and convey such gaming devices to the commission. The surrender of a gaming device pursuant to the program is deemed irrevocable and final.

(3) Any individual or organization that surrenders a gaming device to the commission pursuant to the program is immune from criminal prosecution for a violation of this chapter related to any of the surrendered devices.

(4) The program shall begin by September 1, 2026, and end on October 1, 2026.

(5) The commission shall advertise the program no earlier than 60 days before October 1, 2026.

(6) A person or an entity does not have any right to property in any of the devices surrendered to the commission pursuant to this section.

(7) The commission may execute memoranda of understanding with other criminal justice agencies to administer the program.

Section 32. Present paragraphs (i) through (m) of subsection (2) of section 903.046, Florida Statutes, are redesignated as paragraphs (j) through (n), respectively, and a new paragraph (i) is added to that subsection, to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may

be, the court shall consider:

(i) The amount of currency seized which is connected to or involved in a violation of chapter 546, chapter 550, chapter 551, or chapter 849.

Section 33. Paragraphs (c), (e), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
800.045(3)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes a lewd or lascivious image.

806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.

812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Generating an altered sexual depiction of an identifiable person without consent.
836.13(4)	3rd	Promoting, or possessing with intent to promote, an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
838.12	3rd	Bribery in athletic contests.
847.01385	3rd	Harmful communication to a minor.
849.01(2)(a)	3rd	Keeping a gambling house.
849.01(3)(b)	3rd	Knowingly benefitting from or participating in the operation of a gambling house.
849.02(1)(b) & (2)(a)	3rd	Agents or employees of keeper of gambling house.
849.021(3)(a)	3rd	Government employee misconduct relating to gambling houses.
849.03(1)(a)	3rd	Renting space at a gambling house.

849.08(4)	3rd	Internet wagering.
849.086(12)(e)	3rd	Manipulating playing cards.
849.09(2)	3rd	Illegal lottery.
849.11(2)	3rd	Operating or playing games of chance by lot.
849.14	3rd	Betting on result of trial or contest of skill.
849.15(3)(b)	3rd	Manufacture, sale, possession, etc. of slot machines or devices.
849.157(1)	3rd	False or misleading statement to facilitate sale of slot machines or devices.
849.25(2)	3rd	Bookmaking.
849.47(3)(a)&(b)	3rd	Transporting or procuring transportation of certain persons to facilitate gambling.

849.48(2)(c)2.	3rd	Prohibited gambling or gaming advertisements.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or

		deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a

		fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)(a)2.	3rd	Vessel accidents

		involving personal injuries other than serious bodily injury; leaving scene.
365.172 (14)(b)2.	2nd	Misuse of emergency communications system resulting in death.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or

		imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(3)	3rd	Unlawful carrying of a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use

		of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)	3rd	Commercial digital

		voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed

		with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property

			values relating to the solvency of an insuring entity.
1502			
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
1503			
	817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
1504			
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
1505			
	825.1025(4)	3rd	Lewd or lascivious exhibition in the

			presence of an elderly person or disabled adult.
1506			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1507			
	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
1508			
	838.12	3rd	Bribery in athletic contests(2nd or subsequent conviction).
1509			
	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1510			
	843.01(1)	3rd	Resist officer with violence to person; resist arrest with

violence.

847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
849.01(2)(b)	2nd	Keeping a gambling house (2nd or subsequent offense).
849.02(1)(c)&(2)(b)	2nd	Agents or employees of keeper of gambling house (2nd or subsequent offense).
849.021(3)(b)	2nd	Government employee misconduct relating to gambling houses (2nd or subsequent offense).
849.03(1)(b)	2nd	Renting space at a gambling house (2nd or subsequent offense).
849.08(4)	2nd	Operating, conducting, promoting, aiding, assisting, abetting, influencing Internet gambling and Internet sports wagering (2nd or subsequent conviction).
849.086(12)(e)	2nd	Tampering with cards or card games (2nd or subsequent conviction).
849.11(2)	2nd	Offenses related to games of chance (2nd or subsequent conviction).
849.14	2nd	Betting on result of trial or contest of skill (2nd or subsequent conviction).
849.15(3)(c)	2nd	Manufacture, sale, possession, etc. of slot

machines or devices.

849.47(3)(a)&(b)	2nd	Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons (2nd or subsequent conviction).
849.48(2)(c)2.	2nd	Prohibited gambling or gaming advertisements (2nd or subsequent offense).
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or

		deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of

		controlled substance.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.

		license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.

468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.

775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a

		person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and

		services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.

810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud,

		value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.

817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or

		disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.

838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
849.01(4)	2nd	Keeping a gambling house; great bodily harm, permanent disability, or permanent disfigurement.
849.157(2)	2nd	False or misleading

		statement to facilitate sale of 5 or more slot machines or devices.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or

		publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams

		or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams

		or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than

		$20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

registration information.

944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3)(c)3.a.	2nd	DUI manslaughter.
316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

327.35 (3)(a)3.c.(I)	2nd	Vessel BUI manslaughter.
499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding $20,000, but less than $100,000 by money transmitter.
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding

		$20,000, but less than $100,000 by financial institutions.
777.03(2)(a)	1st	Accessory after the fact, capital felony.
782.04(3)	1st	Killing of a human being during the attempt or perpetration of certain felonies.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated

		in s. 782.04(3).
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
782.071(1)(c)	1st	Vehicular homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.
782.072(2)(b)	1st	Committing vessel homicide and failing to render aid or give information.
782.072(3)	1st	Vessel homicide with a prior conviction for DUI manslaughter, BUI manslaughter, vehicular homicide, or vessel homicide.
787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.

787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property

damage.

794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
794.011(5)(b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
794.011(5)(d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury;

prior conviction for specified sex offense.

794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
800.04(4)(b)	2nd	Lewd or lascivious battery.
800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous

		weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.
812.015(11)(b)	1st	Retail theft; possession of a firearm during commission of offense.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.418(2)(b)	2nd	Offering for sale or advertising personal protective equipment with intent to defraud; second or subsequent offense.

817.504(1)(b)	2nd	Offering or advertising a vaccine with intent to defraud; second or subsequent offense.
817.505(4)(c)	1st	Patient brokering; 20 or more patients.
817.535(2)(b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535(3)(a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
817.535(4)(a)1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
817.535(5)(a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial

		loss as a result of the false instrument.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
817.611(2)(c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at $50,000 or more.
837.02(2)	2nd	Perjury in official proceedings relating to

		prosecution of a capital felony.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
849.155	1st	Trafficking in slot machines or devices.
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Aircraft piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
893.135	1st	Trafficking in fentanyl,

(1)(c)4.b.(II)		14 grams or more, less than 28 grams.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
893.135 (1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

893.135 (1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
893.135 (1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
893.135 (1)(m)2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
893.135 (1)(n)2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $20,000 but less than $100,000.

Section 34. Paragraph (a) of subsection (1) and paragraph

(a) of subsection (2) of section 772.102, Florida Statutes, are amended to read:

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

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

11. Chapter 687, relating to interest and usurious practices.

12. Section 721.08, s. 721.09, or s. 721.13, relating to

real estate timeshare plans.

13. Chapter 782, relating to homicide.

14. Chapter 784, relating to assault and battery.

15. Chapter 787, relating to kidnapping or human trafficking.

16. Chapter 790, relating to weapons and firearms.

17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

18. Chapter 806, relating to arson.

19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

20. Chapter 812, relating to theft, robbery, and related crimes.

21. Chapter 815, relating to computer-related crimes.

22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

23. Section 827.071, relating to commercial sexual exploitation of children.

24. Chapter 831, relating to forgery and counterfeiting.

25. Chapter 832, relating to issuance of worthless checks and drafts.

26. Section 836.05, relating to extortion.

27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s.

849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, and tampering with evidence.

(2) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 687.071, relating to criminal usury and loan sharking.

4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 35. Section 849.17, Florida Statutes, is amended to read:

849.17 Confiscation of machines by arresting officer.—Upon the arrest of any person charged with the violation of ss. 849.15-849.22, ~~any of the provisions of ss. 849.15-849.23~~ the arresting officer shall take into his or her custody any such machine, apparatus or device, and its contents, and the arresting agency, at the place of seizure, shall make a complete

and correct list and inventory of all such things so taken into his or her custody, and deliver to the person from whom such article or articles may have been seized, a true copy of the list of all such articles. The arresting agency shall retain all evidence seized and shall have the same forthcoming at any investigation, prosecution, or other proceedings~~,~~ incident to charges of violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~.

Section 36. Section 849.18, Florida Statutes, is amended to read:

849.18 Disposition of machines upon conviction.—Upon conviction of the person arrested for the violation of ss. 849.15-849.22 ~~any of the provisions of ss. 849.15-849.23~~, the judge of the court trying the case, after such notice to the person convicted, and any other person whom the judge may be of the opinion is entitled to such notice, and as the judge may deem reasonable, shall issue to the sheriff of the county a written order adjudging and declaring any such machine, apparatus or device forfeited, and directing such sheriff to destroy the same, with the exception of the money. The order of the court must ~~shall~~ state the time and place and the manner in which such property must ~~shall~~ be destroyed, and the sheriff shall destroy the same in the presence of the clerk of the circuit court of such county.

Section 37. Section 849.20, Florida Statutes, is amended to read:

849.20 Machines and devices declared nuisance; place of operation subject to lien for fine.—Any room, house, building, boat, vehicle, structure, or place wherein any machine or

device, or any part thereof, the possession, operation, or use of which is prohibited by ss. 849.15-849.22 ~~ss. 849.15-849.23~~, must ~~shall~~ be maintained or operated, and each of such machines or devices, is declared to be a common nuisance. If a person has knowledge, or reason to believe, that his or her room, house, building, boat, vehicle, structure, or place is occupied or used in violation of ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ and by acquiescence or consent suffers the same to be used, such room, house, building, boat, vehicle, structure, or place is ~~shall be~~ subject to a lien for and may be sold to pay all fines or costs assessed against the person guilty of such nuisance, for such violation, and the several state attorneys shall enforce such lien in the courts of this state having jurisdiction.

Section 38. Section 849.21, Florida Statutes, is amended to read:

849.21 Injunction to restrain violation.—An action to enjoin any nuisance as herein defined may be brought by any person in the courts of equity in this state. If it is made to appear by affidavit or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the action. Upon application of the complainant in such a proceeding, the court or judge may also enter an order restraining the defendant and all other persons from removing, or in any way interfering with the machines or devices or other things used in connection with the violation of ss. 849.15-849.22 ~~ss. 849.15-849.23~~

constituting such a nuisance. A ~~No~~ bond is not ~~shall be~~ required in instituting such proceedings.

Section 39. Section 849.22, Florida Statutes, is amended to read:

849.22 Fees of clerk of circuit court and sheriff.—The clerks of the courts and the sheriffs performing duties under ss. 849.15-849.22 ~~the provisions of ss. 849.15-849.23~~ shall receive the same fees as prescribed by general law for the performance of similar duties, and such fees must ~~shall~~ be paid out of the fine and forfeiture fund of the county as costs are paid upon conviction of an insolvent person.

Section 40. Paragraph (a) of subsection (12) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(12) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following provisions of law:

1. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

2. Chapter 550, relating to jai alai frontons.

3. Section 551.109, relating to slot machine gaming.

4. Chapter 687, relating to interest and usury.

5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23,~~ or s. 849.25, relating to gambling.

Section 41. 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

3/3/26
Meeting Date

Rules
Committee

1580
Bill Number or Topic

498764
Amendment Barcode (if applicable)

Name Mark Jeffries

Phone 407-836-5909

Address 201 S. Rosalind Ave.
Street

Orlando, FL 32801
City State Zip

Email mark.jeffries@ocfl.net

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:
Orange 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

APPEARANCE RECORD

Deliver both copies of this form to
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March 3, 2024
Meeting Date

Jen Rules
Committee

1580
Bill Number or Topic

* 145382
Amendment Barcode (if applicable)

Name Scott Dick

Phone 850 5454526

Address 118 N. Monroe St.
Street

Email Scott@sktdgrp.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: Casino Miami

☐ 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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3/3/26
Meeting Date

Rules
Committee

1580
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jared Willis

Phone

Address
Street

Email jared@themayernickgroup.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:

The American Legion

☐ 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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03/03/2026
Meeting Date

Rules
Committee

SB 1580
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 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)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/26
Meeting Date

Rules
Committee

SB 1580
Bill Number or Topic

Amendment Barcode (if applicable)

Name Executive Director Alana Zimmer

Phone 850 794 8080

Address 4070 Esplanade Way Ste. 250
Street

Email alana.zimmer@flgaming.gov

Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ 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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3/3/26
Meeting Date

RULES
Committee

1580
Bill Number or Topic

Amendment Barcode (if applicable)

Name LIBBY GUZZO

Phone 850-245-0155

Address CAPITOL BUILDING 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 GENERAL'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)

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S-001 (08/10/2021)

The Florida Senate

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3/3/26
Meeting Date

Rules
Committee

SB 1580
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro Phone

Address on file 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: Florida Family Voice

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

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

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S-001 (08/10/2021)

3/3/26
Meeting Date

The Florida Senate

APPEARANCE RECORD

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1580
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jack Campbell

Phone

Address FPAA
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:

☐ 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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3-3-26
Meeting Date

SB 1580
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Dominus Jr

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:

☐ 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/SB 1588
INTRODUCER:	Rules Committee and Senators Gruters and Rodriguez
SUBJECT:	Legal Tender
DATE:	March 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Moody	Knudson	BI	**Favorable**
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/SB 1588 amends CS/HB 999 (2025) adopted in chapter 2025-100, Laws of Florida, an act relating to legal tender (the "Act"),[1] that recognizes gold and silver as legal tender, expands regulation of financial institutions and money services businesses to regulate gold and silver legal tender, and establishes a regulatory scheme for custodians of gold and silver coin. The Act requires the Department of Financial Services (DFS) and the Office of Financial Regulation (OFR) to adopt rules to implement the Act, and repeals the Act on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill saves the Act from the automatic repeal on June 30, 2026, and ratifies the rules that have been adopted by the DFS and the OFR.

The bill has an indeterminate fiscal impact on state revenues and expenditures. *See* **Section V., Fiscal Impact**.

The bill is effective upon becoming a law.

[1] CS/HB 999 (2025), Legal Tender, Ch. 2025-100, L.O.F.,

II. Present Situation:

Legal Tender and Specie under Federal and State Law

Article I, Section 8, Clause 5 of the U.S. Constitution grants Congress the exclusive power to coin money and regulate its value.[2] Under 31 U.S.C. § 5103, only United States coins and currency (including Federal Reserve notes) are recognized as legal tender[3] for the payment of debts, public charges, taxes, and dues.[4] Foreign gold or silver coins are not legal tender for debts under federal law.[5] Federal law also provides:

> "Whoever, except as authorized by law, makes or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for use as current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined under [Title 18] or imprisoned not more than five years, or both."[6]

While prohibited from coining money, under Article I, Section 10, Clause 1 of the U.S. Constitution, states are expressly authorized to "make gold and silver coin a tender in payment of debts."[7] This provision authorizes states to recognize gold and silver coin as legal tender for the payment of debts but prohibits states from creating or issuing their own currencies or recognizing other forms of money as tender.[8] The U.S. Supreme Court (Court) held that debts are an obligation to pay money under contract, including judgments and recognizances, but does not include taxes which are "…impost levied by authority of government on its citizens…and it is not founded on contract or agreement."[9] However, the Court also held that a state legislature has the authority to "…require the collection of taxes in kind, that is to say, by the delivery to the proper officers of a certain proportion of products, or in gold and silver bullion, or in gold and silver coin…"[10]

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[2] U.S. Const. art. 1. s. 8. Cl. 5.
[3] The term "legal tender" means "the money (bills and coins) approved in a country for the payment of debts, the purchase of goods, and other exchanges for value." Garner, B. *Definition of Legal Tender*, Black's Law Dictionary (12th ed. 2024), LEGAL TENDER | Secondary Sources | FE | Westlaw Edge (last visited Feb. 8, 2026).
[4] 31 U.S.C. s. 5103. The Board of Governors of the Federal Reserve System explains that "[t]his statute means that all U.S. money as identified above is a valid and legal offer of payment for debts when tendered to a creditor." Board of Governors of the Federal Reserve System, *Is It Legal for a Business in the United States to Refuse Cash as a Form of Payment?* (July 21, 2020) https://www.federalreserve.gov/faqs/currency_12772.htm (last visited Feb. 13, 2026). A business or person may generally refuse legal tender if they do so clearly in advance. *Id.* However, if a debt already exists and does not specify the type of legal tender that must be paid, there may be consequences for refusing to accept legal tender which include, but are not limited to, the debt may be discharged. *See Spurgeon v. Smitha*, 17 N.E. 105, 107 (1888) (holding "where the money is actually produced, and an unconditional offer is made to pay it at once to the creditor, and he refuses to accept it, and asks the debtor to retain it, the sureties are discharged.").
[5] 31 U.S.C. s. 5103.
[6] 18 U.S.C. s. 486.
[7] U.S. Const. art. 1. s. 10. Cl. 1.
[8] *Id.*
[9] *Lane County v. Oregon*, 74 U.S. 71, 72 (1868); *Hager v. Reclamation Dist. No. 108*, 111 U.S. 701, 706-707 (1884).
[10] *Lane County v. Oregon*, 74 U.S. at 77.

Tax Treatment of Specie and Bullion

Federal Taxation

At the federal level, gold and silver coins and bullion are classified as "collectibles" under 26 U.S.C. s. 408(m), and gains from their sale are subject to a maximum long-term capital gains tax rate of 28 percent.[11] The Internal Revenue Code defines "collectible" to include any work of art, rug or antique, metal or gem, stamp or coin, alcoholic beverage, or any other tangible personal property specified by the Secretary of Treasury.[12] Certain U.S.-minted gold and silver coins are explicitly exempt from being classified as "collectibles."[13]

Florida Taxation

Florida imposes a tax on the sale, use, consumption, or storage of any coin when such coin:

- Is not legal tender;
- If legal tender, is sold, exchanged, or traded at a rate in excess of its face value; or
- Is sold, exchanged, or traded at a rate based on its precious metal content.[14]

The tax rate is six percent of sale, use, consumption, or storage price. All of the following are exempt from this six percent tax:

- Coin or currency that is legal tender of the U.S.[15]
- Coins or currency of two nations which are in general circulation and are exchanged solely for use as legal tender and at an exchange rate based on the relative value of each as a medium of exchange.[16]
- Transactions in which the taxable amount represented by the sale exceeds $500, the entire amount represented by the sale of such coins or currency is exempt from the tax.[17]

Florida Law

Last year, the Legislature passed HB 999 (2025), an act relating to legal tender, that was adopted into law in ch. 2025-100, L.O.F., (the "Act")[18] which has a delayed implementation date of

[11] Internal Revenue Service, *Topic no. 49, Capital gains and losses* (January 5, 2026), https://www.irs.gov/taxtopics/tc409 (last visited Feb. 13, 2026).
[12] 26 U.S.C. s. 408(m)(2)(A)–(D).
[13] 26 U.S.C. s. 408(m)(3)(A).
[14] Section 212.05(1)(j)1., F.S.
[15] Section 212.05(1)(j)2., F.S.
[16] Section 212.05(1)(j)3., F.S.
[17] Section 212.05(1)(j)4., F.S. (providing that the dealer must maintain proper documentation to identify that portion of the transaction that is exempt).
[18] CS/HB 999 (2025), Legal Tender, Ch. 2025-100, L.O.F.,

July 1, 2026.[19] The laws recognize gold coin[20] and silver coin[21] as legal tender[22] for the payment of debts[23] and contain the following provisions:

- Gold and silver coin are defined as the solid, pure form of gold or silver in various physical forms.[24]
- The coin must comply with required, discretionary, and prohibited content.[25]
- The use of gold or silver coin for payment is optional.[26]
- Exempts gold and silver coin recognized as legal tender from sales tax.[27]
- Governmental entities may recognize such coin as legal tender for payment of taxes, charges, or dues, and may tender such coin for the payment of debts.[28]

Any governmental entity choosing to accept or tender gold and silver coin may only do so only electronically[29] and must contract with a qualified public depository that can act as a custodian of gold and silver coin.[30]

The Act also established a framework to regulate money services businesses, including custodians[31] who safekeep and store such gold and silver coin, and financial institutions that offer products and services in gold or silver.[32] The regulation of these entities include:

[19] Chapter 2025-100, s. 19, L.O.F.
[20] Section 215.986(1)(c), F.S., defines "gold coin" as a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 79 consists of at least 99.5 percent purity. The term does not include any goods as defined in s. 672.105(1), such as jewelry, other items of utility, such as picture frames, or collectables.
[21] Section 215.986(1)(f), F.S., defines "silver coin" as a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 47 consists of at least 99.9 percent purity. The term does not mean any goods as defined in s. 672.105(1), F.S., such a jewelry, other items of utility, such as picture frames, or collectables.
[22] Section 215.986(1)(e), F.S., defines "legal tender" as a medium of exchange recognized by this state pursuant to s. 10, Art. I, of the United States Constitution as a valid and legal offer of payment for debts when tendered to a creditor that agrees to receive such medium of exchange.
[23] Section 215.986(2), F.S.
[24] Section 215.986(1)(c) and (f), F.S.
[25] Section 215.986(2)(b), F.S.
[26] Section 215.986(2)(e), F.S.
[27] Section 212.05(1)(j)2., F.S.
[28] Section 215.986(3), F.S.
[29] *Id.*
[30] Section 215.986(3)(b), F.S.
[31] Section 560.103(13), F.S., defines "custodian of gold coin or silver coin" or "custodian" as any person or entity providing secure vault facilities to one or more persons for the safekeeping and storage of gold coin or silver coin, the ownership of which is or may be transferred electronically as defined in s. 215.986(1), F.S. The term includes any person who holds gold coin or silver coin for more than 10 days. The term does not include a person who holds gold coin or silver coin for personal use as legal tender.
[32] *See* ss. 560.155, 560.214, and 655.97, F.S.

- Custodians of gold and silver coin (vault facilities) must be licensed as money transmitters[33] and meet additional requirements regarding privately insuring deposits, security, recordkeeping, maintaining separate ledger accounts, and other consumer protections.[34]
- Money services businesses that effectuate transactions involving gold or silver coin must meet additional requirements regarding privately insuring deposits, maintaining separate accounts, contracting with a licensed custodian, recordkeeping, and providing consumer disclosures.[35]
- Financial institutions are not required to accept deposits of gold and silver coin and do not incur liability for refusing to offer services related to gold and silver coin. A financial institution that does offer such services must comply with the requirements of a custodian or contract with a licensed custodian and meet additional regulatory requirements that are similar to the requirements for money services businesses.[36]

The Act requires the Department of Financial Services (DFS) and the OFR to adopt rules to implement the act.[37] The Act will be repealed on June 30, 2026, unless reviewed and saved from repeal through reenactment by the Legislature after ratification of the implementing rules adopted by the DFS and the OFR.[38]

Other States' Treatment of Specie and Bullion

Several states have adopted laws to recognize gold and silver as legal tender or to remove various tax barriers to facilitate their use in commerce. These laws vary in scope and effect, ranging from simple tax exemptions to the establishment of state-run bullion depositories.

- Alabama recently passed legislation that recognizes any refined gold or silver bullion, specie, or coin that has been stamped, marked, or imprinted with its weight or purity as legal tender.[39]
- Arkansas law defines specie, in part, as "coin having gold or silver content" and provides that specie and legal tender consists of specie coin issued by the United States Government or other specie that an Arkansas court rules to be within the state's authority to make legal tender but does not explicitly provide that gold and silver coin are legal tender.[40]
- Arizona has removed state capital gains taxes on sales of precious metals. Like Wyoming, Arizona's approach focuses on tax treatment rather than establishing state-operated depositories or payment systems.[41] For purposes of reducing gross income with any net loss

[33] Section 560.205(2), F.S., provides additional licensing requirements for custodians to include evidence of: 1. Insurance against loss for all gold coin or silver coin held in its custody; 2. Custody of the exact quantity and type of asset for all of its customers' gold coin or silver coin held in its physical custody; and 3. Depository accreditation from an entity approved by the OFR; and a statement of a business plan providing for the safe and sound operation of custodial services pertaining to the storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin.
[34] Section 560.214, F.S.
[35] Section 560.155, F.S.
[36] Section 655.97, F.S.
[37] Chapter 2025-100 s. 17, L.O.F.
[38] Chapter 2025-100 s. 18, L.O.F.
[39] Alabama Senate Bill 130 (2025), https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2025RS/SB130-int.pdf (last visited Feb. 13, 2026).
[40] AR Code s. 4-56-106.
[41] Ariz. Rev. Stat. s. 43-1021. *See also, Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of

from the exchange of legal tender, Arizona has defined legal tender to include specie which means coins having precious metal content.[42]

- Colorado recognizes gold and silver issued by the U.S. government as legal tender for the payment of all debts contracted on or after April 5, 1893, between citizens of the state.[43]
- Idaho recently passed legislation that provides gold and silver coin and specie minted domestically are legal tender.[44]
- Louisiana recently declared gold or silver coin, specie, or bullion issued by any state or the United States government as legal tender.[45]
- Missouri codified the "Constitutional Money Act" that requires electronic specie currency to be accepted as legal tender for the payment of all public debts and authorizes specie legal tender and electronic specie currency to be accepted as payment for all private debts.[46]
- Oklahoma law provides that gold and silver coin issued by the United State government are legal tender.[47]
- Texas has established a state-operated bullion depository, known as the Texas Bullion Depository, to securely store precious metals for individuals, businesses, and governmental entities. The depository provides secure storage and the ability for account holders to deposit and withdraw physical bullion. Texas recently adopted legislation to recognize gold and silver as legal tender for payment of debts but the laws are effective in phases during 2026 and 2027.[48]
- Utah was the first state to recognize U.S.-minted gold and silver coins as legal tender through its Legal Tender Act of 2011. Utah law also provides a tax exemption for capital gains derived from the sale or exchange of gold and silver coins that are recognized as legal tender. In addition, Utah permits private firms to operate accounts backed by physical, precious metals, which allows individuals to conduct transactions denominated in gold and silver.[49] Utah recently legislation that authorizes the state treasurer to issue a competitive procurement for a precious metals-backed electronic payment platform that would allow state vendors to elect to be paid in gold and silver.[50]
- Wyoming enacted legislation in 2018 declaring gold and silver legal tender and exempting the sale of these metals from state sales and use taxes. Wyoming law also prohibits the

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Financial Services by Guidehouse Inc., p. 102 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

[42] AZ Rev. Stat. s. 43.1021.

[43] CO Rev. Stat. s. 11-61-101.

[44] Idaho HB 177 (2025), https://legislature.idaho.gov/sessioninfo/2025/legislation/h0177/ (last visited Feb. 13, 2026).

[45] LA Rev. Stat. s. 6:341.

[46] MO Rev. Stat. s. 408.010 (providing that "electronic specie currency" is a representation of actual gold and silver, specie, and bullion held in an account, which may be transferred by electronic instruction. Such representation shall reflect the exact unit of physical specie or gold and silver bullion in the account in its fractional troy ounce measurement as provided in this section).

[47] 62 OK Stat. s. 4500.

[48] Tex. Gov't Code s. 2116; S.B. 483 (2015); H.B. 1056 (2025). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 116 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

[49] Utah Code ss. 59-1-1501 et seq.; H.B. 317 (2011). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 122 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance).

[50] Utah HB 306 (2025), https://le.utah.gov/~2025/bills/static/HB0306.html (last visited Feb. 13, 2026).

> treatment of specie as taxable tangible personal property, effectively removing several barriers to the private holding and use of gold and silver for commerce.[51]

Other states, such as Kansas and Indiana, have adopted various forms of tax exemptions related to the sale or exchange of gold and silver bullion, though these laws do not necessarily recognize precious metals as legal tender or create infrastructure to support their use as a medium of exchange.[52] Some states have legislation pending that would recognize gold and silver as legal tender, such as Tennessee,[53] South Carolina,[54] and West Virginia.[55]

While these states have taken steps to encourage the use of gold and silver by removing tax barriers and recognizing their status as lawful money in specific contexts, no state currently operates a fully integrated, government-supported electronic payment system backed by physical precious metals that are recognized for payment of all state taxes, fees, or other obligations. Most existing laws focus on facilitating private holding and exchange of gold and silver, and on removing disincentives such as sales and capital gains taxes, rather than creating comprehensive alternative currency systems.[56]

Chief Financial Officer

Florida law provides that the Chief Financial Officer (CFO) must serve as the state's chief fiscal officer and, amongst other things, is responsible for keeping all state funds.[57] The CFO is tasked with examining, auditing, adjusting, and settling all accounts of any person who may receive moneys of, or owes money to, the state.[58] Florida Statutes grant the CFO several powers to carry out these duties, such as the discretion on how to invest state funds within certain limitations,[59] authority to determine the frequency of certain state employee salary payments,[60] and requirement to report disbursements made.[61]

Qualified Public Depositories

Unless a specific exemption applies, state and local governments must deposit public funds in a bank or savings association that has been designated as a qualified public depository (QPD)

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[51] Wyo. Stat. ss. 34-29-101 to 34-29-103; SF111 (2018). *See also Bullion Feasibility Study: An Exploratory Review of Key Policy Considerations for Implementing Gold and Silver Bullion as Legal Tender in the State of Florida*, prepared for the Florida Department of Financial Services by Guidehouse Inc., p. 128 (February 28, 2025) (on file with the Senate Committee on Banking and Insurance) (hereinafter cited as "2025 Bullion Feasibility Study").
[52] *Id.*
[53] TN SB 1813 (2025-2026).
[54] SC H 5115 (2025-2026).
[55] WV SB 413 (2026).
[56] 2025 Bullion Feasibility Study at 14, 20, 22-23.
[57] Fla. Const. art. IV s. 4(c); Section 17.001, F.S.
[58] Section 17.04, F.S.
[59] *See* s. 17.57, F.S.; s. 17.61, F.S.
[60] Section 17.28, F.S.
[61] Section 17.11, F.S.

under the Florida Security for Public Deposits Act.[62] As of December 2025, Florida had 128 authorized QPDs.[63]

To be designated as a QPD by the CFO, a bank, credit union, savings bank, or savings association must:

- Have authority to accept deposits because it has been chartered and regulated by the state or federal government;
- Have its principal place of business in Florida, or a branch office in Florida;
- Have deposit insurance pursuant to the Federal Deposit Insurance Act64 or the National Credit Union Share Insurance Fund;
- Have procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits;
- Meet all the requirements of ch. 280, F.S., relating to security for public deposits; and
- Refrain from engaging in the unsafe and unsound practice of discriminating against a person in providing services.65

Qualified public depositories must secure public deposits with a pledge of eligible collateral, to protect the deposit against losses that could occur in the event of insolvency or default.66 The amount of collateral that is required is based on statutory guidelines and the QPD's overall financial condition.67

Public deposits include, but are not limited to, time deposit accounts, demand deposit accounts, and nonnegotiable certificates of deposits; they do not include moneys in deposit notes, securities, mutual funds, and similar investments.68

A bank or savings association must guarantee public depositors against losses caused by the default or insolvency of other QPDs.69 Any shortfall that is not covered by the maximum federal deposit insurance of $250,000, the CFO must demand payment under letters of credit or the sale of pledged or deposited collateral by the defaulting depository. The CFO may assess QPDs for the total loss if the demand for payment or sale cannot be accomplished within seven days.70

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[62] Sections 280.01 and 280.03(1)(b), F.S. Certain public deposits, including those that are fully collateralized under other laws and moneys contributions to the state retirement system that are held in the System Trust Fund, are exempt pursuant to s. 280.03(3), F.S.
[63] Florida Department of Financial Services, Division of the Treasury, *Currently Designated Qualified Public Depositories*, (Dec. 2025), https://app.smartsheet.com/b/publish?EQBCT=c300ba31539243d5b8f2198b700d6c5a (last visited Feb. 13, 2026).
[64] 12 U.S.C. ss. 1811 et. seq.
[65] Section 280.02(26), F.S.
[66] Sections 280.04 and 280.041(6), F.S.
[67] Section 280.04, F.S., and Rule 69C-2.024, F.A.C.
[68] Section 280.02(23), F.S.
[69] Section 280.07, F.S.
[70] Section 280.08, F.S.

Financial Institutions

Dual Oversight of Depository Institutions

An 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.[71]

The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, credit unions and related entities.[72] The Office of Financial Regulation (OFR) licenses and regulates 196 financial entities, including 57 state-chartered banks.[73] There are at least 25 federally chartered banks operating in Florida.[74]

Due to federal preemptions, a state's regulatory powers in relation to federally chartered institutions is limited. However, the state may exercise powers within their exceptions to exclusive federal visitorial authority. Such exceptions are those recognized by federal law and courts of law or created by the U.S. Congress.[75]

Once a financial institution obtains a charter, one of the regulator's primary tasks is to ensure solvency, which is achieved by conducting financial exams of its licensed entities. Financial institutions also need approval from their regulator to make changes in their upper management, merge with another company, pay dividends to shareholders, engage in material transactions with subsidiaries and affiliates, or make significant changes to their business operations.[76]

Banks chartered by the OFR must become ~~a~~ member of the Federal Reserve or obtain insurance from the Federal Deposit Insurance Corporation.[77] Credit Unions chartered by the OFR must insure their accounts by becoming a member of the National Credit Union Administration.[78] Thus, state-chartered banks and credit unions are subject to a dual-regulatory system.

The OFR must examine the condition of each state-chartered financial institution at least every 18 months, and may conduct more frequent examinations as needed, based on risks associated with a licensee, such as prior examination results or significant operational changes.[79] When a state-chartered financial institution also has a federal regulator, the OFR may accept an

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[71] Congressional Research Service, *Introduction to Financial Services: Banking*, p. 1 (April 1, 2025) https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Feb. 13, 2026).
[72] 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.
[73] The OFR, *Fast Facts* (2025 ed.), https://flofr.gov/docs/default-source/documents/fast-facts.pdf (last visited Feb. 13, 2026) (hereinafter cited as "2025 OFR Fast Facts").
[74] The Office of the Comptroller of Currency, U.S. Department of Treasury, *National Banks Active As of 1/31/2026*, https://www.occ.gov/topics/charters-and-licensing/financial-institution-lists/national-by-name.pdf (Feb. 8, 2026).
[75] 12 C.F.R. s. 7.4000 (2011).
[76] For a detailed discussion of the regulatory framework, *see* Congressional Research Service, *Who Regulates Whom? An Overview of the U.S. Financial Regulatory Framework* (October 13, 2023), https://www.congress.gov/crs-product/R44918 (last visited Feb. 13, 2026). *See also* ss. 655.037, 655.0385, 655.0386, 655.03855, and 655.412, F.S.
[77] Sections 658.22 and 658.38, F.S.
[78] Sections 657.005, 657.008, and 657.033, F.S.
[79] Section 655.045(1), F.S.

examination performed by the federal regulator or the regulators may conduct a joint examination.[80]

Financial institutions that become insolvent are liquidated by their primary regulator.[81] Financial institutions must also comply with the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act (Act).[82] Such Act requires, amongst other things, for a financial institution to designate and retain a Bank Secrecy Act and Anti-Money Laundering (BSA/AML) compliance officer[83, 84] and keep a record of certain financial transactions which involves monetary instruments greater than $10,000 which the financial institution believes is suspicious activity.[85] "Monetary instrument" is defined as:

> "Coin or currency of the United States or of any other country, 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."[86]

Authority of the OFR

The OFR may impose administrative sanctions on financial institutions subject to the Florida Financial Institutions Codes, such as engaging in an "unsafe or unsound practice."[87] Possible penalties include: issuance of a cease and desist order,[88] removal of an institution-affiliated party,[89] administrative fines,[90] and a court-ordered injunction to restrain conduct that violates a formal enforcement action.[91] When imposing a sanction or requiring a remedy, the OFR must consider "the appropriateness of the penalty with respect to the size of the financial resources and good faith of the person charged, the gravity of the violation, the history of previous violations, and such other matters as justice may require."[92]

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[80] Section 655.045(1)(a), F.S.
[81] Sections 657.063, 657.064, 658.83, and 660.48, F.S.
[82] Section 655.50, F.S.
[83] Section 655.50(3)(a), F.S., defines "BSA/AML compliance officer" as the financial institution's officer responsible for the development and implementation of the financial institution's policies and procedures for complying with the requirements of this section relating to anti-money laundering (AML), and the requirements of the Bank Secrecy Act of 1970 (BSA), Pub. L. No. 91-508, as amended; the USA Patriot Act of 2001, Pub. L. No. 107-56, as amended, and federal state rules and regulations adopted thereunder; and 31 C.F.R. parts 500-598, relating to the regulations of the Office of Foreign Assets Control (OFAC) of the United States Department of Treasury.
[84] Section 655.50(4), F.S.
[85] Section 655.50(5), F.S.
[86] Section 655.50(3)(e), F.S.
[87] Section 655.005(1)(y), F.S., defines "unsafe or unsound practice" means 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. In making this determination, the office must consider the size and condition of the financial institution, the gravity of the violation, and the prior conduct of the person or institution involved.
[88] Section 655.033, F.S.
[89] Section 655.037, F.S.
[90] Section 655.041, F.S.
[91] Section 655.034, F.S.
[92] Section 655.031(1), F.S.

The OFR may impose monetary fines if a licensee violates a provision of the financial institutions codes or associated rules, an order of the office, or a written agreement with the office.[93] In general, administrative fines may not exceed $2,500 per day for each violation.[94] Larger fines are allowed in certain circumstances.[95] Criminal violations – like embezzlement and fraud – may be prosecuted under the penal code.[96]

The OFR has authority to monitor state-chartered banks, to ensure compliance with state and federal laws, and may enforce state consumer protection laws on federally chartered banks operating within their boundaries so long as the state law is not pre-empted by federal law.[97] Federal pre-emption permits federally chartered banks and savings associations to operate under a uniform set of rules when they operate across state lines.[98]

Money Services Businesses

The OFR also has regulatory authority over money services businesses[99] (MSBs) that assist consumers in transacting instruments,[100] transmitting money,[101] cashing checks,[102] and exchanging foreign currency.[103] Examples include check cashers like The Check Cashing Store,[104] money transmitters like PayPal,[105] and exchangers like Florida Currency Exchange.[106] Money services businesses also include "payday lenders" who offer short-term, high-interest loans that are due on the consumer's next pay day.

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[93] Section 655.041, F.S.
[94] Section 655.041(2), F.S.
[95] *See* Section 655.041(2), F.S.
[96] Section 655.0322, F.S.
[97] 12 U.S.C. 25b.
[98] U.S. Department of the Treasury, Office of the Comptroller of the Currency (OCC), *OCC Chief Counsel's Interpretation: 12 U.S.S. s. 25b* (Dec. 18, 2020), https://www.occ.gov/news-issuances/news-releases/2020/nr-occ-2020-176a.pdf (last visited Feb. 13, 2026).
[99] Section 560.103(22), F.S., defines "money services businesses" 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.
[100] Section 560.103(29), F.S., defines "payment instrument" as a check, draft, warrant, money order, travelers check, electronic instrument, or other instrument used for the transmission, exchange, or payment of currency or monetary value, regardless of whether it is negotiable. The term does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit.
[101] Section 560.105, F.S. Section 560.103(23), F.S., defines "money transmitter" as a corporation, limited liability corporation, limited liability partnership, or foreign entity qualified to do business in this state which receives currency, monetary value, a payment instrument, or virtual currency for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, or virtual currency from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country.
[102] Section 560.103(6), F.S., defines "check casher" as a person who sells currency in exchange for payment instruments received, except travelers checks.
[103] Section 560.103(17), F.S., defines "foreign currency exchanger" as a person who exchanges, for compensation, currency of the United States or a foreign government to currency of another government.
[104] The Check Cashing Store, *Home*, https://www.thecheckcashingstore.com/home (last visited Feb. 13, 2026).
[105] PayPal, *Home*, https://www.paypal.com/us/digital-wallet (last visited Feb. 13, 2026).
[106] Florida and Texas Currency Exchange, *Home*, https://flcurrencyexchange.com/ (last visited Feb. 13, 2026).

Licensing of Money Services Businesses

MSBs are regulated under two license categories created pursuant to ch. 560, F.S. The first category, money transmitters and persons selling or issuing payment instruments, is regulated under part II of ch. 560, F.S. The second category, check cashers and foreign currency exchangers, is regulated under part III of ch. 560, F.S.

To be licensed under ch. 560, F.S., a money services business applicant must:

- Demonstrate to the OFR the character and general fitness necessary to command the confidence of the public and warrant the belief that the MSB or deferred presentment provider shall be operated lawfully and fairly;
- Be legally authorized to do business in Florida;
- Be registered as a MSB with the Financial Crimes Enforcement Network, if applicable;[107]
- Have an anti-money laundering program in compliance with federal law;[108] and
- Provide the OFR with all the information required under ch. 560, F.S., and related rules.[109]

To apply as a money services business a person must submit:

- An application to the OFR for an MSB license that must include, on a form prescribed by rule, specified information and documents, such as:
  - The legal name and address of the applicant;
  - The date of the applicant's formation and the state where the applicant was formed;
  - The name, specified identification number, business and residence addresses, and employment history for the past five years for each control person;
  - A description of the organizational structure of the applicant;
  - A description of the money services business activities the applicant proposes to conduct;
  - The location at which the applicant proposes to establish its principal place of business and any other location.[110]
- A nonrefundable application fee.[111, 112]
- Fingerprints for live-scan processing in accordance with rules adopted by the Financial Services Commission (Commission), for each control person.[113]
- A copy of the applicant's written anti-money laundering program.[114, 115]
- Within the time allotted by rule, any information needed to resolve any deficiencies found in the application.[116]

Licenses issued to MSBs cannot be for more than two years,[117] after which, the money services business must reapply for licensure. Once licensed, an MSB is required to report any change in

[107] *See* 31 C.F.R. s. 1022.380.
[108] *See* 31 C.F.R. s. 1022.210.
[109] Section 560.1401, F.S.
[110] Section 560.141(1)(a), F.S.
[111] Section 560.143, F.S.
[112] Section 560.141(1)(b), F.S.
[113] Section 560.141(1)(c), F.S.
[114] *Supra* note 68.
[115] Section 560.141(1)(d), F.S.
[116] Section 560.141(1)(e), F.S.
[117] Section 560.141(2), F.S.

control persons.[118] A change of control application must be accompanied by the payment of an initial licensing fee[119] and a fee per branch or authorized vendor,[120] up to a maximum of $20,000.[121]

Administrative sanctions for money services businesses may include issuance of a Cease and Desist Order, removal of an Institution-Affiliated Party, suspension or revocation of a license, an injunction, or a fine of at least $1,000 but not more than $10,000 for each violation.[122] Money laundering may be prosecuted under state or federal law.[123]

Money Transmitters

A person is prohibited from engaging in money transmitter activity for compensation without first obtaining a license.[124] Money transmitters are subject to additional licensing requirements, if applicable, including:

- A sample authorized vendor[125] contract.[126]
- Documents demonstrating that the net worth and bonding requirements have been fulfilled.
- A copy of the applicant's financial audit for the most recent fiscal year.[127]

A licensed money transmitter is authorized to conduct its business at one or more locations within Florida through branches or by means of authorized vendors and may charge a different price for a money transmitter service based on the mode of transmission provided a customer is not charged more for service that is paid by credit card. A money transmitter is required to:

- Place assets that are a customer's property in a segregated account in a federally insured financial institution and maintain separate accounts for operating capital and the clearing of customer funds.
- Ensure currency or monetary value is available to the recipient within 10 business days after receipt.
- Provide a confirmation or sequence number to the customer upon receipt of currency or monetary value. [128]

Licensed money transmitters are required to have a net worth of at least $100,000 or more if the licensee operates more than one location. Such licensee must obtain an annual financial audit report that has to be submitted to the OFR within a specified time. Obtaining a license is

[118] Section 560.126(3), F.S.
[119] Fees are determined by whether the MSB is licensed under Part II or Part III of Chapter 560. Initial licensing fees under Part II licenses require a $375 license application fee per s. 560.143(1)(a), F.S. Part III licenses require a $188 license application fee per s. 560.143(b), F.S.
[120] Section 560.143(1)(c) and (d), F.S., provides that both the per branch fee and the authorized vendor fee are $38.
[121] Section 560.143(1)(g), F.S.
[122] Sections 560.114 and 560.113, F.S.
[123] Sections 560.111 and 560.123, F.S
[124] Section 560.204, F.S.
[125] Section 560.103(3), F.S., defines "authorized vendor" as a person designated by a money services business licensed under part II of ch. 560, F.S., to act on behalf of the licensee at locations in Florida pursuant to a written contract with the licensee.
[126] Section 560.203, F.S. (providing any authorized vendors of a licensee acting within the scope of authority conferred by the licensee are exempt from licensure but remain subject to the provisions of ch. 560, F.S.).
[127] Section 560.205, F.S.
[128] Section 560.208, F.S.

contingent on the applicant providing proof to the OFR of a corporate surety bond that may not be less than $50,000 or exceed two million dollars.[129] A licensed money transmitter must possess permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money transmissions and payment instruments issued or sold by the licensee or an authorized vendor.[130] Money transmitters must also comply with record retention requirements.[131]

The OFR reports that there was a total of 314 money transmitters licensed by the OFR as of January 2026.[132]

III. Effect of Proposed Changes:

CS/SB 1588 saves from repeal ch. 2025-100, L.O.F., that was adopted during the 2025 Regular Session to recognize gold and silver as legal tender.

Section 1 ratifies the following rules adopted by the Department of Financial Services that were received by the Department of State on November 5, 2025, and will become effective upon legislative ratification:

Rule 69C-2.004, F.A.C. – Definitions
Rule 69C-2.005, F.A.C. – Designation of a Qualified Public Depository
Rule 69C-2.016, F.A.C. – Financial Information Reports by a Qualified Public Depository
Rule 69C-2.022, F.A.C. – Disqualification, Suspension, and Administrative Penalty
Rule 69C-2.034, F.A.C. – Duplication, Suspension, and Administrative Penalty
Rule 69C-2.035, F.A.C. – Custodians of Gold Coin or Silver Coin

The bill ratifies Rule 69U-100.97, F.A.C. – Gold Coin or Silver Coin Deposits adopted by the OFR of the Commission that were received the Department of State on November 17, 2026. The bill also ratifies the following rules adopted by Office of Financial Regulation of the Commission that were received by the Department of State on October 31, 2026:

Rule 69V-560.102, F.A.C. – Application or Appointment Procedures and Requirements
Rule 69V-560.1000, F.A.C. – Disciplinary Guidelines
Rule 69V-560.1012, F.A.C. – Adoption of Forms
Rule 69V-560.7032, F.A.C. – Records to be Maintained when Engaged in Transactions Involving Gold and Silver Coin
Rule 69V-560.7033, F.A.C. – Gold Coin and Silver Coin Disclosures
Rule 69V-560.7034, F.A.C. – Accredited Refiner or Wholesaler of Gold Coin or Silver Coin
Rule 69V-560.7035, F.A.C. – Chain of Custody Related to Gold or Silver Coin
Rule 69V-560.7036, F.A.C. – Rapid Response Time by Law Enforcement

[129] Section 560.209, F.S.
[130] Section 560.210(1), F.S. (providing permissible investments include, for instance, cash, certificates of deposit, or shares in a money market mutual fund).
[131] Section 560.211, F.S.
[132] The OFR, *2026 Agency Legislative Bill Analysis for SB 1588* (Feb. 5, 2026), p. 2, (on file with the Senate Committee on Banking and Insurance) .

Section 2 saves ch. 2025-100, L.O.F., from repeal by repealing the sunset clause that provides that the Act expires on June 30, 2026, unless the Act is reenacted after ratification of required rules.

Section 3 provides 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.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

While the U.S. Constitution authorizes states to make gold and silver coin legal tender for a payment of debt, gold coin or silver coin are not defined. The definitions established in the bill for these terms are broad and a federal court may interpret the meaning of these terms, and therefore the scope of a state's authority to make such coin legal tender, to be narrower than provided in the bill.

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 state revenue expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals the following sections of the Laws of Florida: Section 18 of ch. 2005-100, L.O.F.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Rules on March 3, 2026:

The committee substitute:

- Ratifies rules adopted by the Commission and the DFS to implement the provisions in ch. 2025-100, Laws of Florida, recognizing gold and silver as legal tender in Florida if certain conditions are met.
- Removes the following provisions:
  - Amending the definitions of "gold coin" and "silver coin" that clarify the purity requirements of gold and silver to be recognized as legal tender.
  - Prohibiting certain marks on gold and silver coin that indicate a face value, country's name, or governmental issuance.
  - Authorizing certain artistic or decorative designs to be marked on the gold or silver coin.
  - Limiting custodian services to "transactional gold or silver" that is "intended to be capable of electronic transfer."
  - Deleting "custodian" from the services offered by a "money transmitter."
  - Limiting the money services businesses requirements relating to gold or silver coin to transmissions.
  - Requiring a licensee to verify insurance coverage in certain circumstances.
  - Requiring a money transmitter that transmits gold coin or silver coin, rather than a custodian, to be examined at least annually.
  - Repealing s. 560.214, F.S., regulating custodian services, and provisions cross-referencing such section.
  - Deleting the Office of Financial Regulation's obligation to conduct an examination of the custodian's vault before issuing a license.
  - Deleting additional licensing requirements for custodians and requiring evidence as prescribed by rule for a licensee that transmits gold or silver coin.
  - Deleting gold and silver from services offered by a "foreign currency exchanger."

B. Amendments:

None.

542400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective upon becoming a law, the following rules are ratified for the sole and exclusive purpose of satisfying any condition on effectiveness imposed under chapter 2025-100, Laws of Florida: Rules 69C-2.004, 69C-2.005, 69C-2.016, 69C-2.022, 69C-2.026, 69C-2.034, 69C-2.035, 69U-100.097, 69V-560.1000, 69V-560.1012, 69V-560.102, 69V-560.7032, 69V-560.7033, 69V-560.7034, 69V-560.7035, and 69V-560.7036, Florida

542400

Administrative Code, entitled "Definitions," "Designation of a Qualified Public Depository," "Financial Information Reports by a Qualified Public Depository," "Requirements of Public Depositors," "Administration of Payment of Losses," "Disqualification, Suspension, and Administrative Penalty," "Custodians of Gold Coin or Silver Coin," "Gold Coin or Silver Coin Deposits," "Disciplinary Guidelines," "Adoption of Forms," "Application or Appointment Procedures and Requirements," "Records to Be Maintained when Engaged in Transactions Involving Gold and Silver Coin," "Gold Coin and Silver Coin Disclosures," "Accredited Refiner or Wholesaler of Gold Coin or Silver Coin," "Chain of Custody Related to Gold or Silver Coin," and "Rapid Response Time by Law Enforcement," respectively, as filed for adoption with the Department of State pursuant to the certification packages dated October 31, 2025, and November 1, 2025.

Section 2. Effective upon becoming a law, section 18 of chapter 2025-100, Laws of Florida, is repealed.

Section 3. 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 legal tender; ratifying specified rules relating to legal tender for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to chapter 2025-100, Laws of

542400

Florida; repealing s. 18 of chapter 2025-100, Laws of Florida, which repeals specified provisions relating to legal tender; providing an effective date.

By Senator Gruters

22-01292A-26 20261588__

A bill to be entitled

An act relating to legal tender; repealing s. 18 of chapter 2025-100, Laws of Florida; amending s. 215.986, F.S.; revising the definitions of the terms "gold coin" and "silver coin"; revising requirements for gold coin and silver coin recognized as legal tender; amending s. 560.103, F.S.; revising definitions; defining the term "transactional gold or silver"; amending s. 560.109, F.S.; specifying that money services businesses that transmit gold coin or silver coin, rather than custodians of gold coin or silver coin, must be examined at specified intervals; amending s. 560.141, F.S.; deleting a provision regarding examination of certain applicants; amending s. 560.155, F.S.; revising prohibitions relating to money services businesses; revising the requirements for money services businesses that transmit gold coin or silver coin; amending s. 560.205, F.S.; revising license application requirements for certain applicants; repealing s. 560.214, F.S., relating to custodians of gold coin or silver coin; amending ss. 280.21, 559.952, and 655.97, 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. Section 18 of chapter 2025-100, Laws of Florida, is repealed.

22-01292A-26 20261588__

Section 2. Paragraphs (c) and (f) of subsection (1) and paragraph (a) of subsection (2) of section 215.986, Florida Statues, are amended to read:

215.986 Gold and silver coin as legal tender.—

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

(c) "Gold coin" means a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 79 consists of at least 99.5 percent purity. The purity requirement applies to the entire coin or item as a single unit and not to any isolated component or embedded portion of the gold. The term does not include items that incorporate gold within nonmetal substrates, including, but not limited to, polymer, plastic, paper, or other composite materials, regardless of the purity of the gold component. The term also does not include any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.

(f) "Silver coin" means a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 47 consists of at least 99.9 percent purity. The purity requirement applies to the entire coin or item as a single unit and not to any isolated component or embedded portion of the silver. The term does not include items that incorporate silver within nonmetal substrates, including, but not limited to, polymer,

plastic, paper, or other composite materials, regardless of the purity of the silver component. The term also does not mean any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.

(2) LEGAL TENDER.—Gold coin and silver coin that meet the requirements of this section are recognized as legal tender by this state for the payment of debts incurred on or after July 1, 2026.

(a) Gold coin or silver coin recognized as legal tender in this section may not be imprinted, stamped, or otherwise marked with any name, symbol, or other information or design, indicating the face value of the coin in the official currency of any government, or with a country's name on the coin or phrases implying governmental issuance or that the coin was minted by a government mint. ~~including, but not limited to, any suggestion that such coin has been minted or issued by any government,~~ Except as prohibited in this paragraph, the ~~that such~~ coin must be imprinted, stamped, or otherwise marked with the coin's weight and purity and may be imprinted, stamped, or otherwise marked with the name or symbol that identifies any refiner or mint of the gold coin or silver coin. Additional artistic or decorative designs, such as images of animals, historical figures, or patterns, are permitted if they are integral to the coin's surface and do not imply governmental issuance as provided in this paragraph, and if the coin otherwise meets the purity and form requirements in subsection (1). A gold coin or silver coin that does not meet the requirements of this paragraph is not recognized as legal tender for the payment of debts in this state.

Section 3. Subsections (13), (19), and (26) of section 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, are amended to read:

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

(13) "Custodian of gold coin or silver coin" or "custodian," as used for purposes of transactional gold or silver, means any person or entity providing secure vault facilities to one or more persons for the safekeeping and storage of gold coin or silver coin, the ownership of which is intended to be capable of electronic transfer ~~or may be transferred electronically~~ as defined in s. 215.986(1) for legal tender as defined in s. 215.986(1). The term includes any person who holds gold coin or silver coin for more than 10 days. The term does not include a person who holds gold coin or silver coin for personal use as legal tender or an individual or entity that holds gold or silver that is not intended to be used as legal tender. For purposes of this subsection, the term "transactional gold or silver" means gold or silver held by a third party which is intended to be used, transferred, or exchanged as legal tender in a commercial or financial transaction through electronic or digital means.

(19) "Foreign currency exchanger" means a person who exchanges, for compensation, currency of the United States or a foreign government~~, gold coin, or silver coin~~ to currency of another government.

(26) "Money transmitter" means a corporation, limited liability company, limited liability partnership, or foreign entity qualified to do business in this state which~~:~~

~~(a)~~ receives currency, monetary value, a payment

instrument, gold coin, silver coin, or virtual currency for the purpose of acting as an intermediary to transmit currency, monetary value, a payment instrument, gold coin, silver coin, or virtual currency from one person to another location or person by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or other businesses that facilitate such transfer within this country, or to or from this country. The term includes only an intermediary that has the ability to unilaterally execute or indefinitely prevent a transaction~~; or~~

~~(b) Acts as a custodian of gold coin or silver coin~~.

Section 4. Subsection (1) of section 560.109, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, is amended to read:

560.109 Examinations and investigations.—The office may conduct examinations and investigations, within or outside this state to determine whether a person has violated any provision of this chapter and related rules, or of any practice or conduct that creates the likelihood of material loss, insolvency, or dissipation of the assets of a money services business or otherwise materially prejudices the interests of their customers.

(1) The office may, without advance notice, examine or investigate each licensee as often as is warranted for the protection of customers and in the public interest. However, the office must examine each licensee at least once every 5 years, except that a money services business that transmits ~~custodian of~~ gold coin or silver coin must be examined at least annually. The office may, without advance notice, examine or investigate a

money services business, authorized vendor, affiliated party, or license applicant at any time if the office suspects that the money services business, authorized vendor, affiliated party, or license applicant has violated or is about to violate any provision of this chapter or any criminal law of this state or of the United States.

Section 5. Subsection (3) of section 560.141, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, is amended to read:

560.141 License application.—

~~(3) The office shall conduct an examination of the applicant, including, but not limited to, the custodian's vault facilities, before issuing a license to determine the applicant's ability to conduct business immediately upon opening for business.~~

Section 6. Subsection (1) of section 560.155, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, is amended to read:

560.155 Gold and silver coin as legal tender.—

(1) A money services business may not be required to transmit ~~offer products or services, including, but not limited to, transmitting, storing, exchanging, or accepting payment in~~ gold coin or silver coin. To the extent that a money services business offers such transmissions ~~products or services~~, the money services business must do all of the following, as applicable:

(a) ~~Except as provided in s. 560.214,~~ Maintain separate accounts for any gold coin or silver coin and not commingle such gold coin or silver coin with any other accounts that hold coin

or currency of the United States or of another country.

(b) Insure the gold coin or silver coin, if not otherwise insured by a ~~an independent~~ custodian of gold coin or silver coin ~~pursuant to s. 560.214(1)(i)~~, for 100 percent of the full replacement value under an all-risk insurance policy issued by a nongovernmental operated insurer that is an authorized insurer or eligible surplus lines insurer. A licensee relying on insurance provided by the custodian must independently verify the insurance coverage is current and active.

(c) Securely store and safeguard all physical gold coin or silver coin with a custodian of gold coin or silver coin within this state.

(d) Ensure that any gold coin or silver coin that is purchased for use or circulation as legal tender is from an accredited refiner or wholesaler as prescribed by commission rule which certifies that the gold coin or silver coin being purchased meets the requirements of gold coin and silver coin.

(e) Make disclosures to a customer at the inception of the relationship for providing products or services relating to gold coin or silver coin before a customer initially purchases or uses a money services business product or service relating to such coin, prescribed on a form adopted by the commission. The commission must adopt rules to prescribe the general form of such disclosures. Such disclosures must include, at a minimum, all of the following:

1. Notice that the value of gold coin or silver coin will fluctuate over time and that such customer should seek professional advice about whether transacting in gold coin or silver coin may incur a federal capital gains tax.

2. Notice of potential fees that may be incurred for converting gold coin or silver coin to United States dollars or other currency, or any other transaction fees that may be incurred which can be incorporated by referencing the company's terms and conditions.

3. Any additional disclosures the commission deems necessary for the protection of any person or entity that tenders or accepts gold coin or silver coin for the payment of debts, taxes, charges, or dues.

(f) Provide transparent contracts, products, services, storage terms, and fees, including, but not limited to, purchase, sale, conversion, storage, delivery, transaction, or other fees. The spot rate at which any gold coin or silver coin is converted must be disclosed at the time that the gold coin or silver coin is converted.

(g) Comply with chain of custody requirements, as prescribed by commission rule.

(h) Comply with all other applicable state and federal laws and regulations.

Section 7. Section 560.205, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, is amended to read:

560.205 Additional license application requirements.—In addition to the license application requirements under part I of this chapter, an applicant seeking a license under this part must also submit all of the following information ~~any information required to be submitted by each applicant under the relevant subsection~~ to the office:~~.~~

(1) ~~Any applicant seeking to operate as a payment instrument seller or money transmitter must provide all of the~~

~~following information to the office:~~

~~(a)~~ A sample authorized vendor contract, if applicable.

(2)~~(b)~~ A sample form of payment instrument, if applicable.

(3)~~(c)~~ Documents demonstrating that the net worth and bonding requirements specified in s. 560.209 have been fulfilled.

(4)~~(d)~~ A copy of the applicant's financial audit report for the most recent fiscal year. If the applicant is a wholly owned subsidiary of another corporation, the financial audit report on the parent corporation's financial statements satisfies this requirement.

~~(2) Any applicant seeking to operate as a money transmitter that is a custodian of gold coin or silver coin must also provide all of the following additional information to the office:~~

~~(a) All requirements specified in subsection (1).~~

(5)~~(b)~~ Evidence, as prescribed by commission rule, demonstrating an applicant's compliance with s. 560.155(1)(a)-(g), if such applicant intends to act as a money transmitter that transmits gold coin or silver coin ~~of:~~

~~1. Insurance against loss for all gold coin or silver coin held in its custody;~~

~~2. Custody of the exact quantity and type of asset for all of its customers' gold coin or silver coin held in its physical custody; and~~

~~3. Depository accreditation from an entity approved by the office~~.

~~(c) A statement of a business plan providing for the safe and sound operation of custodial services pertaining to the~~

~~storage, security, insurance, auditing, administration, authorized access, transacting, and transfer of gold coin or silver coin to the satisfaction of the office or in accordance with rules adopted by the commission.~~

Section 8. Section 560.214, Florida Statutes, is repealed.

Section 9. Paragraph (a) of subsection (1) of section 280.21, Florida Statutes, is amended to read:

280.21 Custodians of gold coin and silver coin.—

(1) A custodian of gold coin or silver coin as defined in s. 560.103 which holds public deposits must do all of the following:

(a) Meet the definition of a qualified public depository as defined in s. 280.02, except that such custodian is not required to be insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund for purposes of holding gold coin or silver coin as defined in s. 215.986. ~~Such custodian must maintain insurance as prescribed in s. 560.214.~~

Section 10. Paragraph (a) of subsection (4) of section 559.952, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, is amended to read:

559.952 Financial Technology Sandbox.—

(4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE REQUIREMENTS.—

(a) Notwithstanding any other law, upon approval of a Financial Technology Sandbox application, the following provisions and corresponding rule requirements are not applicable to the licensee during the sandbox period:

1. Section 516.03(1), except for the application fee, the investigation fee, the requirement to provide the social

security numbers of control persons, evidence of liquid assets of at least $25,000 or documents satisfying the requirements of s. 516.05(10), and the office's authority to investigate the applicant's background. The office may prorate the license renewal fee for an extension granted under subsection (7).

2. Section 516.05(1) and (2), except that the office shall investigate the applicant's background.

3. Section 560.109, only to the extent that the section requires the office to examine a licensee at least once every 5 years.

4. Section 560.118(2).

5. Section 560.125(1), only to the extent that the subsection would prohibit a licensee from engaging in the business of a money transmitter or payment instrument seller during the sandbox period.

6. Section 560.125(2), only to the extent that the subsection would prohibit a licensee from appointing an authorized vendor during the sandbox period. Any authorized vendor of such a licensee during the sandbox period remains liable to the holder or remitter.

7. Section 560.128.

8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-10. and (b), (c), and (d).

9. Section 560.142(1) and (2), except that the office may prorate, but may not entirely eliminate, the license renewal fees in s. 560.143 for an extension granted under subsection (7).

10. Section 560.143(2), only to the extent necessary for proration of the renewal fee under subparagraph 9.

11. Section 560.204(1), only to the extent that the subsection would prohibit a licensee from engaging in, or advertising that it engages in, the activity of a payment instrument seller or money transmitter during the sandbox period.

12. Section 560.205(2) ~~Section 560.205 (1)(b)~~.

13. Section 560.208(2).

14. Section 560.209, only to the extent that the office may modify, but may not entirely eliminate, the net worth, corporate surety bond, and collateral deposit amounts required under that section. The modified amounts must be in such lower amounts that the office determines to be commensurate with the factors under paragraph (5)(c) and the maximum number of consumers authorized to receive the financial product or service under this section.

Section 11. Paragraphs (a), (b), and (d) of subsection (4) of section 655.97, Florida Statutes, are amended to read:

655.97 Gold and silver coin as legal tender.—

(4) To the extent that a financial institution accepts gold coin or silver coin deposits or otherwise holds such coin on behalf of its customers, members, or the public, the financial institution must do all of the following:

(a) ~~Except as provided in s. 560.214,~~ Maintain separate accounts for any gold coin or silver coin and not commingle such gold coin or silver coin with any other accounts that hold coin or currency of the United States or of another country.

(b) Insure the gold coin or silver coin, if not otherwise insured by a custodian of gold coin or silver coin ~~pursuant to s. 560.214(1)(i)~~, for 100 percent of the full replacement value under an all-risk insurance policy issued by a nongovernmental-

operated insurer that is an authorized insurer or an eligible surplus lines insurer.

~~(d) Comply, or be responsible and accountable for any third-party vendor that stores such gold coin or silver coin on its behalf to comply, with the requirements for a custodian of gold coin or silver coin as provided in s. 560.214. A financial institution regulated under the financial institutions code of this state which acts as a custodian is exempt from obtaining a separate license as a custodian pursuant to s. 560.204(1).~~

Section 12. 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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3/3/26
Meeting Date

Rules
Committee

SB 1588
Bill Number or Topic

542400
Amendment Barcode (if applicable)

Name Mike Carter

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Email MCARTER@NSIC.ORG

ARGYLE TX 76226
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)

3/3/26
Meeting Date

Rules
Committee

The Florida Senate

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SB 1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Carter

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Email MCarter@NSIC.org

Argyle TX 76226
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:

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S-001 (08/10/2021)

The Florida Senate

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02/03/2026
Meeting Date

Rules.
Committee

SB 1588
Bill Number or Topic

Amendment Barcode (if applicable)

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St Aug FL 32080
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)

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02/03/2026
Meeting Date

Rules
Committee

SB 1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Susan A Farris

Phone 804-605-7101

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Email susanacfarris@gmail.com

Melbourne FL 32935
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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3-3-26
Meeting Date

Rules
Committee

1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maija Hahn

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Email MaijaCHahn@gmail.com

Merritt Island, FL 32952
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)

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Rules
Committee

1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Vanessa Ferguson

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Email Reelybless@gmail.com

Indian Harbor Beach FL 32937
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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3/3/26
Meeting Date

Rules
Committee

1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cynthia Eames

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City State Zip

Email cindyeames@hotmail.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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/3/26
Meeting Date

Rules
Committee

1588
Bill Number or Topic

Amendment Barcode (if applicable)

Name Anthony Verdugo

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Street

Email AVerdugo@cfcflorida.net

Miami FL 33265
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: Christian Family Coalition Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate

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 1620
INTRODUCER:	Rules Committee; Judiciary Committee; and Senators Leek and Gaetz
SUBJECT:	Public Education
DATE:	March 4, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	**Favorable**
2.	Davis	Cibula	JU	**Fav/CS**
3.	Palazesi	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1620 creates a "District School Board Members' Bill of Rights" to clarify individual school board members' oversight authority. The bill requires districts to provide board members free and timely access to all district documents and allows school board members to request information directly from the superintendent and staff except for documents or information that the member would be prohibited by law from accessing. The bill authorizes consultation with the district chief financial officer and permits members to seek information from staff with superintendent permission, but requires that permission may not be unreasonably withheld. The bill also authorizes board members to comment publicly on district school board business, subject to specified limitations.

Other provisions of the bill:

- Define "good cause" for rejecting superintendent nominees.
- Specifies documents that must be kept as public records with meeting minutes.
- Prohibit districts from requiring or providing incentives to employees to sign nondisclosure or confidentiality agreements.

The bill takes effect July 1, 2026.

II. Present Situation:

District School Boards

District school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The State Constitution mandates that each school board operate, control, and supervise all free public schools within the district and determine the rate of school district taxes within constitutional limits.[1] District school boards are responsible for establishing, organizing, and operating public K-12 schools and educational programs, as well as overseeing district employees and facilities. These responsibilities include, among others, student instruction, exceptional student education, career and adult education programs, and services for students in juvenile justice programs.[2]

District School Board Powers and Duties

The district school board, acting as a board, is required to exercise powers and perform duties including but not limited to:[3]

- Requiring the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.
- Adopting and providing for the execution of plans for the establishment, organization, and operation of the schools of the district.
- Designating positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.
- Adopting policies establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers.
- Providing for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.
- Adopting an annual school budget.
- Providing for the keeping of all necessary records and the making of all needed or required reports.
- Requiring that all laws and rules of the State Board of Education or of the district school board are properly enforced.
- Adopting procedures whereby the general public may be adequately informed of the educational programs, needs, and objectives of public education within the district.
- Maintaining a system of school improvement and education accountability.
- Visiting the schools, observing the management and instruction, giving suggestions for improvement, and advising citizens with the view of promoting interest in education and improving the schools.

Each district school board must hold at least one regular meeting each month to transact business according to a schedule arranged by the district school board. The board must convene in special sessions when called by the district school superintendent or by the district school superintendent

[1] FLA. CONST. art. IX, s. 4(b); section 1001.32(2), F.S.
[2] Section 1003.02, F.S.
[3] Section 1001.42(1)-(28), F.S.

on request of the chair of the district school board, or on request of a majority of the members of the district school board.[4]

School Board Duties: Public School Personnel

District school boards must designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees.[5] District school boards must act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions. The district school board may reject for good cause any employee nominated.[6] If the third nomination by the district school superintendent for any position is rejected for good cause, the district school board may proceed on its own motion to fill such position.[7]

District school board members are exempt from the prohibition on agencies[8] nominating, appointing, promoting, or employing a relative.[9] However, if a relative is appointed or employed by a board member or superintendent, he or she may not work under the direct supervision of that related board member or school superintendent.[10]

Parents' and Teachers' Bill of Rights

Florida law provides for a bill of rights for both parents and teachers in this state. These rights provide legislative findings that recognize the importance that both parents and teachers have in the education of children in this state.

Teachers are provided with specific rights related to:[11]
- Employment;
- Continuing education;
- Control of the classroom; and
- Direct classroom instruction.

Parents are provided with specific rights related to:[12]
- The protection from infringement on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child;
- School district policies; and

[4] Section 1001.372, F.S.
[5] Section 1012.22(1), F.S.
[6] Section 1012.22(1)(a), F.S.
[7] *Id.*
[8] Agencies include a state agency, an office or agency of the legislative or judicial branch, a county, city, or other political subdivision of the state; state universities, district school boards, and community college districts are not included. Section 112.3135(1)(a), F.S.
[9] Section 112.3135, F.S. defines "Relative" as an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
[10] Section 1012.23(2), F.S.
[11] Sections 1015.03-1015.06, F.S.
[12] Section 1014.01 – 1014.06, F.S.

- Parental consent for health care services.

III. Effect of Proposed Changes:

CS/SB 1620 creates a "District School Board Members' Bill of Rights" to clarify individual school board members' oversight.

District School Board Members' Bill of Rights

The bill creates s. 1001.366, F.S., to provide legislative intent that finds it necessary to adopt a "District School Board Members' Bill of Rights" to clarify the rights of individual school board members in the exercise of their statutory oversight and responsibility. The bill clarifies that district school board members have the right:

- Upon request, to be given free and timely access to all school district documents necessary to fulfill the duties and responsibilities required under the State Constitution and the Florida Early Learning-20 Education Code. Access to documents that are confidential or exempt from public disclosure must be provided in compliance with applicable law. A request not related to a matter on a publicly noticed meeting of the district school board must be fulfilled within 10 business days after receipt of such request. Any document provided to a district school board member must be offered to all board members.
- To consult with the school district's chief financial officer on general matters related to the budget, and sources and uses of school district funds, and have reasonable access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.
- To request any document or information, except for documents or information that the member would be prohibited by law from accessing, from school district staff with the permission of the superintendent or other members of the administration where such permission must not be unreasonably withheld.
- To comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings.

The bill amends s. 1001.42, F.S., to require that certain records, including agenda item attachments, vendor contracts, and budget documents, be kept as a public record with the minutes.

School Board Duties: Public School Personnel

The bill amends s. 1012.22, F.S., to define the term "good cause" as it relates to the rejection of an employee nominated for a position. The bill defines "good cause" to mean the district school board has determined any of the following:

- That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.
- That the nominated employee fabricated or materially exaggerated his or her credentials or background.
- That the nominated employee does not meet the minimum requirements for the position.
- That the nominated employee's educator certificate has been revoked by another state.

The bill prohibits a school district from requiring or otherwise providing incentives to an employee to sign a nondisclosure agreement or confidentiality agreement. Additionally, the school district may not impose any conditions on employment that would circumvent the prohibition against the use of nondisclosure or confidentiality agreements.

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 the following sections of the Florida Statutes: 1001.42 and 1012.22.
This bill creates section 1001.366 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 March 3, 2026:
The committee substitute:

- Maintains school board member rights to free and timely access to district documents, adds a 10-business-day deadline for requests not related to a publicly noticed meeting, and requires any document provided to one member must be offered to all board members.
- Maintains school board member authority to consult with the CFO on budget matters and access any budget line item or financial transaction detail.
- Maintains school board members' right to request documents or information from staff with superintendent permission but provides that permission may not be unreasonably withheld (removes the ability to seek information without permission).
- Maintains the right to comment publicly on school board business, with exceptions for student/employee disciplinary hearings and other matters prohibited by law.
- Maintains the prohibition on school districts from requiring or incentivizing employees to sign NDAs.
- Maintains that agenda item attachments are to be kept as a public record.
- Removes from the bill provisions:
  - Relating to hiring an additional school board attorney;
  - Requiring specified training for school officers;
  - Limiting public disclosure of proposed collective bargaining terms;
  - Authorizing confidential use of district devices without monitoring in compliance with district acceptable use policy and public records law; and
  - Requirement that posted budgets include full line-item budget items.

CS by Judiciary on February 10, 2026:
The committee substitute differs from the underlying bill by:

- Removing section 1 from the bill which would have made district school boards subject to the same anti-nepotism laws that apply to most state and local government entities.
- Clarifies that the rights of a board member to access documents and information does not include the right to access documents or information that he or she is prohibited by law from accessing.
- Removes the provision that prohibited an attorney employed by a school district from representing the board unless multiple criteria were met.

- Provides that a school district may not circumvent the prohibition in the bill against the use of nondisclosure and confidentiality agreements by imposing conditions on an employee's employment.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/04/2026	.	
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	.	

The Committee on Rules (Leek) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1001.366, Florida Statutes, is created to read:

1001.366 District School Board Members' Bill of Rights.—A member of a district school board has the right to:

(1) Upon request, be given free and timely access to all school district documents necessary to fulfill the duties and responsibilities required under the State Constitution and the

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Florida Early Learning-20 Education Code. Access to documents that are confidential or exempt from public disclosure shall be provided in compliance with applicable law. A request not related to a matter on a publicly noticed meeting of the district school board must be fulfilled within 10 business days after receipt of such request. Any document provided to a district school board member must be offered to all board members.

(2) Consult with the school district's chief financial officer on general matters related to the budget, sources and uses of school district funds, and have reasonable access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.

(3) Request any document or information, except for documents or information that the member would be prohibited by law from accessing, from school district staff with the permission of the superintendent or other members of the administration where such permission shall not be unreasonably withheld.

(4) Confidentially use any school district electronic or communications device, such as a cellular telephone or laptop computer, without the school district monitoring its use. This paragraph may not be construed to violate district school board policy regarding the use of electronic devices or media or any public records law.

(5) Comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings that are specifically addressed in ss. 1006.07 and 1012.34, respectively,

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or other matters prohibited by law.

Section 2. Paragraph (c) is added to subsection (1) of section 1001.42, Florida Statutes, 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:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) *Other records.*—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

Section 3. Paragraph (a) of subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time

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equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund balance not classified as restricted.

g. Full line-item budget items.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 4. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended, and paragraph (k) is added to that subsection, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(a) *Positions, qualifications, and appointments.*—

1. The district school board shall act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons

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nominated to fill such positions.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

b. That the nominated employee does not meet the minimum requirements for the position.

c. That the nominated employee's educator certificate has been revoked by another state.

(k) *Nondisclosure or confidentiality.*—A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement. A school district may not impose conditions on employment to circumvent this paragraph.

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Section 5. 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 public education; creating s. 1001.366, F.S.; providing members of a district school board with specified rights; amending s. 1001.42, F.S.; requiring that certain documents from district school board meetings be kept as public records; amending s. 1011.035, F.S.; requiring that full line-item budget items be posted on a school district's website; amending s. 1012.22, F.S.; defining the term "good cause"; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement; prohibiting a school district from imposing certain conditions on employment; providing an effective date.

290396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
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The Committee on Rules (Leek) recommended the following:

Senate Substitute for Amendment (534222) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1001.366, Florida Statutes, is created to read:

1001.366 District School Board Members' Bill of Rights.—A member of a district school board has the right to:

(1) Upon request, be given free and timely access to all school district documents necessary to fulfill the duties and

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responsibilities required under the State Constitution and the Florida Early Learning-20 Education Code. Access to documents that are confidential or exempt from public disclosure shall be provided in compliance with applicable law. A request not related to a matter on a publicly noticed meeting of the district school board must be fulfilled within 10 business days after receipt of such request. Any document provided to a district school board member must be offered to all board members.

(2) Consult with the school district's chief financial officer on general matters related to the budget, sources and uses of school district funds, and have reasonable access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.

(3) Request any document or information, except for documents or information that the member would be prohibited by law from accessing, from school district staff with the permission of the superintendent or other members of the administration where such permission shall not be unreasonably withheld.

(4) Comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings that are specifically addressed in ss. 1006.07 and 1012.34, respectively, or other matters prohibited by law.

Section 2. Paragraph (c) is added to subsection (1) of section 1001.42, Florida Statutes, to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all

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powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) *Other records.*—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

Section 3. Paragraph (a) of subsection (1) of section 1012.22, Florida Statutes, is amended, and paragraph (k) is added to that subsection, to read:

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(a) *Positions, qualifications, and appointments.*—

1. The district school board shall act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if

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the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

b. That the nominated employee does not meet the minimum requirements for the position.

c. That the nominated employee's educator certificate has been revoked by another state.

(k) *Nondisclosure or confidentiality.*—A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement. A school district may not impose conditions on employment to circumvent this paragraph.

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

290396

and insert:

A bill to be entitled

An act relating to public education; creating s. 1001.366, F.S.; providing members of a district school board with specified rights; amending s. 1001.42, F.S.; requiring that certain documents from district school board meetings be kept as public records; amending s. 1012.22, F.S.; defining the term "good cause"; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement; prohibiting a school district from imposing certain conditions on employment; providing an effective date.

By the Committee on Judiciary; and Senators Leek and Gaetz

590-02734A-26 20261620c1

A bill to be entitled

An act relating to public education; creating s. 1001.366, F.S.; providing legislative findings; providing members of a district school board with specified rights; authorizing an attorney employed by the school district to represent school board member under certain circumstances; providing an exception; amending s. 1001.372, F.S.; authorizing a district school board to have specified discussions after being advised by an attorney; amending s. 1001.42, F.S.; requiring that certain documents from district school board meetings be kept as public records; providing that a district school board has the power to approve an additional attorney to be employed by the school district; providing requirements for such approval; requiring school officers to receive specified training; prohibiting a school board member from publicly disclosing proposed terms of a collective bargaining agreement unless advised by an attorney; amending s. 1011.035, F.S.; requiring that full line-item budget items be posted on a school district's website; amending s. 1012.22, F.S.; defining the term "good cause"; amending s. 1015.03, F.S.; providing that a school district employee may not be required or incentivized to sign a nondisclosure agreement or confidentiality agreement; prohibiting a school district from imposing certain conditions on employment; providing an effective date.

590-02734A-26 20261620c1

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

Section 1. Section 1001.366, Florida Statutes, is created to read:

1001.366 District School Board Members' Bill of Rights.—

(1) The Legislature finds it necessary to adopt a "District School Board Members' Bill of Rights" to clarify and expand the rights of individual school board members in the exercise of their statutory oversight and responsibility.

(2) A member of a district school board has the right to:

(a)1. Upon request, be given free and timely access to all school district documents, except for documents that the member would be prohibited by law from accessing. Access must include documents that are not public records, including, but not limited to, notes, invoices, correspondences, memoranda, and internal legal opinions.

2. Request any document or information from the district school superintendent or the superintendent's staff, except for documents or information that the member would be prohibited by law from accessing.

(b) Consult with the school district's chief financial officer on general matters related to the budget, and sources and uses of school district funds, and have reasonable access, upon request, to any detail or line item in any proposed or approved budget or in any financial transaction by the school district.

(c) Seek information from school district staff without the permission of the superintendent or other members of the administration.

(d) Confidentially use any school district electronic or communications device, such as a cellular telephone or laptop computer, without the school district monitoring its use. This paragraph may not be construed to violate any public records law.

(e) Keep confidential the content of all communications or discussions relating to union contracts of school district employees, unless otherwise advised by an attorney employed by the school district.

(f) Comment publicly during or outside of district school board meetings on any matter of district school board business, except for student and employee disciplinary hearings that are specifically addressed in ss. 1006.07 and 1012.34, respectively.

(3) In any legal action brought against an individual school board member related to his or her official position and conduct, the school board may authorize an attorney, who is employed by the school district, to provide legal representation.

Section 2. Subsection (5) is added to section 1001.372, Florida Statutes, to read:

1001.372 District school board meetings.—

(5) COMMUNICATIONS ABOUT AGENDA ITEMS.—A member of the district school board may have communications or discussions relating to any item or action scheduled to be heard or likely to be heard at a future school board meeting with the district school superintendent, an attorney employed by the school district, or district staff, if an attorney employed by the school district pursuant to s. 1001.42(5)(c) has advised the school board member that such communications or discussions

would not violate s. 24(b), Art. I of the State Constitution.

Section 3. Subsection (6) of section 1001.42, Florida Statutes, is amended, paragraph (c) is added to subsection (1) of that section, paragraph (c) is added to subsection (5) of that section, and paragraph (c) is added to subsection (24) of that section, 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:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.—Require the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(c) *Other records.*—Other documents, including attachments for agenda items, such as vendor contracts or budget documents, must be kept as a public record with the minutes of each meeting.

(5) PERSONNEL.—

(c) During a regular school board meeting, approve the employment of an additional attorney, to be employed by the school district solely to represent the district school board, who was recommended for employment by an attorney currently employed by the school district. During the meeting, the district school board must provide both of the following:

1. The purpose of hiring an additional attorney.

2. The costs of such representation. Any payment to the additional attorney must be noticed and approved by the district school board.

(6) STANDARDS OF ETHICAL CONDUCT.—Adopt policies

establishing standards of ethical conduct for educational support employees, instructional personnel, administrative personnel, and school officers. The policies must require all educational support employees, instructional personnel, administrative personnel, and school officers, as defined in s. 1012.01, to complete training on the standards, including training for school officers in compliance with s. 24(b), Art. I of the State Constitution; establish the duty of educational support employees, instructional personnel, administrative personnel, and school officers to report, and procedures for reporting, alleged misconduct by other educational support employees, instructional or administrative personnel, and school officers which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student; require the district school superintendent to report to law enforcement misconduct by educational support employees, instructional personnel, or school administrators that would result in disqualification from educator certification or employment as provided in s. 1012.315; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school

officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(24) EMPLOYMENT CONTRACTS.—

(c) A school board member may not publicly disclose proposed terms of collective bargaining agreements unless advised by an attorney employed pursuant to paragraph (5)(c).

Section 4. Paragraph (a) of subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time

equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund balance not classified as restricted.

g. Full line-item budget items.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 5. Paragraph (a) of subsection (1) 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:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

(a) *Positions, qualifications, and appointments.*—

1. The district school board shall act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

5. For the purposes of this paragraph, the term "good cause" means the district school board has determined any of the following:

a. That the nominated employee received his or her nomination due to nepotism, as defined by the district school board.

b. That the nominated employee fabricated or materially exaggerated his or her credentials or background.

c. That the nominated employee does not meet the minimum requirements for the position.

d. That the nominated employee's educator certificate has been revoked by another state.

Section 6. Subsection (1) of section 1015.03, Florida Statutes, is amended to read:

1015.03 Rights of employment.—

(1)(a) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(b) A school district employee may not be required or otherwise incentivized to sign a nondisclosure agreement or confidentiality agreement. A school district may not impose conditions on employment to circumvent this paragraph.

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 12, 2026

I respectfully request that **Senate Bill #1620**, relating to Public Education, 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

03/03/2026
Meeting Date

Rules
Committee

CS/SB 1620
Bill Number or Topic

290396
Amendment Barcode (if applicable)

Name Brian Moore

Phone 850-577-5784

Address 208 S. Monroe St
Street

Email bmoore@fadss.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:
Fla. Assoc. of District School Superintendents (FADSS)

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/3/2022
Meeting Date

Rules
Committee

S1620
Bill Number or Topic

290596
Amendment Barcode (if applicable)

Name Donna Brosemer - Volusia School Board Phone 561 373 6796

Address 176 Birch Tree Pl Email dbbrosemer@gmail.com
Street

Daytona Beach FL 32117
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

March 3, 2026
Meeting Date

Senate Rules
Committee

SB1620
Bill Number or Topic

534222
Amendment Barcode (if applicable)

Name Jessie Thompson

Phone 386-530-0443

Address 107 Dee Street
Street

Email jjthomps@volusia.k12.fl.us

New Smyrna Beach FL 32168
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/SB 1668
INTRODUCER:	Rules Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Burton
SUBJECT:	Florida Birth-Related Neurological Injury Compensation Association
DATE:	March 4, 2026 REVISED:

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1668 revises provisions relating to the Florida Birth-Related Neurological Injury Compensation Association (NICA). In 1988, the Legislature created the Florida Birth-Related Neurological Injury Compensation plan[1] (plan) to provide compensation, long-term medical care, and other services to participants with birth-related neurological injuries.[2] If an infant suffers such an injury, and the physician participates in the NICA and delivers obstetrical services in connection with the birth, then an administrative award for a compensable injury is the individual's sole and exclusive remedy for the injury, with exceptions.[3] Although the benefits paid under the plan are limited, the plan does not require the claimant to prove malpractice and provides a streamlined administrative hearing process to resolve the claim.[4] The primary, initial funding for the plan is provided through assessments on physicians and hospitals with exceptions.

[1] Section 766.303(1), F.S.
[2] Chapter 88-1, Laws of Fla.
[3] Section 766.31(1), F.S.
[4] *See Florida Birth-Related Neurological Injury Compensation Ass'n v. McKaughan*, 668 So.2d 974, 977 (Fla. 1996).

The bill:

- Codifies the agreement between NICA and the Agency for Health Care Administration (AHCA), which provides that NICA is responsible for reimbursing Medicaid for fee-for-service claims since Medicaid is the payor of last resort.
- Prohibits the board of directors from adding new benefits or expanding existing benefits if NICA is incurring cash flow deficits as documented in the most recent annual audited financials. This provision does not prohibit the plan from providing benefits set forth in s. 766.31.
- Authorizes NICA to pay for health insurance premiums and cost sharing expenses for participants and requires participants to have health coverage through the commercial market or Medicaid, if applicable. Health insurance coverage for a participant must be obtained within a specified amount of time after an administrative law judge (ALJ) enters a final order approving a claim for compensation. Coverage for a plan participant, as of June 30, 2026, must be obtained by January 1, 2027.
- Requires NICA to submit a plan of operation (plan), and any amendments thereto, for review and approval to the OIR. The bill requires the plan to include a fraud and overpayment prevention and detection program.

The bill also:

- The bill creates definitions for the terms, "actuarial soundness," "risk margin," "office," and "participant."
- Updates the statutory provisions to replace the term, "child" with "participant."
- Requires family members to maintain comprehensive major medical health insurance coverage for a NICA participant or the participant must be covered by Medicaid.
- Specifies that NICA benefits include:
  - The costs of major medical health coverage for the participant, including the premium and out-of-pocket costs.
  - Dental services.
  - Legal costs associated with establishing and maintaining guardianship for a participant.
- Provides that, as a part of its annual report, NICA, may include recommendations to expand existing benefits or create existing benefits, as well as the estimated costs of such benefits, and the amount of compensation paid to independent contractors within its annual report.

The effective date of the bill is upon becoming a law.

II. Present Situation:

In 1988, the Legislature created the Florida Birth-Related Neurological Injury Compensation Association (NICA) to provide exclusive remedy, irrespective of fault, for infants who have sustained a birth-related neurological injury.[5] A "birth-related neurological injury" is an injury to the brain or spinal cord of a live infant who weighs at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant who weighs at least 2,000 grams at birth caused by oxygen deprivation or by mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate post-delivery period in a hospital.[6] Such an injury addressed by

[5] Section 766.301, F.S.
[6] Section 766.302(2), F.S.

this statute renders the infant permanently and substantially mentally and physically impaired.[7] As of June 30, 2025, there were 253 NICA participants receiving ongoing benefits through the Florida Birth-Related Neurological Injury Compensation plan (plan).[8]

The NICA is governed by a board of directors appointed by the Chief Financial Officer.[9] Board meetings are subject to public meetings and record requirements of s. 286.011, F.S.[10]

Filing a Claim for Benefits

A claim for compensation under the plan must be filed within five years of the birth of an infant alleged to be injured.[11] First, the parents or guardians of the infant must file a petition with the Division of Administrative Hearings (DOAH).[12] Then, the DOAH serves a copy of the petition upon the NICA, the physician and hospital named in the petition, the Division of Medical Quality Assurance of the Department of Health, and the Agency for Health Care Administration (agency or AHCA).[13] Within 10 days of filing the petition, the parents or guardian must provide to the NICA all medical records, assessments, evaluations and prognoses, documentation of expenses, and documentation of any private or governmental source of services, or reimbursement relative to the impairments.[14]

Within 45 days from the date of service of a complete claim, the NICA must file a response to the petition and submit relevant written information relating to the issue of whether the injury alleged is a birth-related neurological injury.[15] An administrative law judge (ALJ) at DOAH will set a hearing on the claim, to be conducted 60-120 days from the petition filing date.[16]

The issue of whether the claim for compensation is covered by the plan is determined exclusively in an administrative proceeding.[17] The ALJ presiding over the hearing makes the following determinations:

- Whether the injury claimed is a birth-related neurological injury;
- Whether obstetrical services were delivered by a participating physician;
- How much compensation, if any, is awardable under s. 766.31, F.S.; and
- Whether, if raised by the claimant or other party, the factual determination regarding the notice requirement in s. 766.316, F.S.[18]

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[7] *Id.*
[8] Florida Birth-Related Neurological Injury Compensation Association (NICA), *Report of the Florida Birth-Related Neurological Injury Compensation Association to the Governor, Legislature, and Chief Financial Officer* (Nov. 2025) https://nica.com/wp-content/uploads/2025/10/2025-Legislatively-Mandated-Report-Nov.pdf (last visited Feb. 19, 2026).
[9] Section 766.315(1), F.S.
[10] Section 766.315(5), F.S.
[11] Section 766.313, F.S.
[12] Section 766.305, F.S.
[13] Section 766.305(2), F.S.
[14] Section 766.305(3), F.S.
[15] Section 766.305(4), F.S.
[16] Section 766.307(1), F.S.
[17] Sections 766.301(1)(d) and 766.304, F.S.
[18] Section 766.309(1), F.S.

No civil action may be brought until the determinations delineated above have been made by the ALJ.[19] An award may not be made under ss. 766.301-766.316, F.S., if the claimant recovers under a settlement or final judgement is entered in a civil action.[20]

If the ALJ determines that an injury meets the definition of a birth-related neurological injury, compensation from the plan is the exclusive legal remedy against any person or entity directly involved with the labor, delivery, or immediate postdelivery resuscitation during which such injury occurs, arising out of or related to a medical negligence claim with respect to such injury.[21] If the ALJ determines that a claim is compensable under the plan, then no civil action for the covered injury may be brought or continued in violation of the exclusiveness of remedy provisions.[22] If the ALJ determines that, the injury alleged is not a birth-related neurological injury or that a participating physician did not deliver the obstetrical services, the ALJ will enter an order to that effect.[23] If a claim is not eligible under NICA, representatives of the injured infant may pursue any and all civil remedies available under common law and statutory law,[3] like any other medical malpractice claim.[24] The ALJ may also bifurcate the proceeding and address compensability and notice first, [25] and address an award, if any, in a separate proceeding.[26] If any party chooses to appeal the ALJ's order under s. 766.309, F.S., the appeal must be filed in the District Court of Appeal.[27]

Recent Litigation Relating to "Direct Involvement"

In case currently pending before Third District Court of Appeals, *Mount Sinai Medical Center of Florida, Inc. v. Esposito*, the respondents allege that the respondent mother gave birth at the hospital, and that the child suffered permanent brain damage at the hospital during the delivery because the minor plaintiff baby was not removed from the plaintiff Mother's womb in under 30 minutes.[28] The respondents originally filed their complaint October 1, 2024, in circuit court for the Eleventh Judicial Circuit against the hospital and the hospital-employed obstetricians who had delivered the infant (Esposito I).[29]

[19] Section 766.304, F.S.
[20] *Id.*
[21] Section 766.303(2), F.S., only allows a civil action in place of a claim under the plan where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property, and suit is filed prior to and in lieu of payment of an award under the plan.
[22] Section 766.304, F.S.
[23] Section 766.309(2), F.S.
[24] Section 766.304, F.S.
[25] Section 766.716, F.S. Each hospital with a participating physician on its staff and each participating physician, subject to some exceptions, must provide obstetrical patients with notice of the no-fault compensation plan that must include a clear and concise explanation of a patient's rights and limitations under the plan.
[26] Section 766.309(4), F.S.
[27] Section 766.311(1), F.S.
[28] Mount Sinai Medical Center of Florida, Inc., d/b/a Mount Sinai Center, Gino R. Santorio, Cathy Mcclean, and Regina v. Luigi Esposito and Immacolata Cantalena, Petition for Writ Certiorari, District Court of Appeal, Third District, Case No. 2024-018898.
[29] *Supra*, at p. 16.

On November 6, 2024, Petitioners filed motions to abate the civil action for a determination by NICA, dismiss the action, and stay discovery.[30] Defendants sought immunity from tort liability under s. 766.303(2), F.S. The trial court rejected the defendants' attempt to involve NICA's exclusive rights and remedies.[31]

Subsequently, on December 27, 2024, the respondents filed a companion action (Esposito II) against the hospital, and the hospital-employed obstetricians who had delivered the infant. as well as a separate companion lawsuit against the three senior hospital executives alleging a negligent failure to have and implement appropriate systems and policies. Further the respondents assert vicarious liability against the hospital for this alleged negligence of its executives, and allege that as direct and proximate result of the negligent failures and breaches of fiduciary duties of the executives, the infant suffered permanent brain damage.[32]

On April 23, 2025, the defendant hospital and physicians filed a motion to abate and a motion to stay discovery in Esposito II. On September 18, 2025, the trial court denied the motion to abate.[33] The trial court held that the executives fall outside of the scope of s. 766.303(2), F.S., because it is "undisputed that these three individuals were not directly involved in the labor and delivery of this child who suffered a catastrophic brain injury."[34] Subsequently, the trial court granted the motion to abate in Esposito II.[35]

The Petitioners assert that the circuit court exceeded its jurisdiction in addressing the merits of the petitioners' immunity defense, and that the trial court erroneously held that the respondents' claims are not precluded by NICA immunity.[36]

The respondents assert in their response to the petition for writ of certiorari that since the hospital executives cannot satisfy the definition of a NICA participating physician they are unable to rely on the statute to seek immunity from tort liability.[37] Further, neither the individual defendants nor the vicariously liable hospital can show any direct involvement with the Mother's labor and delivery, as required to invoke NICA's exclusive remedy and tort immunity provisions.[38] The respondents assert that because the plaintiff's claims against the hospital and its executives do not arise out or relate to a claim for medical negligence, the defendants are not entitled to invoke NICA's exclusive rights and remedies or to seek immunity from tort liability.[39]

[30] Mount Sinai Medical Center of Florida v. Esposito et al, District Court of Appeal Third District, Case No. 3D22025-2027, Respondents' Response to the Petition for Writ of Certiorari, Dec. 10, 2025.
[31] Mount Sinai Medical Center of Florida v. Esposito, Circuit Court of the Eleventh Judicial Circuit, Miami-Dade County.
[32] *Supra* at p. 16.
[33] *Supra* at p. 33.
[34] *Supra* a p. 20.
[35] *Supra* at 31 p. 4.
[36] *Supra* at 24.
[37] *Supra* at 31 at p. 23.
[38] *Supra* at 31 p. 33.
[39] *Supra* at 31 p. 45.

Benefits[40]

The plan pays benefits, on behalf of a participant, including actual expenses for medically necessary and reasonable medical and hospital, habilitative and training, family residential or custodial care and service, professional residential, and custodial care and service, drugs, special equipment, facilities, and related travel. At a minimum, the statutes require the plan to pay compensation for the following actual expenses:

- Annual psychotherapeutic services benefit of up to $10,000 for immediate family members who reside with the plan participant.
- Transportation benefits, which includes providing parents or legal guardians with a reliable method of transportation for the care of the participant or reimbursing the cost of upgrading an existing vehicle to accommodate the participant's needs when it becomes medically necessary for wheelchair transportation. The plan must replace any vans purchased by the plan every seven years or 150,000 miles, whichever comes first.
- Housing assistance of up to $100,000 for the life of the participant, including home construction and modifications.

In addition, the plan must provide compensation for the following items:

- Periodic or lump-sum award to the parents or legal guardians, in an amount not to exceed $250,000;[41]
- Death benefit in the amount of $50,000 for the participant;[42] and
- Reasonable expenses for filing the claim under the plan, including attorney's fees.[43]

The plan does not reimburse or pay expenses that might otherwise be covered by insurance or any private or governmental programs, unless such exclusion is prohibited by state or federal law.[44]

NICA Funding

The Florida Legislature appropriated $20 million[45] to initially fund the plan at its inception and authorized annual assessments of physicians and hospitals thereafter.[46] A participating physician is required to pay a $5,000 fee each year for coverage on a calendar year basis.[47] All licensed Florida physicians pay a mandatory fee of $250, regardless of specialty.[48] Hospitals pay $50 for each live birth during the previous calendar year. Certain exemptions apply to all these categories, including resident physicians, retired physicians, government physicians, and facilities.[49] The amount of the physician and hospital assessments have remained unchanged

[40] Section 766.31, F.S.
[41] Section 766.31(1)(d), F.S. This amount is increased annually by three percent.
[42] Section 766.31(1)(d)2.a., F.S.
[43] Section 766.31(1)(e), F.S.
[44] Section 766.31(1)(a), F.S.
[45] Ch. 88-277, Laws of Fla.
[46] Section 766.314, F.S.
[47] *Id.*
[48] Section 766.314(4), F.S.
[49] *Id.*

since the plan's inception in 1988.[50] Section 755.314, F.S., also requires the OIR to maintain an appropriation of $20 million in the Insurance Regulatory Trust Fund for the NICA.

Section 766.314, F.S., provide alternative funding mechanisms for the plan if the assessments collected by the NICA "are insufficient to maintain the plan on an actuarially sound basis." The first remedy is to require the OIR to transfer up to $20 million from the Insurance Regulatory Trust Fund.[51] If the appropriation and assessments do not result in the plan being maintained on an actuarially sound basis, the OIR may assess casualty insurers up to 0.25 percent of net direct premiums written in proportion to the total amount of all net direct premiums written by casualty insurers.[52] Lastly, s. 766.314(7)(b), F.S., requires that, if the OIR finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations, the OIR must increase the assessments on physicians and hospitals on a proportional basis as needed. The statutory provisions do not define the term, "actuarial soundness," and while the OIR is required to biennially produce an actuarial valuation, that valuation does not opine on the actuarial soundness of the plan.

Within 60 days after a claim is filed, the NICA must estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant's attorney, the attorney's fees of the NICA incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the NICA in connection with the adjudication and payment of the claim.[53] Every quarter, the NICA must update these estimates based upon the actual costs incurred and any additional information that becomes available to the NICA since the last review of this estimate.[54] The estimate must be reduced by any amounts paid by the NICA that were included in the current estimate.

If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources, including physician and provider assessments, funds from the Insurance Regulatory Trust Fund, and assessments on specified casualty insurance, the NICA may not accept any new claims without express authority from the Legislature.[55] However, this does not preclude NICA from accepting any claim if the injury occurred 18 months or more before the effective date of this enrollment suspension.[56] Notwithstanding this requirement, the NICA is authorized to accept

[50] If the assessments amounts at June 30, 1988, were adjusted for inflation, as of June 30, 2024, the assessments will increase in the following manner: participating physicians $5,000 would be $13,312.50; participating nurse midwives $2,500 would be $6,656.26; hospital assessments $50 would be $133.12; and nonparticipating physician assessments of $250 would be $665.62. *See* NICA Report on Actuarial Soundness (Sep. 2024) https://www.nica.com/wp-content/uploads/2025/06/20240930-FTI-Consulting-Reserve-Evaluation.pdf *(*last visited Feb. 19, 2026).
[51] Section 766.314(5)(b), F.S.
[52] Section 766.314(5)(c)1, F.S. provides that casualty insurance described in s. 624.605(b),(k), and (q) would be subject to this assessment, which would include liability insurance, malpractice insurance, and miscellaneous insurance (insurance against liability for any other kind of loss or damage to person or property, properly a subject of insurance and not within any other kind of insurance as defined in the Florida Insurance Code).
[53] Section 766.314(9)(a), F.S.
[54] Section 766.314(9)(b), F.S.
[55] Section 766.314(9)(c)1., F.S.
[56] *Id.*

new claims during the 2025-2026 fiscal year if the total of all current estimates exceeds the limits described above during that fiscal year.[57]

Within 30 days after the effective date of this enrollment suspension, the NICA must notify the Governor, the Speaker of the House of Representatives, the President of the Senate, the Office of Insurance Regulation, the agency, and the Department of Health of this suspension.[58]

Recent Financial Trends

Since its inception and until recently, the NICA has taken in more cash than it has spent, thus, there was never an issue about its actuarial soundness and none of the above remedies have ever initiated.[59] Because the NICA is operating at an annual cash flow deficit while the number of participants and associated expenses are increasing, significant cash from investment income and other income must be used to fund operating expenses.

For Fiscal Year 2023 - 2024, the NICA collected approximately $37.9 million in annual physician and hospital assessment revenue. However, total operating expenses[60] exceeded total revenues by about $156 million, thereby requiring the NICA to use about $93 million in investment income and other income to fund the plan's operations.[61] Subsequently, for Fiscal Year 2024 - 2025, the NICA collected $37.5 million in hospital and physician assessments. Although total operating expenses were significantly lower due to a decrease in claims incurred for this fiscal year; total operating expenses exceeded total revenues by about $110 million, resulting in the NICA using investment income and other income to fund operations.[62] At June 30, 2025, and 2204, the NICA had a deficit net position of approximately $189.3 million and $216.6 million, respectively.[63] The average claim size for an open active claim increased from $3.68 million at June 30, 2020, to $5.42 million at June 30, 2025, and the amount of total annual claims payments increased from $19.8 million to $51.7 million for the same period.[64]

In recent years, many factors have increased the NICA's financial obligations and expenses. For example, in 2021, the Florida Legislature substantially revised benefits and the provision of benefits in response to concerns of family members of plan participants, which increased the

[57] This provision expires July 1, 2026.
[58] Section 766.314(9)(c)1.
[59] *See supra* NICA at 7.
[60] Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2024 and 2023 with Report of Independent Auditors* (Sep. 9, 2025) https://www.nica.com/wp-content/uploads/2025/06/2024-NICA-Audited-Financial-Statements.pdf (last visited Feb. 20, 2026). Operating expenses for Fiscal Year 2023-2024 were comprised of claims incurred ($189.7 million) and other operating expenses ($4.6 million). For Fiscal Year 2024-2025, operating expenses were comprised of claims incurred of about $143 million and other operating expenses of about $4.9 million.
[61] Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2025 and 2024 with Report of Independent Auditors* (Sep. 9, 2025), p. 24, https://www.nica.com/wp-content/uploads/2025/09/Audited-Financial-Statements-06-30-2025.pdf (last visited Feb. 19, 2026).
[62] *Id.*
[63] *Id* at p. 3.
[64] *Id*.

financial obligations of NICA.[65] Further, as the result of the Medicaid settlement,[66] NICA was required to pay approximately $51 million to the federal government and Medicaid will no longer reimburse NICA participants for expenses, and instead the NICA will be responsible for quarterly payments.[67] Claim payments are expected to increase an additional $12 million annually once the Medicaid reimbursement process begins.[68]

Federal Medicaid Settlement and Agreement with the Agency for Health Care Administration

Medicaid Program[69]

The Medicaid program provides medical assistance to certain low-income individuals and individuals with disabilities.[70] The federal government and states jointly fund and administer the Medicaid program. At the federal level, the Centers for Medicare and Medicaid Services (CMS) administers the program, and each state administers its Medicaid program according to a CMS approved State plan that establishes which services the Medicaid program will cover. Although each state has considerable flexibility in designing and operating its Medicaid program, it must comply with federal requirements. The federal government pays its share of a state's medical assistance costs under the Medicaid program based on the Federal medical assistance percentage (FMAP). In Florida, the Agency for Health Care Administration, the State Medicaid agency, is responsible for computing and reporting the federal share, which is based on the total computable amount multiplied by the FMAP.

Medicaid Third-Party Liability

Federal law requires states to take all reasonable measures to ascertain the legal liability of third parties to pay for care and services that are available under the Medicaid State plan.[71] The third party liability effectuates the payor of last resort policy. Specifically, states are required to: (1) identify Medicaid enrollees' third-party health coverage, (2) determine third party liability[72] for services, (3) avoid payment for services in most circumstances in which the state believes that a third party is liable, and (4) recover reimbursement from liable third parties after Medicaid payment if the state can reasonably expect to recover more than it paid to seek reimbursement.

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[65] Ch. 2021-134, Laws of Fla.
[66] U.S. Department of Justice and NICA Settlement (Nov. 14, 2022) https://fromthegman.net/wp-content/uploads/2022/11/nica_settlement_agreement_executed_0.pdf (last visited Feb. 19, 2026).
[67] Thomas Howell Ferguson (THF) Certified Public Accountants, *Florida Birth Related Neurological Injury Compensation Association Years ended June 30, 2025 and 2024 with Report of Independent Auditors* (Sep. 9, 2025), p. 24, https://www.nica.com/wp-content/uploads/2025/09/Audited-Financial-Statements-06-30-2025.pdf (last visited Feb. 19, 2026).
[68] *Id.*
[69] Department of Health and Human Services, Office of Inspector General, *States face ongoing challenges in meeting third-party liability requirements for ensuring that Medicaid functions as the payer of last resort* (Oct. 2023), https://oig.hhs.gov/documents/audit/7897/A-05-21-00013-Complete%20Report.pdf (last visited Feb. 19, 2026).
[70] 42 U.S.C. ss. 1396-1396w-5.
[71] Section 1902(a)(25) of the Social Security Act and 42 CFR part 433, subpart D. Federal regulations refer to amounts owed by non-Medicaid payers as third-party liability.
[72] 42 CFR part 433, subpart D.

Section 409.910, F.S., the "Medicaid Third-Party Liability Act," which governs third party liability in Florida provides that "it is the intent of the Legislature that Medicaid be the payor of last resort for medically necessary goods and services furnished to Medicaid recipients." This provision is consistent with federal law, which provides that Medicaid pays for services only after other responsible third parties have met their burden of costs.[73] In "applying for or accepting medical assistance [Medicaid], an applicant, recipient, or legal representative automatically assigns to the agency any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law." Section 409.910, F.S., also requires that "if benefits of a liable third party are discovered or become available after medical assistance has been provided by Medicaid, Medicaid is to be repaid in full and prior to any other person, program, or entity. Medicaid is to be repaid in full, from and to the extent of, any third-party benefits, regardless of whether a recipient is made whole or other creditors paid."

2022 Medicaid Settlement

On November 14, 2022, the plan and NICA, its administrator, agreed to pay $51 million to resolve allegations that they violated the False Claims Act by causing NICA participants to submit their health care claims to Medicaid rather than the NICA, in violation of Medicaid's status as the payer of last resort under federal law.[74] The civil settlement resolves a lawsuit filed under the whistleblower provisions of the False Claims Act, which permits a private party to file a lawsuit on behalf of the United States and receive a portion of any recovery.[75] Incorporated in the settlement, the NICA represented that it would, with respect to NICA participants who also qualified for Medicaid, set aside a financial reserve, effective August 31, 2021, to pay claims it will be responsible for as the primary payor but the agency would pay while a transition plan is developed by the agency and the NICA.[76]

NICA and Agency for Health Care Administration Agreement[77]

The agency and the NICA entered into an agreement to coordinate payment for services for individuals who are both enrolled in NICA and Florida Medicaid participant. The purpose of the agreement is to allow participants to receive services through the Medicaid delivery system while ensuring that the NICA is the primary payor for these services. At the end of each quarter, the agency will calculate each participants' monthly plan capitation rate payments and any fee-

[73] 42 U.S.C. s. 1396(a)(25). Third parties that may be liable to pay for services include private health insurance, Medicare, employer-sponsored health insurance, settlements from a liability insurer, workers' compensation, long-term care insurance, and other State and Federal programs (unless specifically excluded by Federal statute).
[74] Department of Justice, *Florida Birth-Related Neurological Injury Compensation Plan and Association to Pay $51 Million to Resolve False Claims Act Allegations* (Nov. 14, 2022), https://www.justice.gov/archives/opa/pr/florida-birth-related-neurological-injury-compensation-plan-and-association-pay-51-million (last visited Feb. 19, 2026).

[75] U.S. Department of Justice, *The False Claims Act*, https://www.justice.gov/civil/false-claims-act (last visited Feb. 23, 2026). Private citizens who successfully file suits on behalf of the government (qui tam suits) may receive a portion of the government's recovery. *See also*, 31 U.S.C. s. 3729-3733, False Claims Act.
[76] U.S. Department of Justice and NICA Settlement (Nov. 14, 2022) https://fromthegman.net/wp-content/uploads/2022/11/nica_settlement_agreement_executed_0.pdf (last visited Feb. 19, 2026). The Settlement Agreement is neither an admission of liability by the NICA nor a concession by the United States that its claims are not well founded. The NICA denies the allegations.
[77] Email from the Agency for Health Care Administration (Jan. 12, 2026) (On file with the Senate Committee on Banking and Insurance).

for-service payments made. The agency will include the sum of these payments on an invoice and submit them to the NICA. The NICA will reimburse the agency in accordance with s. 409.910, F.S., and the executed agreement.

In mid-December 2025, the AHCA submitted a retroactive invoice to the NICA for the collection of outstanding payments made by Medicaid on behalf of NICA participants. For this invoice, the AHCA identified a little over 200 NICA members enrolled in Florida Medicaid. Pursuant to the agreement, the NICA is required to provide the agency with an updated member listing each month.

Time Period	Total Fee for Service Expenditures	Total Capitation Rate Expenditures	Total Expenditures
08/31/2021- 06/30/2022	$2,906,416.63	$7,032,986.75	$9,939,403.38
07/01/2022-06/30/2023	$2,583,022.26	$9,557,859.99	$12,140,882.25
07/01/2023-06/30/2024	$2,339,993.05	$9,648,253.73	$11,988,246.78
07/01/2024-06/30/2025	$2,314,719.61	$8,197,459.77	$10,512,179.38
Total Expenditures 08/31/2021-06/30/2025[78]			$44,580,711.79

Office of Insurance Regulation

Florida's Office of Insurance Regulation (OIR)[79] is responsible for the regulation of all activities of insurers and other risk-bearing entities, including licensure, rates,[80] policy forms, market conduct, claims, solvency, administrative supervision, as provided under the Florida Insurance Code (code).[81] Insurance is classified into the following kinds of insurance: life, health, property, casualty, marine, and title.[82]

III. Effect of Proposed Changes:

Section 1 amends s. 409.910, F.S., the "Medicaid Third Party Liability Act," to authorize the Agency for Health Care Administration (AHCA) to recover the full amount of all medical assistance provided by Medicaid on behalf of recipients to the full extent of third-party benefits, including incurred costs of Florida Birth-Related Neurological Injury Compensation Association (NICA) plan participants pursuant to s. 766.31, F.S. The agency and NICA entered into an agreement to coordinate payment for services for individuals who are enrolled in both NICA and Florida Medicaid. The purpose of the agreement is to allow participants to receive

[78] *Id.*
[79] 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.
[80] Pursuant to s. 627.062(1), F.S., rates may not be excessive, inadequate, or unfairly discriminatory.
[81] Section 20.121(3)(a)1., F.S.
[82] Section 624.6011, F.S.

services through the Medicaid delivery system while ensuring that NICA is the "primary payor" for these services.

Section 2 amends s. 766.302, F.S., to revise the definition of the term, "claimant," to provide that the administrative law judge has exclusive jurisdiction to determine compensability and notice even if the claimant does not seek the NICA compensation. Definitions for the following terms are created:

- "Actuarially sound" means that the total plan assets available to fund future liabilities are equal to or greater than 90 percent of the present value of total estimated liabilities excluding any risk margin. This term is used in the NICA provisions; however, it is undefined.
- "Risk margin" means an additional, explicit allowance above the best-estimate reserve to reflect uncertainty in future claim payments, including variation in claimant life expectancy and the number and cost of pending or unreported claims. The risk margin is not included in the reserve amount used to calculate the funding ratio.
- "Office" to mean the OIR.
- "Participant" means the person who suffered a birth related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309, F.S.

NICA adjusts claim reserves to provide for a risk margin in the event future contingent events and actual payments significantly exceed management's best estimate. The risk margin was approximately $82 million as of June 30, 2025.[83]

Section 3 amends s. 766.303, F.S., relating to the plan, to provide technical changes and clarify terms used. The term, "children," as used in the context of participants of the plan is replaced with the term, "participant."

Section 4 amends s. 766.305, F.S., relating to the filing of claims, to provide technical conforming changes.

Section 5 amends s. 766.309, F.S., to provide a technical, conforming cross reference.

Section 6 amends s. 766.31, F.S., relating to awards for birth-related injuries, to revise the types of compensation of actual expenses for medically necessary care or services an administrative law judge may award and to provide technical changes. The bill revises the types of compensation of actual expenses for medically necessary care or services an administration law judge may award. The bill provides the following changes in benefits:

- Codifies coverage of medically necessary dental services. Many participants require medically necessary sedation due to their birth injury. However, routine cleanings are not currently covered.
- Revises the current statutory benefit for psychotherapeutic services to provide access to these services for immediate family members who no longer live with the participant or do not live in Florida. The board of the NICA extended the benefit to families whose children are

[83] FTI Consulting, *Florida Birth Related Neurological Injury Compensation Association Analysis of Loss and LAE Reserves as of June 30, 2025* (Aug. 26, 2025), p. 44, https://www.nica.com/wp-content/uploads/2025/09/Actuarial-Report-June-30-2025.pdf (last visited Feb. 23, 2026).

deceased. Family members and relatives would be capped at $10,000 annually during the participant's lifetime and up to a total of $20,000 subsequent to the participant's death.
- Codifies coverage for legal costs associated with establishing and maintaining guardianship for a participant.
- Revises the current statutory benefit for transportation to provide family members, rather than only parents and guardians, with a reliable method of transporting the participant's wheelchair and medically necessary equipment. The bill expands the type of vehicles covered to include vehicles rather than just vans.
- Clarifies the coverage of housing assistance benefit of up to $100,000 for the life of the participant to include, but is not limited to, a down payment on a new home, and moving expenses. Currently, this benefit includes home construction and modification costs.
- Requires the NICA to reimburse plan participants for the payment of major medical health insurance coverage, which includes the premium and any cost sharing incurred by the participant.
- Clarifies that the NICA will not provide compensation for professional custodial care provided by a family member while such care is being provided by another person or entity or the family member is being compensated from another source of work during the same time for which compensation is sought from the NICA. If the family member disputes that an overpayment has occurred, the NICA is authorized to file a petition for division review of an overpayment for a determination of the amount, if any, to be recouped by the NICA,
- Expands the list of individuals eligible to receive an award of up to $250,000 to include family members instead of only parents or legal guardians.

The bill requires a family member to continuously maintain comprehensive major medical health coverage for the participant.[84] A family member must obtain insurance coverage within 60 days after an administrative law judge enters a final order approving a claim for compensation or apply for Medicaid coverage within 30 days after entry of such order. If the participant is ineligible for Medicaid, the family member must obtain other coverage within 60 days after receipt of a Medicaid denial. A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

The bill requires NICA to reimburse the agency for fee-for-service claims and capitation payments for participants enrolled in Medicaid, as well as for the payment of administrative and support costs associated with the provision of Medicaid services. This provision codifies the agreement between the agency and NICA. The bill provides that such funds be credited to the Health Care Administration Medical Care Trust Fund.

[84] NICA, Benefit Handbook (Dec. 12, 2024), https://www.nica.com/wp-content/uploads/2025/06/NICA-Benefit-Handbook-1-13-25.pdf (last visited Feb. 19, 2026). The benefit manual provides that it is the NICA's expectation that health insurance is always maintained for participants. The NICA reimburses families for the cost of the participant's health insurance. For families with Medicaid, the NICA reimburses the Agency for Health Care Administration for the cost of those premiums. For items such as therapy, equipment, and some supplies, the NICA may request documentation of an insurance denial prior to authorizing a reimbursement request. If there is a lapse in insurance coverage and expenses are incurred that would have been covered by insurance, the NICA will not reimburse for those items.

The bill requires the plan to reimburse by December 31, 2026, any participant for reasonable, medically necessary care received by the participant on or before June 30, 2026, which was reduced or not paid by the plan because the participant did not have health insurance coverage.

In the case of an alleged overpayment of an expense reimbursement by the NICA to a family member, if the family member does not agree that an overpayment has occurred, the NICA may file a petition for review of the overpayment for a determination of the amount, if any, to be recouped by the NICA.

Section 7 amends s. 766.314, F.S., relating to assessments and plan of operation, to require the NICA to submit a plan of operation and any amendments thereto to the OIR for review and approval. The bill requires the plan to include a fraud and overpayment prevention and detection program in the plan of operation that is subject to review and approval by the OIR.

Provisions relating to the assessment process are revised in the following manner:

- Requires hospital and physician assessments to be paid on or before December 31 of each year;
- Provides licensed physicians who wish to participate in the NICA shall pay an annual assessment of $5,000 and any assessment required, if assessed. Current law provides licensed physicians pay an annual assessment of $5,000.
- Provides payment of required assessments are due on or before December 31 of each year for qualification as a participating physician during the next calendar year. If payment of assessments is received by the NICA on or before January 31 of any calendar year, the physician shall qualify as a participating physician for the entire calendar year. If the payment is received after January 31, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the NICA.

For the 2026-2027 fiscal year, the bill authorizes NICA to accept new claims during the fiscal year if the total current estimates exceed 100 percent of the funds on hand and the funds that will be available to the NICA within the next 12 months. NICA is required to notify the Governor, the President of the Senate, the Speaker of the House of Representatives, OIR, AHCA, and the Department of Health within five days after NICA makes such determination. This provision expires July 1, 2027.

Section 8 amends s. 766.315, F.S., to substitute the one board director representative for a parent or legal guardian of an injured infant with one family member of a participant. Notwithstanding this section, the board of directors of the plan may not create new benefits or expand existing benefits that result in additional costs to the plan if the plan is operating at an annual cash flow deficit, as documented in the plan's audited financial statements for the prior fiscal year. This provision does not prohibit NICA from providing benefit set forth in s. 766.31, F.S.

The bill provides NICA must furnish audited financial reports, prepared in accordance with generally accepted auditing standards, to any plan participant upon request, to OIR and the Joint Legislative Auditing Committee. The bill requires NICA to include the amount of compensation paid to independent contractors within its annual report.

The bill revises the annual report NICA submits to the Governor and Legislature to clarify that NICA may submit recommendations relating to the creation of new benefits or the expansion of existing benefits. The bill also clarifies that compensation for independent contractors, along with compensation for NICA employees, must be published on website and disclosed in the annual report.

Section 9 provides 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 codifies benefits previously approved by the NICA board of directors, which will assist parents, other family members, and legal guardians in funding significant medical expenses and other necessary services and care of participants.

The bill codifies the settlement agreement between the Agency for Health Care Administration that allows Florida Birth-Related Neurological Injury Compensation Association (NICA) participants, if eligible, to enroll or to continue enrollment in the

Florida Medicaid program. Florida Medicaid will then have to seek reimbursement from the NICA for services previously reimbursed pursuant to the settlement agreement.[85]

C. Government Sector Impact:

Pursuant to current law, in the event the Florida Birth-Related Neurological Injury Compensation Association (NICA) is determined to lack adequate cash flow, the Office of Insurance Regulation (OIR) is authorized to transfer $20 million from the Insurance Regulatory Trust Fund to the NICA.

In the event NICA indicates the Birth-Related Neurological Injury Compensation Plan (plan) is not actuarially sound, and the OIR subsequently determines an actuarial valuation is necessary, such costs are indeterminate. The bill does not provide an appropriation for such costs.

The Agency for Health Care Administration (AHCA) indicates the bill does not impact its revenue or expenditures as the updates are specific to the NICA and do not have any operational or fiscal impact to the AHCA.[86]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends sections 409.910, 766.302, 766.303, 766.305, 766.309, 766.31, 766.314, and 766.315 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 March 3, 2026:
The CS:

- Creates definitions for the terms, "actuarially sound," "office," "participant," and "risk margin," and revises the definitions of the term, "claimant,"
- Restores current law regarding the exclusiveness of rights and remedies of the Florida Birth-Related Neurological Injury Compensation Plan that provides immunity from medical negligence claims to any person or entity *directly* involved with the labor,

[85] Agency for Health Care Administration, *2026 Agency Analysis of Senate Bill 1668* (Jan. 13, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).
[86] Agency for Health Care Administration, *2026 Agency Analysis of Senate Bill 1668* (Jan. 13, 2026) (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

delivery, or immediate postdelivery resuscitation during which such injury occurs. The prior version of the bill struck the word "directly".
- Revises elements of NICA's annual report to the Governor and Legislature to include recommendations relating to creation of new benefits or the expansion of existing benefits. Any such recommendations must include estimates of the costs of such changes to the plan on an annual basis.
- Changes the effective date of the bill from July 1, 2026, to effective upon becoming a law.

CS by Appropriations Committee on Agriculture, Environment, and General Government on February 25, 2026:
The committee substitute:
- Restores current law relating to the plan of operation for the Florida Birth-Related Neurological Injury Compensation Association (NICA) to require assessments to be on an actuarially sound basis subject to defined limits.
- Restores current law as it relates to annual assessments required to be paid into the NICA.
- Restores current law which authorizes the Office of Insurance Regulation to transfer $20 million from the Insurance Regulatory Trust Fund to the NICA in the event it has been determined NICA lacks cash flow.
- Authorizes the NICA to accept new claims during Fiscal Year 2026 – 2027 even if the total of all current estimates of claims equals or exceeds 100 percent of the funds on hand and funds that will become available within the next 12 months. Requires the NICA to notify the Governor, the Legislature, the Office of Insurance Regulation, the Agency for Health Care Administration and the Department of Health within five days after a determination of that claims equal or exceed available funding.
- Prohibits the Board of Directors of the NICA from creating new benefits or expanding existing benefits that result in additional costs to the plan if the plan is operating at an annual cash flow deficit, as documented in the plan's audited financial statements for the prior year.
- Requires the NICA to include the amount of compensation paid to an independent contractor within its annual report.
- Makes technical and conforming changes.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
	.	
	.	
	.	

The Committee on Rules (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (7) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(7) The agency shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

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(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he or she has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the agency any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; ~~or~~

4. Any person who has received the third-party benefits; or

5. The Florida Birth-Related Neurological Injury Compensation Association for plan participant costs incurred under s. 766.31.

The provisions of this subsection do not apply to any proceeds received by the state, or any agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserts claims brought on its own behalf, and not as a subrogee of a recipient, or under other theories of liability. The provisions of this subsection do not apply to any proceeds received by the state, or an agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserted both claims as a subrogee and additional claims, except as to those sums specifically identified in the final order, judgment, or settlement agreement as reimbursements to the recipient as expenditures for the named

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recipient on the subrogation claim.

Section 2. Section 766.302, Florida Statutes, is reordered and amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(1) "Actuarially sound" means that the total plan assets available to fund future liabilities are equal to or greater than 90 percent of the present value of total estimated liabilities excluding any risk margin.

(2) ~~(4)~~ "Administrative law judge" means an administrative law judge appointed by the division.

(3) ~~(1)~~ "Association" means the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315 to administer the Florida Birth-Related Neurological Injury Compensation Plan and the plan of operation established in s. 766.314.

(4) ~~(2)~~ "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and does ~~shall~~ not include disability or death caused by genetic or congenital abnormality.

(5) ~~(3)~~ "Claimant" means any person who files a claim pursuant to s. 766.305 ~~for compensation~~ for a birth-related

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neurological injury to an infant. Such a claim may be filed by any legal representative on behalf of an injured infant; and, in the case of a deceased infant, the claim may be filed by an administrator, personal representative, or other legal representative thereof.

(6) ~~(5)~~ "Division" means the Division of Administrative Hearings of the Department of Management Services.

(7) ~~(9)~~ "Family member" means a father, mother, or legal guardian.

(8) ~~(10)~~ "Family residential or custodial care" means care normally rendered by trained professional attendants which is beyond the scope of child care duties, but which is provided by family members. Family members who provide nonprofessional residential or custodial care may not be compensated under this act for care that falls within the scope of child care duties and other services normally and gratuitously provided by family members. Family residential or custodial care shall be performed only at the direction and control of a physician when such care is medically necessary. Reasonable charges for expenses for family residential or custodial care provided by a family member shall be determined as follows:

(a) If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

(b) If the family member is employed and elects to leave that employment to provide such care, the per-hour value of that care shall equal the rates established by Medicaid for private duty services provided by a home health aide. A family member or a combination of family members providing care in accordance with this definition may not be compensated for more than a

total of 10 hours per day. Family care is in lieu of professional residential or custodial care, and no professional residential or custodial care may be awarded for the period of time during the day that family care is being provided.

(9) ~~(6)~~ "Hospital" means any hospital licensed in Florida.

(10) "Office" means the Office of Insurance Regulation.

(11) "Participant" means the person who suffered a birth-related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309.

(12) ~~(7)~~ "Participating physician" means a physician licensed in Florida to practice medicine who practices obstetrics or performs obstetrical services either full time or part time and who had paid or was exempted from payment at the time of the injury the assessment required for participation in the birth-related neurological injury compensation plan for the year in which the injury occurred. Such term does ~~shall~~ not apply to any physician who practices medicine as an officer, employee, or agent of the Federal Government.

(13) ~~(8)~~ "Plan" means the Florida Birth-Related Neurological Injury Compensation Plan established under s. 766.303.

(14) "Risk margin" means an additional, explicit allowance above the best-estimate reserve to reflect uncertainty in future claim payments, including variations in claimant life expectancy and the number and cost of pending or unreported claims. The risk margin is not included in the reserve amount used to calculate the funding ratio.

Section 3. Section 766.303, Florida Statutes, is amended to read:

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766.303 Florida Birth-Related Neurological Injury Compensation Plan; exclusiveness of remedy.—

(1) There is established the Florida Birth-Related Neurological Injury Compensation Plan for the purpose of providing compensation, irrespective of fault, for birth-related neurological injuries ~~injury claims~~. Such plan shall apply to births occurring on or after January 1, 1989, and shall be administered by the Florida Birth-Related Neurological Injury Compensation Association.

(2) The rights and remedies granted by this plan on account of a birth-related neurological injury shall exclude all other rights and remedies of such infant, her or his personal representative, family members ~~parents~~, dependents, and next of kin, at common law or otherwise, against any person or entity ~~directly~~ involved with the labor, delivery, or immediate postdelivery resuscitation during which such injury occurs, arising out of or related to a medical negligence claim with respect to such injury; except that a civil action may ~~shall~~ not be foreclosed where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property, provided that such suit is filed prior to and in lieu of payment of an award under ss. 766.301-766.316. Such suit shall be filed before the award of the division becomes conclusive and binding as provided for in s. 766.311.

(3) Sovereign immunity is hereby waived on behalf of the Florida Birth-Related Neurological Injury Compensation Association solely to the extent necessary to assure payment of compensation as provided in s. 766.31.

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(4) The association shall administer the plan in a manner that promotes and protects the health and best interests of participants ~~children~~ with birth-related neurological injuries.

Section 4. Subsections (1) and (3) of section 766.305, Florida Statutes, are amended to read:

766.305 Filing of claims and responses; medical disciplinary review.—

(1) All claims filed ~~for compensation~~ under the plan must ~~shall~~ commence by the claimant filing with the division a petition that includes all of ~~seeking compensation. Such petition shall include~~ the following information:

(a) The name and address of the legal representative and the basis for her or his representation of the injured infant.

(b) The name and address of the injured infant.

(c) The name and address of any physician providing obstetrical services who was present at the birth and the name and address of the hospital at which the birth occurred.

(d) A description of the disability for which the claim is made.

(e) The time and place the injury occurred.

(f) A brief statement of the facts and circumstances surrounding the injury and giving rise to the claim.

(3) The claimant shall furnish to the ~~Florida Birth-Related Neurological Injury Compensation~~ association the following information, which must be filed with the association within 10 days after the filing of the petition as set forth in subsection (1):

(a) All available relevant medical records relating to the birth-related neurological injury and a list identifying any

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unavailable records known to the claimant and the reasons for the records' unavailability.

(b) Appropriate assessments, evaluations, and prognoses and such other records and documents as are reasonably necessary for the determination of the amount of compensation to be paid to, or on behalf of, the injured infant on account of the birth-related neurological injury.

(c) Documentation of expenses and services incurred to date which identifies any payment made for such expenses and services and the payor.

(d) Documentation of any applicable private or governmental source of services or reimbursement relative to the impairments.

The information required by paragraphs (a)-(d) shall remain confidential and exempt under the provisions of s. 766.315(6)(b) ~~s. 766.315(5)(b)~~.

Section 5. Paragraph (a) of subsection (1) of section 766.309, Florida Statutes, is amended to read:

766.309 Determination of claims; presumption; findings of administrative law judge binding on participants.—

(1) The administrative law judge shall make the following determinations based upon all available evidence:

(a) Whether the injury claimed is a birth-related neurological injury. If the claimant has demonstrated, to the satisfaction of the administrative law judge, that the infant has sustained a brain or spinal cord injury caused by oxygen deprivation or mechanical injury and that the infant was thereby rendered permanently and substantially mentally and physically impaired, a rebuttable presumption shall arise that the injury

is a birth-related neurological injury as defined in s. 766.302 ~~s. 766.302(2)~~.

Section 6. Section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(a) Actual expenses incurred since the date of birth for medically necessary and reasonable:

1. Medical and hospital care and services; ~~,~~

2. Habilitative services; ~~and training,~~

3. Dental services;

4. Family residential or custodial care; ~~,~~

5. Professional residential care; ~~, and~~

6. Professional custodial care; ~~and service,~~

7. ~~for medically necessary~~ Drugs; ~~,~~

8. Special equipment; ~~, and facilities,~~ and

9. ~~for~~ Related travel.

(b) At a minimum, compensation must be provided for the following actual expenses:

1. Psychotherapeutic services for ~~A total annual benefit of up to $10,000 for immediate~~ family members and other relatives who have resided ~~reside~~ with the participant, which are ~~infant for psychotherapeutic services~~ obtained from a psychiatrist licensed under chapter 458 or chapter 459, a provider ~~providers~~

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licensed under chapter 490 or chapter 491, or a psychiatrist or provider who has equivalent licensure by another jurisdiction. This benefit for such family members and relatives shall be up to a total of $10,000 annually during the participant's lifetime and up to a total of $20,000 subsequent to the participant's death.

2. For the life of the participant ~~child~~, providing family members ~~parents or legal guardians~~ with a reliable method of transporting ~~transportation for the care of~~ the participant and ~~child or reimbursing the cost of upgrading an existing vehicle to accommodate~~ the participant's wheelchair and medically necessary equipment ~~child's needs when it becomes medically necessary for wheelchair transportation. The mode of transportation must take into account the special accommodations required for the specific child~~. The plan may not limit such transportation assistance based on the participant's ~~child's~~ age or weight. The plan must replace any vehicle ~~vans~~ purchased by the plan every 7 years or 150,000 miles, whichever comes first.

3. Housing assistance of up to $100,000 for the life of the participant ~~child~~, including, but not limited to, a down payment on a new home, moving expenses, and home construction and modification costs.

4. Legal costs associated with establishing and maintaining guardianship for a participant.

(c)1. The costs of a health insurance policy or health maintenance contract that provides major medical or similar comprehensive health insurance coverage for the participant obtained pursuant to subsection (3), including, but not limited to, the premium and out-of-pocket costs. For participants

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enrolled in the state Medicaid program, the plan must reimburse fee-for-service paid claims and capitation payments, as applicable, for services provided to such participants pursuant to this section and for the administrative and support costs associated with the provided medical assistance. Such funds shall be credited to the Agency for Health Care Administration's Medical Care Trust Fund.

2. By December 31, 2026, the plan shall reimburse any participant for reasonable, medically necessary care received by the participant on or before June 30, 2026, which was reduced or not paid by the plan because such participant did not have comprehensive or major medical health insurance coverage through an insurer or a health maintenance organization.

(d) ~~(b)~~ However, the following expenses are not subject to compensation:

1. Expenses for items or services that the participant ~~infant~~ has received, or is entitled to receive, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

2. Expenses for items or services that the participant ~~infant~~ has received, or is contractually entitled to receive, from any prepaid health plan, health maintenance organization, or other private insuring entity.

3. Expenses for which the participant ~~infant~~ has received reimbursement, or for which the participant ~~infant~~ is entitled to receive reimbursement, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

4. Expenses for which the participant ~~infant~~ has received


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reimbursement, or for which the participant ~~infant~~ is contractually entitled to receive reimbursement, pursuant to the provisions of any health or sickness insurance policy or other private insurance program.

5. Expenses for family residential or custodial care provided by a family member while:

a. Care and supervision of the participant is simultaneously being provided by another person or entity; or

b. The family member receives compensation from another source for work performed during the same time for which compensation is sought from the association.

(e) ~~(c)~~ Expenses included under paragraphs ~~paragraph~~ (a) and (b) are limited to reasonable charges prevailing in the same community for similar treatment of injured persons when such treatment is paid for by the injured person.

(f)1. A family member ~~The parents or legal guardians~~ receiving benefits under the plan may file a petition with the division ~~of Administrative Hearings~~ to dispute the amount of actual expenses reimbursed or a denial of reimbursement.

2. In the case of an alleged overpayment of an expense reimbursement by the association to a family member, if the family member does not agree that an overpayment has occurred, the association may file a petition for division review of the overpayment for a determination of the amount, if any, to be recouped by the association.

(g)1. ~~(d)1.a.~~ Periodic payments of an award to the family members ~~parents or legal guardians~~ of the participant ~~infant found to have sustained a birth-related neurological injury~~, which award may not exceed $100,000. However, at the discretion

of the administrative law judge, such award may be made in a lump sum. Beginning on January 1, 2021, the award may not exceed $250,000, and each January 1 thereafter, the maximum award authorized under this paragraph shall increase by 3 percent.

~~b. Parents or legal guardians who received an award pursuant to this section before January 1, 2021, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to $250,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~

2.~~a.~~ Death benefit for the participant ~~infant~~ in an amount of $50,000.

~~b. Parents or legal guardians who received an award pursuant to this section, and whose child died since the inception of the program, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to $50,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~

(h)~~(c)~~ Reasonable expenses incurred in connection with the filing of a claim under ss. 766.301-766.316, including reasonable attorney ~~attorney's~~ fees, which shall be subject to the approval and award of the administrative law judge. In determining an award for attorney ~~attorney's~~ fees, the administrative law judge shall consider the following factors:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform

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the legal services properly.

2. The fee customarily charged in the locality for similar legal services.

3. The time limitations imposed by the claimant or the circumstances.

4. The nature and length of the professional relationship with the claimant.

5. The experience, reputation, and ability of the lawyer or lawyers performing services.

6. The contingency or certainty of a fee.

If there is ~~Should there be~~ a final determination of compensability, and the claimants accept an award under this section, the claimants are not liable for any expenses, including attorney fees, incurred in connection with the filing of a claim under ss. 766.301-766.316 other than those expenses awarded under this section.

(2) The award shall require the immediate payment of expenses previously incurred and shall require that future expenses be paid as incurred.

(3) A family member must continuously maintain a health insurance policy or health maintenance contract that provides comprehensive major medical health insurance coverage for the participant.

(a) If the participant does not have such coverage at the time of entry of a final order by an administrative law judge approving a claim for compensation, the family member must obtain coverage within 60 days after entry of such order or apply for Medicaid coverage within 30 days after entry of such

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order.

(b) If the participant is determined to be ineligible for Medicaid, the family member must obtain other coverage within 60 days after receiving the Medicaid application denial.

(c) A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

(4)~~(3)~~ A copy of the award shall be sent immediately by registered or certified mail to each person served with a copy of the petition under s. 766.305(2).

Section 7. Section 766.314, Florida Statutes, is amended to read:

766.314 Assessments; plan of operation.—

(1) The assessments established under ~~pursuant to~~ this section shall be used to finance the Florida Birth-Related Neurological Injury Compensation Plan.

(2) The assessments and appropriations dedicated to the plan shall be administered by the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315, in accordance with the following requirements:

(a) ~~On or before July 1, 1988,~~ The directors of the association shall submit to the office ~~Department of Insurance~~ for review and approval a plan of operation and any amendment thereto which shall provide for the efficient administration of the plan and for prompt processing of claims against and awards made on behalf of the plan.

(b) The plan of operation must ~~shall~~ include provision for:

1. Establishment of necessary facilities;

2. Management of the funds collected on behalf of the plan;


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3. Processing of claims against the plan;

4. Assessment of the persons and entities listed in subsections (4) and (5) to pay awards and expenses, which assessments shall be on an actuarially sound basis subject to the limits set forth in subsections (4) and (5);

5. A fraud and overpayment prevention and detection program; and

6.~~5.~~ Any other matters necessary for the efficient operation of the Florida Birth-Related Neurological Injury Compensation Plan.

~~(b) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the office of Insurance Regulation of the Financial Services Commission.~~

(3) All assessments shall be deposited with the ~~Florida Birth-Related Neurological Injury Compensation~~ association. The funds collected by the association and any income therefrom shall be disbursed only for the payment of awards under ss. 766.301-766.316 and for the payment of the reasonable expenses of administering the plan.

(4) The following persons and entities shall pay into the association assessments as follows ~~an initial assessment in accordance with the plan of operation~~:

(a)1. ~~On or before October 1, 1988,~~ Each hospital licensed under chapter 395 shall pay an ~~initial~~ assessment of $50 per infant delivered in that ~~the~~ hospital ~~during the prior calendar year~~, as reported to the Agency for Health Care Administration; provided, however, that a hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay ~~the~~

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~~initial assessment or~~ any assessment required by this subsection or subsection (5). The term "infant delivered" includes live births and not stillbirths, but the term does not include infants delivered by employees or agents of the board of trustees of a state university, those born in a teaching hospital as defined in s. 408.07, or those born in a teaching hospital as defined in s. 395.806 that have been deemed by the association as being exempt from assessments since fiscal year 1997 to fiscal year 2001. The ~~initial~~ assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Agency for Health Care Administration) or born to a patient for whom the hospital receives Medicaid reimbursement, if the sum of the annual charges for charity patients plus the annual Medicaid contractuals of the hospital exceeds 10 percent of the total annual gross operating revenues of the hospital. The hospital is responsible for documenting, to the satisfaction of the association, the exclusion of any birth from the computation of the assessment. Upon demonstration of financial need by a hospital, the association may provide for installment payments of assessments.

2. Assessments are due, and hospitals shall pay all assessments required under this section, by December 31 of the calendar year immediately subsequent to the birth year.

(b)1.a. ~~On or before October 15, 1988,~~ All physicians licensed pursuant to chapter 458 or chapter 459 ~~as of October 1, 1988~~, other than participating physicians, shall be assessed an annual ~~initial~~ assessment of $250.~~,~~

b. Payment for all assessments required under this

paragraph is due on or before December 31 of each year ~~which must be paid no later than December 1, 1988~~.

~~2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of $250 upon licensure.~~

~~3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).~~

2.~~4.~~ However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Health. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the

United States and who meets the requirements of s. 456.024.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

(c)1. ~~On or before December 1, 1988,~~ Each physician licensed pursuant to chapter 458 or chapter 459 who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an annual ~~initial~~ assessment of $5,000 and any assessment required under paragraph (5)(a), if assessed. However, if the physician is either a resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule, and is supervised in accordance with program requirements established by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association by a physician who is participating in the plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment. Participating physicians also include any employee of the board of trustees of a state university who has paid the assessment required by this paragraph and, if assessed, paragraph (5)(a), and any certified nurse midwife supervised by such employee. Participating physicians include any certified nurse midwife who has paid 50 percent of the physician assessment required by this paragraph and, if assessed, paragraph (5)(a) and who is

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supervised by a participating physician who has paid the assessment required by this paragraph and, if assessed, paragraph (5)(a). Supervision for nurse midwives shall require that the supervising physician will be easily available and have a prearranged plan of treatment for specified patient problems which the supervised certified nurse midwife may carry out in the absence of any complicating features. ~~Any physician who elects to participate in such plan on or after January 1, 1989, who was not a participating physician at the time of such election to participate and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an additional initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).~~

2. Payment of assessments required by this paragraph is due on or before December 31 of each year for qualification as a participating physician during the next calendar year. If payment of the assessments is received by the association on or before January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.

(d) Any hospital located in a county with a population in excess of 1.1 million as of January 1, 2003, as determined by the Agency for Health Care Administration under the Health Care Responsibility Act, may elect to pay the assessments required by paragraph (c) ~~fee~~ for the participating physician and the

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certified nurse midwife if the hospital first determines that the primary motivating purpose for making such payment is to ensure coverage for the hospital's patients under the provisions of ss. 766.301-766.316; however, no hospital may restrict any participating physician or nurse midwife, directly or indirectly, from being on the staff of hospitals other than the staff of the hospital making the payment. ~~Each hospital shall file with the association an affidavit setting forth specifically the reasons why the hospital elected to make the payment on behalf of each participating physician and certified nurse midwife. The payments authorized under this paragraph shall be in addition to the assessment set forth in paragraph (5)(a).~~

(5)(a) ~~Beginning January 1, 1990,~~ The persons and entities listed in paragraphs (4)(b) and (c), except those persons or entities who are specifically excluded from such ~~said~~ provisions, as of the date determined in accordance with the plan of operation, taking into account persons licensed subsequent to the payment of the ~~initial~~ assessment, shall pay an annual assessment in the amount equal to the ~~initial~~ assessments provided in paragraphs (4)(b) and (c). ~~If payment of the annual assessment by a physician is received by the association by January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31 of any calendar year, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.~~ On January 1, 1991, and on each January 1 thereafter, the association shall


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determine the amount of additional assessments necessary pursuant to subsection (7), in the manner required by the plan of operation, subject to any increase determined to be necessary by the office ~~of Insurance Regulation~~ pursuant to paragraph (7)(b). On July 1, 1991, and on each July 1 thereafter, the persons and entities listed in paragraphs (4)(b) and (c), except those persons or entities who are specifically excluded from such ~~said~~ provisions, shall pay the additional assessments which were determined on January 1. ~~Beginning January 1, 1990, the entities listed in paragraph (4)(a), including those licensed on or after October 1, 1988, shall pay an annual assessment of $50 per infant delivered during the prior calendar year. The additional assessments which were determined on January 1, 1991, pursuant to the provisions of subsection (7) shall not be due and payable by the entities listed in paragraph (4)(a) until July 1.~~

(b) If the assessments collected pursuant to subsection (4) and the appropriation of funds provided by s. 76, chapter 88-1, Laws of Florida, as amended by s. 41, chapter 88-277, Laws of Florida, to the plan from the Insurance Regulatory Trust Fund are insufficient to maintain the plan on an actuarially sound basis, there is hereby appropriated for transfer to the association from the Insurance Regulatory Trust Fund an additional amount of up to $20 million.

(c)1. Taking into account the assessments collected pursuant to subsection (4) and appropriations from the Insurance Regulatory Trust Fund, if required to maintain the plan on an actuarially sound basis, the office ~~of Insurance Regulation~~ shall require each entity licensed to issue casualty insurance

as defined in s. 624.605(1)(b), (k), and (q) to pay into the association an annual assessment in an amount determined by the office pursuant to paragraph (7)(a), in the manner required by the plan of operation.

2. All annual assessments shall be made on the basis of net direct premiums written for the business activity that ~~which~~ forms the basis for each such entity's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the office ~~of Insurance Regulation~~, and ~~shall be in the proportion that the net direct premiums written by each carrier on account of the business activity forming the basis for its inclusion in the plan~~ bears to the aggregate net direct premiums for all such business activity written in this state by all such entities.

3. No entity listed in this paragraph shall be individually liable for an annual assessment in excess of 0.25 percent of that entity's net direct premiums written.

4. Casualty insurance carriers shall be entitled to recover their initial and annual assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.

(6)(a) The association shall make all assessments required by this section, except initial assessments of physicians newly licensed by the Department of Health, which assessments will be made by the Department of Health, and except assessments of casualty insurers pursuant to subparagraph (5)(c)1., which assessments will be made by the office ~~of Insurance Regulation~~. The Department of Health shall provide the association, in an electronic format, with a monthly report of the names and

license numbers of all physicians licensed under chapter 458 or chapter 459.

(b)1. The association may enforce collection of assessments required to be paid pursuant to ss. 766.301-766.316 by suit filed in county court, or in circuit court if the amount due could exceed the jurisdictional limits of county court. The association is entitled to an award of attorney fees, costs, and interest upon the entry of a judgment against a physician for failure to pay such assessment, with such interest accruing until paid. Notwithstanding chapters 47 and 48, the association may file such suit in either Leon County or the county of the residence of the defendant. The association shall notify the Department of Health and the applicable board of any unpaid final judgment against a physician within 7 days after the entry of final judgment.

2. The Department of Health, upon notification by the association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, shall refuse to renew any license issued to such physician under chapter 458 or chapter 459 until the association notifies the Department of Health that the judgment is satisfied in full.

(c) The Agency for Health Care Administration shall, upon notification by the association that an assessment has not been timely paid, enforce collection of such assessments required to be paid by hospitals pursuant to ss. 766.301-766.316. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.1065 notwithstanding any law to the contrary.

(7)(a) The office ~~of Insurance Regulation~~ shall undertake


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an actuarial investigation of the requirements of the plan based on the plan's experience in the first year of operation and any additional relevant information, including without limitation the assets and liabilities of the plan. Pursuant to such investigation, the office ~~of Insurance Regulation~~ shall establish the rate of contribution of the entities listed in paragraph (5)(c) for the tax year beginning January 1, 1990. Following the initial valuation, the office ~~of Insurance Regulation~~ shall cause an actuarial valuation to be made of the assets and liabilities of the plan no less frequently than biennially. Pursuant to the results of such valuations, the office ~~of Insurance Regulation~~ shall prepare a statement as to the contribution rate applicable to the entities listed in paragraph (5)(c). However, at no time shall the rate be greater than 0.25 percent of net direct premiums written.

(b) If the office ~~of Insurance Regulation~~ finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations listed in subsections (4) and (5), the office shall increase the assessments specified in subsection (4) on a proportional basis as needed.

(8) The association shall report to the Legislature its determination as to the annual cost of maintaining the fund on an actuarially sound basis. In making its determination, the association shall consider the recommendations of all hospitals, physicians, casualty insurers, attorneys, consumers, and any associations representing any such person or entity. Notwithstanding the provisions of s. 395.3025, all hospitals, casualty insurers, departments, boards, commissions, and legislative committees shall provide the association with all

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relevant records and information upon request to assist the association in making its determination. All hospitals shall, upon request by the association, provide the association with information from their records regarding any live birth. Such information may ~~shall~~ not include the name of any physician, the name of any hospital employee or agent, the name of the patient, or any other information which will identify the infant involved in the birth. Such information thereby obtained must ~~shall~~ be utilized solely for the purpose of assisting the association and may ~~shall~~ not subject the hospital to any civil or criminal liability for the release thereof. Such information shall otherwise be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(9)(a) Within 60 days after a claim is filed, the association shall estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant's attorney, the attorney ~~attorney's~~ fees of the association incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the association in connection with the adjudication and payment of the claim. For purposes of this estimate, the association should include the maximum benefits for noneconomic damages.

(b) The association shall revise these estimates quarterly based upon the actual costs incurred and any additional information that becomes available to the association since the last review of this estimate. The estimate shall be reduced by any amounts paid by the association that were included in the current estimate. The association shall submit revised quarterly claim estimates to the office within 15 business days after the

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end of each quarter.

(c)1. If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsection (4) and paragraph (5)(a), the association may not accept any new claims without express authority from the Legislature. This section does not preclude the association from accepting any claim if the injury occurred 18 months or more before the effective date of this suspension. Within 30 days after the effective date of this suspension, the association shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~the President of the Senate,~~ the office ~~of Insurance Regulation~~, the Agency for Health Care Administration, and the Department of Health of this suspension.

2. Notwithstanding this paragraph, the association is authorized to accept new claims during the 2026-2027 ~~2025-2026~~ fiscal year even if the total of all current estimates exceeds the limits described in subparagraph 1. during that fiscal year; however, if the total of all current estimates exceeds such limits, the association must notify the Governor, the President of the Senate, the Speaker of the House of Representatives, the office, the Agency for Health Care Administration, and the Department of Health within 5 days after it makes such determination. This subparagraph expires July 1, 2027 ~~2026~~.

(d) If any person is precluded from asserting a claim against the association because of paragraph (c), the plan shall not constitute the exclusive remedy for such person, his or her personal representative, parents, dependents, or next of kin.

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Section 8. Present subsections (5) through (8) of section 766.315, Florida Statutes, are redesignated as subsections (6) through (9), respectively, a new subsection (5) is added to that section, and subsection (1), paragraph (e) of present subsection (5), and present subsections (7) and (8) of that section are amended, to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors; notice of meetings; report.—

(1)(a) The Florida Birth-Related Neurological Injury Compensation Plan shall be governed by a board of seven directors which shall be known as the Florida Birth-Related Neurological Injury Compensation Association. The association is not a state agency, board, or commission. Notwithstanding the provision of s. 15.03, the association is authorized to use the state seal.

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified; however, a director may not serve for more than 6 consecutive years.

(c) The directors shall be appointed by the Chief Financial Officer as follows:

1. One citizen representative who is not affiliated with any of the groups identified in subparagraphs 2.-7.

2. One representative of participating physicians.

3. One representative of hospitals.

4. One representative of casualty insurers.

5. One representative of physicians other than participating physicians.

6. One family member of a participant ~~parent or legal guardian representative of an injured infant under the plan~~.

7. One representative of an advocacy organization for children with disabilities.

(5) Notwithstanding this section, the board of directors may not create new benefits or expand existing benefits that result in additional costs to the plan if the plan is operating at an annual cash flow deficit, as documented in the plan's audited financial statements for the prior fiscal year. This subsection does not prohibit the plan from providing benefits set forth in s. 766.31.

(6) ~~(5)~~

(e) Annually, the association shall furnish audited financial reports to any plan participant upon request, to the office ~~of Insurance Regulation of the Financial Services Commission~~, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with generally accepted auditing standards ~~accounting procedures~~ and must include such information as may be required by the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee. At any time determined to be necessary, the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee may conduct an audit of the plan.

(8) ~~(7)~~ The association shall publish a report on its website by January 1 of each year. The report must ~~shall~~ include all of the following:

(a) The names and terms of each board member and executive staff member.

(b) The amount of compensation paid to each association

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employee or independent contractor.

(c) A summary of reimbursement disputes and resolutions.

(d) A list of expenditures for attorney fees and lobbying fees.

(e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

(9)~~(8)~~ By November 1 of each year, the association shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer. The report must include all of the following:

(a) The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.

(b) The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

(c) The average turnaround time for paying or denying compensation for expenses.

(d) Legislative recommendations to improve the program, including to create new benefits or expand current benefits for participants. Recommendations creating new benefits or expanding current benefits must include estimates of the costs to the plan for providing such benefits on an annual basis.

(e) A summary of any pending or resolved litigation during the year which affects the plan.

(f) The amount of compensation paid to each association employee, independent contractor, or member of the board of

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directors.

Section 9. 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 the Florida Birth-Related Neurological Injury Compensation Association; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to recover from the Florida Birth-Related Neurological Injury Compensation Association specified costs incurred by Medicaid; reordering and amending s. 766.302, F.S.; defining terms; revising definitions; amending s. 766.303, F.S.; revising the exclusiveness of rights and remedies of the Florida Birth-Related Neurological Injury Compensation Plan; making technical and conforming changes; amending s. 766.305, F.S.; making technical and conforming changes; amending s. 766.309, F.S.; conforming a cross-reference; amending s. 766.31, F.S.; revising the expenses covered by an award for compensation under the plan; revising services eligible for compensation under certain annual benefits under the plan; providing an additional benefit for psychotherapeutic services for family members upon the death of a participant; revising eligibility criteria for transportation and housing assistance benefits

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under the plan; providing coverage of certain legal costs under the plan; requiring the plan to reimburse certain claims and payments for plan participants also enrolled in the state Medicaid program; requiring that such funds be credited to the agency's Medical Care Trust Fund; requiring the plan to reimburse certain participants by a specified date; prohibiting compensation under the plan for family residential or custodial care under certain circumstances; authorizing the association to file a petition with the Division of Administrative Hearings if there is a dispute regarding overpayment of an expense reimbursement under the plan; deleting obsolete language; requiring family members of plan participants to continuously maintain certain health insurance coverage for the participant; requiring family members of plan participants to obtain such coverage or apply for Medicaid coverage within a specified timeframe after entry of a final order for an award for compensation under the plan; requiring family members of current plan participants to obtain the requisite health insurance coverage by a specified date; amending s. 766.314, F.S.; requiring the directors of the association to submit a plan of operation, and any amendments thereto, to the Office of Insurance Regulation for approval; revising requirements for such plan; revising the schedule of assessments participating hospitals and physicians are required to pay to the association; deleting obsolete

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language; making technical and conforming changes; requiring the association to submit revised quarterly claim estimates to the office within a specified timeframe; extending the timeframe in which the association is authorized to accept new claims notwithstanding certain other provisions; requiring the association to notify the Governor, the Legislature, the office, the agency, and the Department of Health within a specified timeframe if certain plan estimates exceed specified limits; postponing the future repeal of a specified provision; amending s. 766.315, F.S.; revising membership of the association's board of directors; prohibiting the board of directors from creating new benefits or expanding existing benefits under the plan under certain circumstances; providing construction; revising requirements for certain reports of the association; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2026	.	
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The Committee on Rules (Martin) recommended the following:

Senate Amendment to Amendment (799824) (with title amendment)

Delete lines 548 - 557
and insert:
2. An administrator may qualify for the protection in s. 766.303(2) in the same manner as a participating physician provided that the administrator electing to participate in the plan contributes an annual assessment equivalent to the amount provided in s. 766.314(4)(c)1.
3. Payment of the annual assessment required by this

449888

paragraph is due on or before December 31 of each year for qualification as a participating physician or administrator during the next calendar year. If payment of the assessment is received by the association on or before January 31 of any calendar year, the physician or administrator shall qualify as a participating physician or administrator for that entire calendar year. If the payment is received after January 31, the physician or administrator shall qualify as a participating physician or administrator for that calendar year only from the date the payment was received by the association.

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

And the title is amended as follows:

Delete lines 908 - 909

and insert:

requirements for such plan; providing that administrators may qualify for certain protections under the plan in the same manner as participating physicians if the administrator contributes a specified assessment; revising the schedule of assessments participating hospitals, physicians, and administrators are

438358

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
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	.	

The Committee on Rules (Martin) recommended the following:

Senate Amendment to Amendment (799824)

Delete line 142

and insert:

directly involved with the labor, delivery, or immediate

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Burton

601-03238-26 20261668c1

A bill to be entitled

An act relating to the Florida Birth-Related Neurological Injury Compensation Association; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to recover from the Florida Birth-Related Neurological Injury Compensation Association specified costs incurred by Medicaid; reordering and amending s. 766.302, F.S.; defining the terms "office" and "participant"; revising definitions; amending s. 766.303, F.S.; revising the exclusiveness of rights and remedies of the Florida Birth-Related Neurological Injury Compensation Plan; making technical and conforming changes; amending s. 766.305, F.S.; making technical and conforming changes; amending s. 766.309, F.S.; conforming a cross-reference; amending s. 766.31, F.S.; revising the expenses covered by an award for compensation under the plan; revising services eligible for compensation under certain annual benefits under the plan; providing an additional benefit for psychotherapeutic services for family members upon the death of a participant; revising eligibility criteria for transportation and housing assistance benefits under the plan; providing coverage of certain legal costs under the plan; requiring the plan to reimburse certain claims and payments for plan participants also enrolled in the state Medicaid program; requiring that such funds be credited to the agency's Medical Care Trust Fund; requiring the plan to reimburse certain participants

601-03238-26 20261668c1

by a specified date; prohibiting compensation under the plan for family residential or custodial care under certain circumstances; authorizing the association to file a petition with the Division of Administrative Hearings if there is a dispute regarding overpayment of an expense reimbursement under the plan; deleting obsolete language; requiring family members of plan participants to continuously maintain certain health insurance coverage for the participant; requiring family members of plan participants to obtain such coverage or apply for Medicaid coverage within a specified timeframe after entry of a final order for an award for compensation under the plan; requiring family members of current plan participants to obtain the requisite health insurance coverage by a specified date; amending s. 766.314, F.S.; requiring the directors of the association to submit a plan of operation, and any amendments thereto, to the Office of Insurance Regulation for approval; revising requirements for such plan; revising the schedule of assessments participating hospitals and physicians are required to pay to the association; deleting obsolete language; making technical and conforming changes; requiring the association to submit revised quarterly claim estimates to the office within a specified timeframe; extending the timeframe in which the association is authorized to accept new claims notwithstanding certain other provisions; requiring the association to

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

notify the Governor, the Legislature, the office, the agency, and the Department of Health within a specified timeframe if certain plan estimates exceed specified limits; postponing the future repeal of a specified provision; amending s. 766.315, F.S.; revising membership of the association's board of directors; prohibiting the board of directors from creating new benefits or expanding existing benefits under the plan under certain circumstances; revising requirements for certain reports of the association; providing an effective date.

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

Section 1. Paragraph (a) of subsection (7) of section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(7) The agency shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;

2. The recipient or legal representative, if he or she has received third-party benefits;

3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary,

however, no provider shall be required to refund or pay to the agency any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; ~~or~~

4. Any person who has received the third-party benefits; or

5. The Florida Birth-Related Neurological Injury Compensation Association for plan participant costs incurred under s. 766.31.

The provisions of this subsection do not apply to any proceeds received by the state, or any agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserts claims brought on its own behalf, and not as a subrogee of a recipient, or under other theories of liability. The provisions of this subsection do not apply to any proceeds received by the state, or an agency thereof, pursuant to a final order, judgment, or settlement agreement, in any matter in which the state asserted both claims as a subrogee and additional claims, except as to those sums specifically identified in the final order, judgment, or settlement agreement as reimbursements to the recipient as expenditures for the named recipient on the subrogation claim.

Section 2. Section 766.302, Florida Statutes, is reordered and amended to read:

766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:

(1) ~~(4)~~ "Administrative law judge" means an administrative law judge appointed by the division.

(2) ~~(1)~~ "Association" means the Florida Birth-Related

Neurological Injury Compensation Association established in s. 766.315 to administer the Florida Birth-Related Neurological Injury Compensation Plan and the plan of operation established in s. 766.314.

(3) ~~(2)~~ "Birth-related neurological injury" means injury to the brain or spinal cord of a live infant weighing at least 2,500 grams for a single gestation or, in the case of a multiple gestation, a live infant weighing at least 2,000 grams at birth caused by oxygen deprivation or mechanical injury occurring in the course of labor, delivery, or resuscitation in the immediate postdelivery period in a hospital, which renders the infant permanently and substantially mentally and physically impaired. This definition shall apply to live births only and does ~~shall~~ not include disability or death caused by genetic or congenital abnormality.

(4) ~~(3)~~ "Claimant" means any person who files a claim pursuant to s. 766.305 ~~for compensation~~ for a birth-related neurological injury to an infant. Such a claim may be filed by any legal representative on behalf of an injured infant; and, in the case of a deceased infant, the claim may be filed by an administrator, personal representative, or other legal representative thereof.

(5) "Division" means the Division of Administrative Hearings of the Department of Management Services.

(6) ~~(9)~~ "Family member" means a father, mother, or legal guardian.

(7) ~~(10)~~ "Family residential or custodial care" means care normally rendered by trained professional attendants which is beyond the scope of child care duties, but which is provided by

family members. Family members who provide nonprofessional residential or custodial care may not be compensated under this act for care that falls within the scope of child care duties and other services normally and gratuitously provided by family members. Family residential or custodial care shall be performed only at the direction and control of a physician when such care is medically necessary. Reasonable charges for expenses for family residential or custodial care provided by a family member shall be determined as follows:

(a) If the family member is not employed, the per-hour value equals the federal minimum hourly wage.

(b) If the family member is employed and elects to leave that employment to provide such care, the per-hour value of that care shall equal the rates established by Medicaid for private duty services provided by a home health aide. A family member or a combination of family members providing care in accordance with this definition may not be compensated for more than a total of 10 hours per day. Family care is in lieu of professional residential or custodial care, and no professional residential or custodial care may be awarded for the period of time during the day that family care is being provided.

(8) ~~(6)~~ "Hospital" means any hospital licensed in Florida.

(9) "Office" means the Office of Insurance Regulation.

(10) "Participant" means the person who suffered a birth-related neurological injury as an infant and who accepted compensation under the plan by final order entered by an administrative law judge pursuant to s. 766.309.

(11) ~~(7)~~ "Participating physician" means a physician licensed in Florida to practice medicine who practices

obstetrics or performs obstetrical services either full time or part time and who had paid or was exempted from payment at the time of the injury the assessment required for participation in the birth-related neurological injury compensation plan for the year in which the injury occurred. Such term does ~~shall~~ not apply to any physician who practices medicine as an officer, employee, or agent of the Federal Government.

(12)~~(8)~~ "Plan" means the Florida Birth-Related Neurological Injury Compensation Plan established under s. 766.303.

Section 3. Section 766.303, Florida Statutes, is amended to read:

766.303 Florida Birth-Related Neurological Injury Compensation Plan; exclusiveness of remedy.—

(1) There is established the Florida Birth-Related Neurological Injury Compensation Plan for the purpose of providing compensation, irrespective of fault, for birth-related neurological injuries ~~injury claims~~. Such plan shall apply to births occurring on or after January 1, 1989, and shall be administered by the Florida Birth-Related Neurological Injury Compensation Association.

(2) The rights and remedies granted by this plan on account of a birth-related neurological injury shall exclude all other rights and remedies of such infant, her or his personal representative, family members ~~parents~~, dependents, and next of kin, at common law or otherwise, against any person or entity ~~directly~~ involved with the labor, delivery, or immediate postdelivery resuscitation during which such injury occurs, arising out of or related to a medical negligence claim with respect to such injury; except that a civil action may ~~shall~~ not

be foreclosed where there is clear and convincing evidence of bad faith or malicious purpose or willful and wanton disregard of human rights, safety, or property, provided that such suit is filed prior to and in lieu of payment of an award under ss. 766.301-766.316. Such suit shall be filed before the award of the division becomes conclusive and binding as provided for in s. 766.311.

(3) Sovereign immunity is hereby waived on behalf of the Florida Birth-Related Neurological Injury Compensation Association solely to the extent necessary to assure payment of compensation as provided in s. 766.31.

(4) The association shall administer the plan in a manner that promotes and protects the health and best interests of participants ~~children~~ with birth-related neurological injuries.

Section 4. Subsections (1) and (3) of section 766.305, Florida Statutes, are amended to read:

766.305 Filing of claims and responses; medical disciplinary review.—

(1) All claims filed ~~for compensation~~ under the plan must ~~shall~~ commence by the claimant filing with the division a petition that includes all of ~~seeking compensation. Such petition shall include~~ the following information:

(a) The name and address of the legal representative and the basis for her or his representation of the injured infant.

(b) The name and address of the injured infant.

(c) The name and address of any physician providing obstetrical services who was present at the birth and the name and address of the hospital at which the birth occurred.

(d) A description of the disability for which the claim is

made.

(e) The time and place the injury occurred.

(f) A brief statement of the facts and circumstances surrounding the injury and giving rise to the claim.

(3) The claimant shall furnish to the ~~Florida Birth-Related Neurological Injury Compensation~~ association the following information, which must be filed with the association within 10 days after the filing of the petition as set forth in subsection (1):

(a) All available relevant medical records relating to the birth-related neurological injury and a list identifying any unavailable records known to the claimant and the reasons for the records' unavailability.

(b) Appropriate assessments, evaluations, and prognoses and such other records and documents as are reasonably necessary for the determination of the amount of compensation to be paid to, or on behalf of, the injured infant on account of the birth-related neurological injury.

(c) Documentation of expenses and services incurred to date which identifies any payment made for such expenses and services and the payor.

(d) Documentation of any applicable private or governmental source of services or reimbursement relative to the impairments.

The information required by paragraphs (a)-(d) shall remain confidential and exempt under the provisions of s. 766.315(6)(b) ~~s. 766.315(5)(b)~~.

Section 5. Paragraph (a) of subsection (1) of section 766.309, Florida Statutes, is amended to read:

766.309 Determination of claims; presumption; findings of administrative law judge binding on participants.—

(1) The administrative law judge shall make the following determinations based upon all available evidence:

(a) Whether the injury claimed is a birth-related neurological injury. If the claimant has demonstrated, to the satisfaction of the administrative law judge, that the infant has sustained a brain or spinal cord injury caused by oxygen deprivation or mechanical injury and that the infant was thereby rendered permanently and substantially mentally and physically impaired, a rebuttable presumption shall arise that the injury is a birth-related neurological injury as defined in s. 766.302 ~~s. 766.302(2)~~.

Section 6. Section 766.31, Florida Statutes, is amended to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(a) Actual expenses incurred since the date of birth for medically necessary and reasonable:

1. Medical and hospital care and services; ~~,~~

2. Habilitative services; ~~and training,~~

3. Dental services;

4. Family residential or custodial care; ~~,~~

5. Professional residential care; ~~, and~~

6. Professional custodial care; ~~and service,~~

7. ~~for medically necessary~~ Drugs;~~,~~

8. Special equipment;~~, and facilities,~~ and

9. ~~for~~ Related travel.

(b) At a minimum, compensation must be provided for the following actual expenses:

1. Psychotherapeutic services for ~~A total annual benefit of up to $10,000 for immediate~~ family members and other relatives who have resided ~~reside~~ with the participant, which are ~~infant for psychotherapeutic services~~ obtained from a psychiatrist licensed under chapter 458 or chapter 459, a provider ~~providers~~ licensed under chapter 490 or chapter 491, or a psychiatrist or provider who has equivalent licensure by another jurisdiction. This benefit for such family members and relatives shall be up to a total of $10,000 annually during the participant's lifetime and up to a total of $20,000 subsequent to the participant's death.

2. For the life of the participant ~~child~~, providing family members ~~parents or legal guardians~~ with a reliable method of transporting ~~transportation for the care of~~ the participant and ~~child or reimbursing the cost of upgrading an existing vehicle to accommodate~~ the participant's wheelchair and medically necessary equipment ~~child's needs when it becomes medically necessary for wheelchair transportation. The mode of transportation must take into account the special accommodations required for the specific child~~. The plan may not limit such transportation assistance based on the participant's ~~child's~~ age or weight. The plan must replace any vehicle ~~vans~~ purchased by the plan every 7 years or 150,000 miles, whichever comes first.

3. Housing assistance of up to $100,000 for the life of the participant ~~child~~, including, but not limited to, a down payment on a new home, moving expenses, and home construction and modification costs.

4. Legal costs associated with establishing and maintaining guardianship for a participant.

(c)1. The costs of a health insurance policy or contract that provides major medical or similar comprehensive health coverage for the participant obtained pursuant to subsection (3), including, but not limited to, the premium and out-of-pocket costs. For participants enrolled in the state Medicaid program, the plan must reimburse fee-for-service paid claims and capitation payments, as applicable, for services provided to such participants pursuant to this section and for the administrative and support costs associated with the provided medical assistance. Such funds shall be credited to the Agency for Health Care Administration's Medical Care Trust Fund.

2. By December 31, 2026, the plan shall reimburse any participant for reasonable, medically necessary care received by the participant on or before June 30, 2026, which was reduced or not paid by the plan because such participant did not have health coverage.

(d)~~(b)~~ However, the following expenses are not subject to compensation:

1. Expenses for items or services that the participant ~~infant~~ has received, or is entitled to receive, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

2. Expenses for items or services that the participant

~~infant~~ has received, or is contractually entitled to receive, from any prepaid health plan, health maintenance organization, or other private insuring entity.

3. Expenses for which the participant ~~infant~~ has received reimbursement, or for which the participant ~~infant~~ is entitled to receive reimbursement, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

4. Expenses for which the participant ~~infant~~ has received reimbursement, or for which the participant ~~infant~~ is contractually entitled to receive reimbursement, pursuant to the provisions of any health or sickness insurance policy or other private insurance program.

5. Expenses for family residential or custodial care provided by a family member while:

a. Care and supervision of the participant is simultaneously being provided by another person or entity; or

b. The family member receives compensation from another source for work performed during the same time for which compensation is sought from the association.

(e)~~(c)~~ Expenses included under paragraphs ~~paragraph~~ (a) and (b) are limited to reasonable charges prevailing in the same community for similar treatment of injured persons when such treatment is paid for by the injured person.

(f)1. A family member ~~The parents or legal guardians~~ receiving benefits under the plan may file a petition with the division ~~of Administrative Hearings~~ to dispute the amount of actual expenses reimbursed or a denial of reimbursement.

2. In the case of an alleged overpayment of an expense

reimbursement by the association to a family member, if the family member does not agree that an overpayment has occurred, the association may file a petition for division review of the overpayment for a determination of the amount, if any, to be recouped by the association.

(g)1.~~(d)1.a.~~ Periodic payments of an award to the family members ~~parents or legal guardians~~ of the participant ~~infant found to have sustained a birth-related neurological injury~~, which award may not exceed $100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum. Beginning on January 1, 2021, the award may not exceed $250,000, and each January 1 thereafter, the maximum award authorized under this paragraph shall increase by 3 percent.

~~b. Parents or legal guardians who received an award pursuant to this section before January 1, 2021, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to $250,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.~~

2.~~a.~~ Death benefit for the participant ~~infant~~ in an amount of $50,000.

~~b. Parents or legal guardians who received an award pursuant to this section, and whose child died since the inception of the program, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to $50,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal~~

~~guardians and must be paid by July 1, 2021.~~

(h) ~~(c)~~ Reasonable expenses incurred in connection with the filing of a claim under ss. 766.301-766.316, including reasonable attorney ~~attorney's~~ fees, which shall be subject to the approval and award of the administrative law judge. In determining an award for attorney ~~attorney's~~ fees, the administrative law judge shall consider the following factors:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly.

2. The fee customarily charged in the locality for similar legal services.

3. The time limitations imposed by the claimant or the circumstances.

4. The nature and length of the professional relationship with the claimant.

5. The experience, reputation, and ability of the lawyer or lawyers performing services.

6. The contingency or certainty of a fee.

If there is ~~Should there be~~ a final determination of compensability, and the claimants accept an award under this section, the claimants are not liable for any expenses, including attorney fees, incurred in connection with the filing of a claim under ss. 766.301-766.316 other than those expenses awarded under this section.

(2) The award shall require the immediate payment of expenses previously incurred and shall require that future expenses be paid as incurred.

(3) A family member must continuously maintain comprehensive major medical health coverage for the participant.

(a) If the participant does not have such coverage at the time of entry of a final order by an administrative law judge approving a claim for compensation, the family member must obtain coverage within 60 days after entry of such order or apply for Medicaid coverage within 30 days after entry of such order.

(b) If the participant is determined to be ineligible for Medicaid, the family member must obtain other coverage within 60 days after receiving the Medicaid application denial.

(c) A family member of an individual who is a participant on June 30, 2026, must obtain the required coverage for the participant by January 1, 2027.

(4) ~~(3)~~ A copy of the award shall be sent immediately by registered or certified mail to each person served with a copy of the petition under s. 766.305(2).

Section 7. Section 766.314, Florida Statutes, is amended to read:

766.314 Assessments; plan of operation.—

(1) The assessments established under ~~pursuant to~~ this section shall be used to finance the Florida Birth-Related Neurological Injury Compensation Plan.

(2) The assessments and appropriations dedicated to the plan shall be administered by the Florida Birth-Related Neurological Injury Compensation Association established in s. 766.315, in accordance with the following requirements:

(a) ~~On or before July 1, 1988,~~ The directors of the association shall submit to the office ~~Department of Insurance~~

for review and approval a plan of operation and any amendment thereto which shall provide for the efficient administration of the plan and for prompt processing of claims against and awards made on behalf of the plan.

(b) The plan of operation must ~~shall~~ include provision for:

1. Establishment of necessary facilities;

2. Management of the funds collected on behalf of the plan;

3. Processing of claims against the plan;

4. Assessment of the persons and entities listed in subsections (4) and (5) to pay awards and expenses, which assessments shall be on an actuarially sound basis subject to the limits set forth in subsections (4) and (5);

5. A fraud and overpayment prevention and detection program; and

6.~~5.~~ Any other matters necessary for the efficient operation of the Florida Birth-Related Neurological Injury Compensation Plan.

~~(b) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the office of Insurance Regulation of the Financial Services Commission.~~

(3) All assessments shall be deposited with the ~~Florida Birth-Related Neurological Injury Compensation~~ association. The funds collected by the association and any income therefrom shall be disbursed only for the payment of awards under ss. 766.301-766.316 and for the payment of the reasonable expenses of administering the plan.

(4) The following persons and entities shall pay into the association assessments as follows ~~an initial assessment in accordance with the plan of operation~~:

(a)1. ~~On or before October 1, 1988,~~ Each hospital licensed under chapter 395 shall pay an ~~initial~~ assessment of $50 per infant delivered in that ~~the~~ hospital ~~during the prior calendar year~~, as reported to the Agency for Health Care Administration; provided, however, that a hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay ~~the initial assessment or~~ any assessment required by this subsection or subsection (5). The term "infant delivered" includes live births and not stillbirths, but the term does not include infants delivered by employees or agents of the board of trustees of a state university, those born in a teaching hospital as defined in s. 408.07, or those born in a teaching hospital as defined in s. 395.806 that have been deemed by the association as being exempt from assessments since fiscal year 1997 to fiscal year 2001. The ~~initial~~ assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Agency for Health Care Administration) or born to a patient for whom the hospital receives Medicaid reimbursement, if the sum of the annual charges for charity patients plus the annual Medicaid contractuals of the hospital exceeds 10 percent of the total annual gross operating revenues of the hospital. The hospital is responsible for documenting, to the satisfaction of the association, the exclusion of any birth from the computation of the assessment. Upon demonstration of financial need by a hospital, the association may provide for installment payments of assessments.

2. Assessments are due, and hospitals shall pay all

assessments required under this section, by December 31 of the calendar year immediately subsequent to the birth year.

(b)1.a. ~~On or before October 15, 1988,~~ All physicians licensed pursuant to chapter 458 or chapter 459 ~~as of October 1, 1988~~, other than participating physicians, shall be assessed an annual ~~initial~~ assessment of $250.~~,~~

b. Payment for all assessments required under this paragraph is due on or before December 31 of each year ~~which must be paid no later than December 1, 1988~~.

~~2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of $250 upon licensure.~~

~~3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).~~

2.~~4.~~ However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Health. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 456.024.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

(c)1. ~~On or before December 1, 1988,~~ Each physician licensed pursuant to chapter 458 or chapter 459 who wishes to participate in the Florida Birth-Related Neurological Injury Compensation Plan and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an annual ~~initial~~ assessment of $5,000 and any assessment required under paragraph (5)(a), if assessed. However, if the physician is either a resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule, and is supervised in accordance with program requirements established by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association by a physician who is participating in the plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment.

Participating physicians also include any employee of the board of trustees of a state university who has paid the assessment required by this paragraph and, if assessed, paragraph (5)(a), and any certified nurse midwife supervised by such employee. Participating physicians include any certified nurse midwife who has paid 50 percent of the physician assessment required by this paragraph and, if assessed, paragraph (5)(a) and who is supervised by a participating physician who has paid the assessment required by this paragraph and, if assessed, paragraph (5)(a). Supervision for nurse midwives shall require that the supervising physician will be easily available and have a prearranged plan of treatment for specified patient problems which the supervised certified nurse midwife may carry out in the absence of any complicating features. ~~Any physician who elects to participate in such plan on or after January 1, 1989, who was not a participating physician at the time of such election to participate and who otherwise qualifies as a participating physician under ss. 766.301-766.316 shall pay an additional initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).~~

2. Payment of assessments required by this paragraph is due on or before December 31 of each year for qualification as a participating physician during the next calendar year. If payment of the assessments is received by the association on or before January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31, the physician shall qualify as a participating physician for that calendar

year only from the date the payment was received by the association.

(d) Any hospital located in a county with a population in excess of 1.1 million as of January 1, 2003, as determined by the Agency for Health Care Administration under the Health Care Responsibility Act, may elect to pay the assessments required by paragraph (c) ~~fee~~ for the participating physician and the certified nurse midwife if the hospital first determines that the primary motivating purpose for making such payment is to ensure coverage for the hospital's patients under the provisions of ss. 766.301-766.316; however, no hospital may restrict any participating physician or nurse midwife, directly or indirectly, from being on the staff of hospitals other than the staff of the hospital making the payment. ~~Each hospital shall file with the association an affidavit setting forth specifically the reasons why the hospital elected to make the payment on behalf of each participating physician and certified nurse midwife. The payments authorized under this paragraph shall be in addition to the assessment set forth in paragraph (5)(a).~~

(5)(a) ~~Beginning January 1, 1990,~~ The persons and entities listed in paragraphs (4)(b) and (c), except those persons or entities who are specifically excluded from such ~~said~~ provisions, as of the date determined in accordance with the plan of operation, taking into account persons licensed subsequent to the payment of the ~~initial~~ assessment, shall pay an annual assessment in the amount equal to the ~~initial~~ assessments provided in paragraphs (4)(b) and (c). ~~If payment of the annual assessment by a physician is received by the~~

~~association by January 31 of any calendar year, the physician shall qualify as a participating physician for that entire calendar year. If the payment is received after January 31 of any calendar year, the physician shall qualify as a participating physician for that calendar year only from the date the payment was received by the association.~~ On January 1, 1991, and on each January 1 thereafter, the association shall determine the amount of additional assessments necessary pursuant to subsection (7), in the manner required by the plan of operation, subject to any increase determined to be necessary by the office ~~of Insurance Regulation~~ pursuant to paragraph (7)(b). On July 1, 1991, and on each July 1 thereafter, the persons and entities listed in paragraphs (4)(b) and (c), except those persons or entities who are specifically excluded from <u>such</u> ~~said~~ provisions, shall pay the additional assessments which were determined on January 1. ~~Beginning January 1, 1990, the entities listed in paragraph (4)(a), including those licensed on or after October 1, 1988, shall pay an annual assessment of $50 per infant delivered during the prior calendar year. The additional assessments which were determined on January 1, 1991, pursuant to the provisions of subsection (7) shall not be due and payable by the entities listed in paragraph (4)(a) until July 1.~~

(b) If the assessments collected pursuant to subsection (4) and the appropriation of funds provided by s. 76, chapter 88-1, Laws of Florida, as amended by s. 41, chapter 88-277, Laws of Florida, to the plan from the Insurance Regulatory Trust Fund are insufficient to maintain the plan on an actuarially sound basis, there is hereby appropriated for transfer to the

association from the Insurance Regulatory Trust Fund an additional amount of up to $20 million.

(c)1. Taking into account the assessments collected pursuant to subsection (4) and appropriations from the Insurance Regulatory Trust Fund, if required to maintain the plan on an actuarially sound basis, the office ~~of Insurance Regulation~~ shall require each entity licensed to issue casualty insurance as defined in s. 624.605(1)(b), (k), and (q) to pay into the association an annual assessment in an amount determined by the office pursuant to paragraph (7)(a), in the manner required by the plan of operation.

2. All annual assessments shall be made on the basis of net direct premiums written for the business activity <u>that</u> ~~which~~ forms the basis for each such entity's inclusion as a funding source for the plan in the state during the prior year ending December 31, as reported to the office ~~of Insurance Regulation~~, and ~~shall be in the proportion that the net direct premiums written by each carrier on account of the business activity forming the basis for its inclusion in the plan~~ bears to the aggregate net direct premiums for all such business activity written in this state by all such entities.

3. No entity listed in this paragraph shall be individually liable for an annual assessment in excess of 0.25 percent of that entity's net direct premiums written.

4. Casualty insurance carriers shall be entitled to recover their initial and annual assessments through a surcharge on future policies, a rate increase applicable prospectively, or a combination of the two.

(6)(a) The association shall make all assessments required

by this section, except initial assessments of physicians newly licensed by the Department of Health, which assessments will be made by the Department of Health, and except assessments of casualty insurers pursuant to subparagraph (5)(c)1., which assessments will be made by the office ~~of Insurance Regulation~~. The Department of Health shall provide the association, in an electronic format, with a monthly report of the names and license numbers of all physicians licensed under chapter 458 or chapter 459.

(b)1. The association may enforce collection of assessments required to be paid pursuant to ss. 766.301-766.316 by suit filed in county court, or in circuit court if the amount due could exceed the jurisdictional limits of county court. The association is entitled to an award of attorney fees, costs, and interest upon the entry of a judgment against a physician for failure to pay such assessment, with such interest accruing until paid. Notwithstanding chapters 47 and 48, the association may file such suit in either Leon County or the county of the residence of the defendant. The association shall notify the Department of Health and the applicable board of any unpaid final judgment against a physician within 7 days after the entry of final judgment.

2. The Department of Health, upon notification by the association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, shall refuse to renew any license issued to such physician under chapter 458 or chapter 459 until the association notifies the Department of Health that the judgment is satisfied in full.

(c) The Agency for Health Care Administration shall, upon

notification by the association that an assessment has not been timely paid, enforce collection of such assessments required to be paid by hospitals pursuant to ss. 766.301-766.316. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.1065 notwithstanding any law to the contrary.

(7)(a) The office ~~of Insurance Regulation~~ shall undertake an actuarial investigation of the requirements of the plan based on the plan's experience in the first year of operation and any additional relevant information, including without limitation the assets and liabilities of the plan. Pursuant to such investigation, the office ~~of Insurance Regulation~~ shall establish the rate of contribution of the entities listed in paragraph (5)(c) for the tax year beginning January 1, 1990. Following the initial valuation, the office ~~of Insurance Regulation~~ shall cause an actuarial valuation to be made of the assets and liabilities of the plan no less frequently than biennially. Pursuant to the results of such valuations, the office ~~of Insurance Regulation~~ shall prepare a statement as to the contribution rate applicable to the entities listed in paragraph (5)(c). However, at no time shall the rate be greater than 0.25 percent of net direct premiums written.

(b) If the office ~~of Insurance Regulation~~ finds that the plan cannot be maintained on an actuarially sound basis based on the assessments and appropriations listed in subsections (4) and (5), the office shall increase the assessments specified in subsection (4) on a proportional basis as needed.

(8) The association shall report to the Legislature its determination as to the annual cost of maintaining the fund on

an actuarially sound basis. In making its determination, the association shall consider the recommendations of all hospitals, physicians, casualty insurers, attorneys, consumers, and any associations representing any such person or entity. Notwithstanding the provisions of s. 395.3025, all hospitals, casualty insurers, departments, boards, commissions, and legislative committees shall provide the association with all relevant records and information upon request to assist the association in making its determination. All hospitals shall, upon request by the association, provide the association with information from their records regarding any live birth. Such information may ~~shall~~ not include the name of any physician, the name of any hospital employee or agent, the name of the patient, or any other information which will identify the infant involved in the birth. Such information thereby obtained must ~~shall~~ be utilized solely for the purpose of assisting the association and may ~~shall~~ not subject the hospital to any civil or criminal liability for the release thereof. Such information shall otherwise be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(9)(a) Within 60 days after a claim is filed, the association shall estimate the present value of the total cost of the claim, including the estimated amount to be paid to the claimant, the claimant's attorney, the attorney ~~attorney's~~ fees of the association incident to the claim, and any other expenses that are reasonably anticipated to be incurred by the association in connection with the adjudication and payment of the claim. For purposes of this estimate, the association should include the maximum benefits for noneconomic damages.

(b) The association shall revise these estimates quarterly based upon the actual costs incurred and any additional information that becomes available to the association since the last review of this estimate. The estimate shall be reduced by any amounts paid by the association that were included in the current estimate. The association shall submit revised quarterly claim estimates to the office within 15 business days after the end of each quarter.

(c)1. If the total of all current estimates equals or exceeds 100 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsection (4) and paragraph (5)(a), the association may not accept any new claims without express authority from the Legislature. This section does not preclude the association from accepting any claim if the injury occurred 18 months or more before the effective date of this suspension. Within 30 days after the effective date of this suspension, the association shall notify the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~the President of the Senate,~~ the office ~~of Insurance Regulation~~, the Agency for Health Care Administration, and the Department of Health of this suspension.

2. Notwithstanding this paragraph, the association is authorized to accept new claims during the 2026-2027 ~~2025-2026~~ fiscal year even if the total of all current estimates exceeds the limits described in subparagraph 1. during that fiscal year; however, if the total of all current estimates exceeds such limits, the association must notify the Governor, the President of the Senate, the Speaker of the House of Representatives, the

office, the Agency for Health Care Administration, and the Department of Health within 5 days after it makes such determination. This subparagraph expires July 1, 2027 ~~2026~~.

(d) If any person is precluded from asserting a claim against the association because of paragraph (c), the plan shall not constitute the exclusive remedy for such person, his or her personal representative, parents, dependents, or next of kin.

Section 8. Present subsections (5) through (8) of section 766.315, Florida Statutes, are redesignated as subsections (6) through (9), respectively, a new subsection (5) is added to that section, and subsection (1), paragraph (e) of present subsection (5), and present subsections (7) and (8) of that section are amended, to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors; notice of meetings; report.—

(1)(a) The Florida Birth-Related Neurological Injury Compensation Plan shall be governed by a board of seven directors which shall be known as the Florida Birth-Related Neurological Injury Compensation Association. The association is not a state agency, board, or commission. Notwithstanding the provision of s. 15.03, the association is authorized to use the state seal.

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified; however, a director may not serve for more than 6 consecutive years.

(c) The directors shall be appointed by the Chief Financial Officer as follows:

1. One citizen representative who is not affiliated with any of the groups identified in subparagraphs 2.-7.

2. One representative of participating physicians.

3. One representative of hospitals.

4. One representative of casualty insurers.

5. One representative of physicians other than participating physicians.

6. One family member of a participant ~~parent or legal guardian representative of an injured infant under the plan~~.

7. One representative of an advocacy organization for children with disabilities.

(5) Notwithstanding this section, the board of directors may not create new benefits or expand existing benefits that result in additional costs to the plan if the plan is operating at an annual cash flow deficit, as documented in the plan's audited financial statements for the prior fiscal year.

(6) ~~(5)~~

(e) Annually, the association shall furnish audited financial reports to any plan participant upon request, to the office ~~of Insurance Regulation of the Financial Services Commission~~, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with generally accepted auditing standards ~~accounting procedures~~ and must include such information as may be required by the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee. At any time determined to be necessary, the office ~~of Insurance Regulation~~ or the Joint Legislative Auditing Committee may conduct an audit of the plan.

(8) ~~(7)~~ The association shall publish a report on its

website by January 1 of each year. The report must ~~shall~~ include all of the following:

(a) The names and terms of each board member and executive staff member.

(b) The amount of compensation paid to each association employee or independent contractor.

(c) A summary of reimbursement disputes and resolutions.

(d) A list of expenditures for attorney fees and lobbying fees.

(e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

(9)~~(8)~~ By November 1 of each year, the association shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer. The report must include all of the following:

(a) The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.

(b) The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

(c) The average turnaround time for paying or denying compensation for expenses.

(d) Legislative recommendations to improve the program.

(e) A summary of any pending or resolved litigation during the year which affects the plan.

(f) The amount of compensation paid to each association

employee, independent contractor, or member of the board of directors.

Section 9. 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

3/3/26
Meeting Date

Rules
Committee

1668
Bill Number or Topic

449888
Amendment Barcode (if applicable)

Name DAVID MICA, Jr 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 Hospital 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)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/3/2026
Meeting Date

Rules
Committee

SB 1668
Bill Number or Topic

~~449888~~
Amendment Barcode (if applicable)

Name Mark Delegal

Phone 850 583-2400

Address 215 S. Monroe St, #130
Street

Email mark@dacfl.com

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:

Safety Net Hospital Alliance of FL

☐ 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)

3/3/24
Meeting Date

Rules
Committee

The Florida Senate

APPEARANCE RECORD

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SB 1668
Bill Number or Topic

438358
Amendment Barcode (if applicable)

Name DAVID MICA

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 Hospital Association

☐ 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
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3-3-26
Meeting Date

Rules
Committee

SB 1668
Bill Number or Topic

~~439~~ 438358
Amendment Barcode (if applicable)

Name Marti Coley

Phone 850-209-0069

Address 113 E. College St.
Street

Email Marti@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: Jackson Hospital

☐ 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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Deliver both copies of this form to
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3-3-26
Meeting Date

Committee

1668
Bill Number or Topic

438358
Amendment Barcode (if applicable)

Name LAURA YOUMANS Phone 850.254.1838

Address 218 N. MONROE Email LYOUMANS

Street

TAL 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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/2026
Meeting Date

Rules
Committee

SB 1668
Bill Number or Topic

799824
Amendment Barcode (if applicable)

Name Mark Delegal

Phone 850 583 2400

Address 215 S. Monroe St. #130
Street

Email mark@dacfl.com

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:

Safety Net Hospital Alliance of FL

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Meeting Date	Bill Number or Topic
	SB1668
Committee	**Amendment Barcode (if applicable)**

Name TROY WEAVER Phone 352-598-7962

Address 127 OAK DR Email theweavercrew@yahoo.com

Street

Interlachen FL 32148

City *State* *Zip*

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

3-3-26
Meeting Date

RULES
Committee

1668
Bill Number or Topic

Amendment Barcode (if applicable)

Name LAUKA YOUMANS

Phone 850-294-1838

Address 216 N. MONROE ST
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TAL 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 JUSTICE ASSOCIATION

☐ 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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3-3-26
Meeting Date

S.B. 1668
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Downs Jr. 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:

☐ 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
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3 MAR 2026
Meeting Date

Rules
Committee

1668
Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Jaacks

Phone 8504888191

Address PO Box 14567
Street

Tallahassee FL 32317
City State Zip

Email mjaacks@NICA.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: NICA

☐ 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 1756
INTRODUCER:	Rules Committee; Health Policy Committee; and Senator Yarborough
SUBJECT:	Medical Freedom
DATE:	March 5, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Brown	HP	**Fav/CS**
2.	Gerbrandt	Sadberry	AP	**Favorable**
3.	Smith	Kruse	RC	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1756 creates a statutory nonmedical exemption from immunization requirements for a child attending a K-12 school if the administration of a vaccine conflicts with the parent's conscience. Like the existing religious exemption, the conscience-based exemption would also be available to parents with children attending preschool or day care in a child care facility or family day care home facility who are subject to immunization requirements pursuant to existing rules. The bill requires the Department of Health to make the nonmedical exemption form available on its website.

Before a vaccine may be administered, the bill requires a health care practitioner or paramedic who administers a vaccine to a minor child to provide the child's parent or guardian with the appropriate Vaccine Information Statement published by the U.S. Centers for Disease Control and Prevention and materials relating to the role of immunization in communicable disease prevention as approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine. A parent's or guardian's signature must be obtained to document receipt of the information. When a parent or guardian accesses the nonmedical exemption form on the DOH website, the bill requires that the form and the materials approved and adopted by joint rule of the Boards are downloadable as a single document, ensuring that all parents and guardians have access to the same information.

The bill also requires that when more than one vaccine is to be administered to a child, the practitioner must discuss the parent's or guardian's options for the timing of the vaccinations and

may, at the parent's or guardian's request, administer the vaccines to the child over multiple encounters.

The bill authorizes pharmacists to provide ivermectin[1] as a behind-the-counter medication without a prescription to a person 18 years of age or older. Before such dispensing, the bill requires a pharmacist to provide the person with written information regarding indications and contraindications, dosage, and the need to seek follow-up care from the person's primary care physician. The bill grants immunity from civil or criminal liability or disciplinary action under Florida law for pharmacists acting in accordance with these provisions.

Additionally, the bill grants immunity from civil or criminal liability or disciplinary action under Florida law to health care practitioners licensed under chs. 458, 459, or 464, F.S., whose license includes prescribing authority, for prescribing or administering ivermectin to an adult, in good faith, in accordance with the applicable standard of care, and in accordance with the applicable practice act and pertinent rules.

The bill preserves the statutory definition of "messenger ribonucleic acid vaccine" by deleting the scheduled repeal. In practice, this maintains existing prohibitions against mandates by governmental entities, business establishments, and educational institutions that a person must be vaccinated with an mRNA-based vaccine. Finally, the bill clarifies that during a declared public health emergency, the State Surgeon General may not order an individual to be vaccinated.

The bill has an insignificant fiscal impact on state expenditures that can be absorbed within existing resources. **See Section V., Fiscal Impact Statement.**

The bill provides an effective date of July 1, 2026, except for the provisions authorizing the Boards to adopt informational materials by rule which would go into effect upon becoming law. The Boards must adopt the joint rule no later than 120 days after the bill becomes a law. The provisions requiring a parent's signature documenting the receipt of informational materials would not go into effect until 30 days after the Boards adopt the materials by joint rule.

II. Present Situation:

Florida Department of Health Immunization[2] Guidelines

Duty to Immunize All Children in Florida

The Florida Department of Health (DOH) is charged with ensuring that all children in this state are immunized against vaccine-preventable diseases.[3] The DOH is responsible for adopting rules

[1] Prescription ivermectin tablets are approved for treating certain parasitic infections. Some topical forms of ivermectin are approved to treat external parasitic infestations and rosacea. A topical lotion for head lice is available without a prescription. Ivermectin products are also used to prevent heartworm disease and to treat certain internal and external parasites in animals. U.S. Food and Drug Administration, *Ivermectin and COVID-19* (Apr. 5, 2024), https://www.fda.gov/consumers/consumer-updates/ivermectin-and-covid-19 (last visited Jan. 23, 2026).

[2] Immunization is defined as "The process of being made immune or resistant to an infectious disease, typically by the administration of a vaccine. It implies that a vaccine will trigger an immune response." U.S. Centers for Disease Control and Prevention, *Immunization Glossary of Terms*, https://www.cdc.gov/vaccines/glossary/index.html (last visited Jan. 23, 2026).

[3] Section 381.003(1)(e), F.S.

governing the immunization of school children, as well as the testing for and control of preventable communicable diseases. The DOH establishes and maintains its own immunization schedule through the *Immunization Guidelines for Florida Schools, Childcare Facilities, and Family Daycare Homes* ("DOH Immunization Guidelines"), which have remained unchanged since their adoption in 2013.[4]

Florida School-entry Vaccination Requirements

Section 1003.22, F.S., requires immunizations for certain preventable communicable diseases as a condition of admittance to or attendance in Florida public and private schools (K–12) and for initial entrance into a Florida school. The statute requires immunization against the following diseases, several of which are typically provided in combined vaccine formulations:

- DTaP: Diphtheria, Tetanus, and acellular Pertussis (whooping cough);[5]
- Polio;[6]
- MMR: Measles, mumps, and rubella.[7]

The statute authorizes the DOH to determine additional communicable diseases for which immunization is required.[8] Pursuant to this authority, the DOH currently requires vaccinations against the following diseases by rule:

- Haemophilus influenzae type b (Hib);[9]
- Hepatitis B (Hep B);[10]
- Varicella (chickenpox);[11] and
- Pneumococcal conjugate.[12]

Immunizations required under s. 1003.22, F.S., and related DOH rule are available at no cost from county health departments.[13]

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[4] Florida Administrative Code & Florida Administrative Register, Reference: Ref-02342 (adopting Fla. Admin. Code R. 64D-3.046, *Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes*; Form DH 150-615, *Revised Form 150-615*), https://flrules.org/Gateway/reference.asp?No=Ref-02342 (last visited Jan. 23, 2026).
[5] CDC, *Vaccine Information Statement: DTaP Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/dtap.pdf (last visited Jan. 23, 2026).
[6] CDC, *Vaccine Information Statement: IPV Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/ipv.pdf (last visited Jan. 15, 2026).
[7] CDC, *Vaccine Information Statement: MMR Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/mmr.pdf (last visited Jan. 15, 2026).
[8] Section 1003.22(3), F.S.
[9] Unrelated to the influenza viruses that cause seasonal flu, Hib is a bacterium that can cause severe respiratory infections (including pneumonia), otitis, and diseases such as meningitis. *Supra* note 2. See also CDC, *Vaccine Information Statement: Hib Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/hib.pdf (last visited Jan. 15, 2026).
[10] CDC, *Vaccine Information Statement: Hepatitis B Vaccine (Interim)*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/hep-b.pdf (last visited Jan. 23, 2026).
[11] CDC, *Vaccine Information Statement: Varicella (Chickenpox) Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/varicella.pdf (last visited Jan. 23, 2026).
[12] CDC, *Vaccine Information Statement: Pneumococcal Conjugate (PCV) Vaccine*, https://www.cdc.gov/vaccines/hcp/current-vis/downloads/pcv.pdf (last visited Jan. 23, 2026).
[13] Section 1003.22(3), F.S.

Eliminating Rule-based Vaccine Mandates

The DOH held a rule workshop on December 12, 2025, in Panama City Beach.[14] At the workshop, draft Proposed Revisions to Rule 64D-3.046 were distributed to attendees. The draft proposed rule eliminated requirements for these four additional vaccinations.[15] At this time, no proposed rule has been formally published, and those four vaccinations are still required. The DOH does not believe it will publish a Notice of Proposed Rule on or before March 9, 2026.[16]

Florida Requirements Versus Federal Vaccination Recommendations

On January 5, 2026, the U.S. Centers for Disease Control and Prevention (CDC) announced changes to its Recommended Child and Adolescent Immunization Schedule.[17] The CDC continues to recommend every vaccine under Florida law and current DOH rule for children, except that the Hep B vaccination is now recommended only for certain high-risk groups or populations.[18]

Florida School-entry Immunization Requirements; Exemptions

As a condition of attending a public or private school (grades K-12), each child must present to the school either a Florida Certificate of Immunization Form[19] or a Religious Exemption from Immunization Form.[20] The forms are incorporated into DOH rule. Child care facilities[21] and

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[14] Dept. of Health, *Notice of Workshop re: Proposed Revisions to Rule 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes*, Fla. Admin. Reg. (Dec. 12, 2025) (notice filed in Vol. 51/230); see Rule 64D-3.046, Fla. Admin. Code.

[15] Proposed Revisions to Rule 64D-3.046 as presented at the Dec 12, 2025 Workshop on file with Senate Committee on Health Policy.

[16] Letter from DOH Chief Legal Counsel to Coordinator of Joint Administrative Procedures Committee, *Statement Required to Extend 180-day Timeframe* (Feb. 26, 2026) (on file with Senate Committee on Health Policy). See also s. 120.54(2)(a)2., F.S.

[17] The U.S. Department of Health and Human Services (HHS) affirms that routine childhood immunizations recommended by the CDC's Advisory Committee on Immunization Practices (ACIP) are safe and effective, and play a vital role in protecting children from vaccine-preventable diseases. These recommendations form the basis for school and child care immunization requirements in many states. See U.S. Dept. of Health & Hum. Servs., Fact Sheet: Childhood Immunization Recommendations Remain Strong (Nov. 3, 2022), https://www.hhs.gov/press-room/fact-sheet-cdc-childhood-immunization-recommendations.html.

[18] Vaccination recommended for infants born to women who tested positive for the hepatitis B virus or whose status is unknown. U.S. Department of Health and Human Services, *Recommended Childhood Immunization Schedule*, https://www.hhs.gov/childhood-immunization-schedule/index.html (last visited Jan. 23, 2026).

[19] Florida Administrative Code & Florida Administrative Register, Reference Material, Ref-02341 (*64D-3.046; DH Form 681—Religious Exemption from Immunization*), https://flrules.org/Gateway/reference.asp?No=Ref-02341 (last visited Jan. 20, 2026).

[20] Florida Administrative Code & Florida Administrative Register, Reference Material, Ref-02410 (*64D-3.046, DH Form 680—Florida Certification of Immunization*), https://flrules.org/Gateway/reference.asp?No=Ref-02410 (last visited Jan. 20, 2026).

[21] Section 402.305, F.S., requires the Department of Children and Families to establish licensing standards that all licensed child care facilities must meet, including minimum standards relating to immunizations and the maintenance of emergency and health records for all children. Department rule chapter 65C-22, F.A.C., incorporates the *Child Care Facility Handbook*, which in turn references the DOH Immunization Guidelines. The handbook requires child care facilities to obtain a Certificate of Immunization (Form DH 680) or a Religious Exemption from Immunization (Form DH 681) for each child within 30 days of enrollment. See Fla. Admin. Code R. 65C-22.001(8); Fla. Dep't of Children & Fams., *Child Care Facility Handbook*, https://flrules.org/Gateway/reference.asp?No=Ref-13928 (last visited Jan. 20, 2026).

family day care homes[22] are also required, by rule of the Florida Department of Children and Families (DCF), to collect one of these forms for each child they serve.

The Certificate of Immunization Form is prepared by a physician's office or clinic and provides for:

- Part A: Completion of immunizations in accordance with the DOH Immunization Guidelines;.
- Part B: A temporary medical exemption for children[23] who have commenced a schedule to complete the required immunizations;[24] or
- Part C: A permanent medical exemption for medically contraindicated immunizations. Only a licensed allopathic or osteopathic physician may certify a permanent medical exemption.[25]

Aside from a 30-day temporary exemption applicable to transferring students, homeless students, dependent children, or students entering the juvenile justice system, the only nonmedical exemption authorized in the Florida Statutes is a religious exemption.

The Religious Exemption from Immunization Form must be signed by a parent or guardian who declares that immunizations conflict with his or her "religious tenets or practices."[26] The DOH Immunization Guidelines currently state the following regarding exemptions that might be sought for other reasons:[27]

> D. Consistency With Florida Law:
>
> Requests for religious exemption from immunizations should be consistent with section 1003.22, *Florida Statutes*. **Exemptions for personal or philosophical reasons are not permitted under Florida law.**

[22] Section 402.313, F.S., directs the Department of Children and Families to adopt rules establishing minimum standards for family day care homes. These standards must include health and safety requirements, including provisions for the maintenance of immunization records. Department rule chapter 65C-20, F.A.C., incorporates the *Family Day Care Home and Large Family Child Care Home Handbook*, which references the DOH Immunization Guidelines. The handbook requires the operator to obtain a Certificate of Immunization (Form DH 680) or a Religious Exemption from Immunization (Form DH 681) for each child within 30 days of enrollment. See Fla. Admin. Code R. 65C-20.010(1)(a); Fla. Dep't of Children & Fams., *Family Day Care Home and Large Family Child Care Home Handbook*, https://flrules.org/Gateway/reference.asp?No=Ref-13928 (last visited Jan. 20, 2026).

[23] Children under age 4 are generally granted a temporary medical exemption because they have not received all required vaccine doses required of a kindergartener by that age.

[24] An allopathic, osteopathic, or chiropractic physician can certify a temporary medical exemption pursuant to s. 1003.22(5)(c), F.S. The DOH has indicated that it is not within a chiropractic physician's scope of practice to administer a vaccine to a minor child. Florida Department of Health, *Legislative Bill Analysis: SB 1756* (Jan. 22, 2026) (On file with Senate Committee on Health Policy).

[25] Florida Administrative Code & Florida Administrative Register, *supra* note 20.

[26] The immunization requirements shall not apply if "the parent of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices;" Section 1003.22(5)(a), F.S.

[27] Florida Administrative Code & Florida Administrative Register, Reference: Ref-02342 (adopting Fla. Admin. Code R. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes; Form DH 150-615, Revised Form 150-615), https://flrules.org/Gateway/reference.asp?No=Ref-02342 (last visited Jan. 23, 2026).

However, the DOH's draft Proposed Revisions to Rule 64D-3.046 delete "Exemptions for personal or philosophical reasons are not permitted under Florida law."[28] from the DOH Immunization Guidelines and amend the Religious Exemption from Immunization form to allow a parent to attest that "Immunizations are in conflict with my religious tenets or practices*, which may include a sincerely held moral or ethical belief*." The current exemption form does not contain this reference to "a sincerely held moral or ethical belief," nor does Florida law. At this time, no proposed rules have been formally published. The DOH does not believe that it will publish a Notice of Proposed Rule on or before March 9, 2026.[29]

Religious Exemption Form

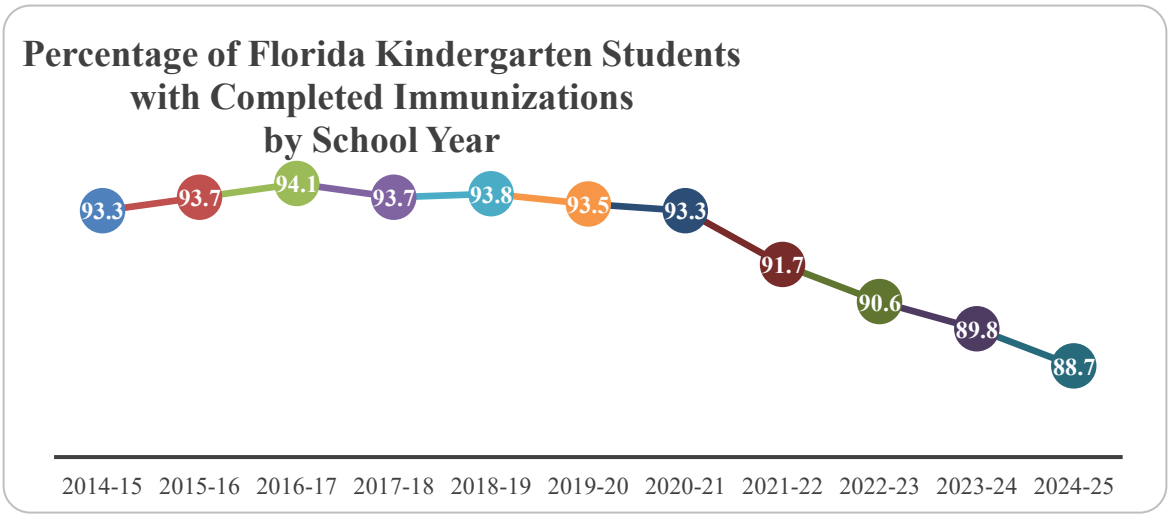
The DOH Immunization Guidelines require county health department staff to issue the Religious Exemption from Immunization form, which is available electronically in the Florida SHOTS registry. (See "Florida SHOTS Immunization Registry" on pg. 11 of this analysis.) No other information should be solicited from the parent or guardian.[30] The form requires the electronic signature of the county health department director or administrator.[31] The exemption form must be presented to the school, preschool, child care facility, or family day care home where it is to be kept on file in order to identify unimmunized children needing exclusion during an outbreak of a vaccine-preventable disease.

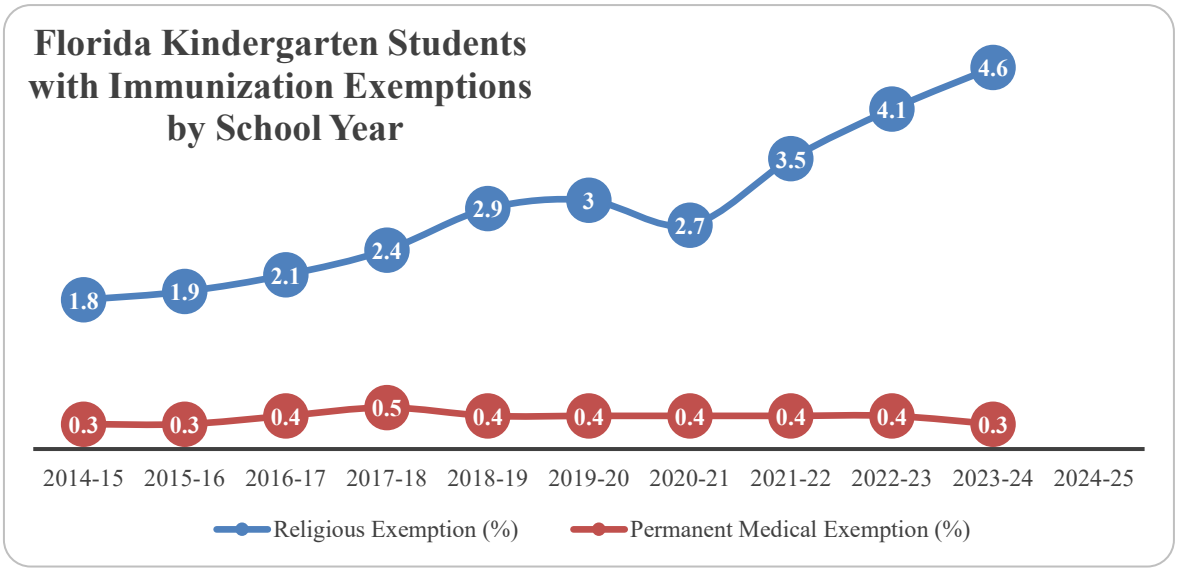
Each public school and private school, including kindergarten, is required to provide to the county health department director or administrator annual reports of compliance with immunization requirements.[32] Those reports are generally compiled into statewide data.

Florida Statewide Immunization Completion for Kindergarten with Exemption Data

The following charts show immunization completion, and religious and permanent medical exemption status among children enrolled in public and private kindergarten by school year using the DOH data.[33, 34]

[28] Proposed Revisions to Rule 64D-3.046 as presented at the Dec 12, 2025 Workshop on file with Senate Committee on Health Policy.
[29] Letter from DOH Chief Legal Counsel, *supra* note 16.
[30] Florida Administrative Code & Florida Administrative Register, Reference: Ref-02342 (adopting Fla. Admin. Code R. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes; Form DH 150-615, Revised Form 150-615), https://flrules.org/Gateway/reference.asp?No=Ref-02342 (last visited Jan. 23, 2026).
[31] Florida Administrative Code & Florida Administrative Register, Reference Material, Ref-02341 (64D-3.046; DH Form 681—Religious Exemption from Immunization), https://flrules.org/Gateway/reference.asp?No=Ref-02341 (last visited Jan. 20, 2026).
[32] Section 1003.22(8), F.S.
[33] DOH, *Kindergarten and Seventh Grade Immunization Status Report, 2023–24 School Year* (memorandum from Carina Blackmore, DVM, PhD, to County Health Department Health Officers, Aug. 12, 2024) (on file with the Senate Committee on Health Policy).
[34] The 2024–2025 data point for completed immunizations was obtained from the Florida Department of Health, *Immunization Levels in Kindergarten*, Florida CHARTS: Community Health Assessment Resource Tool Set, https://www.flhealthcharts.gov/charts/ (last visited Jan. 20, 2026). Exemption data was requested multiple times for the 2024-25 and 2025-26 school years but was not provided.



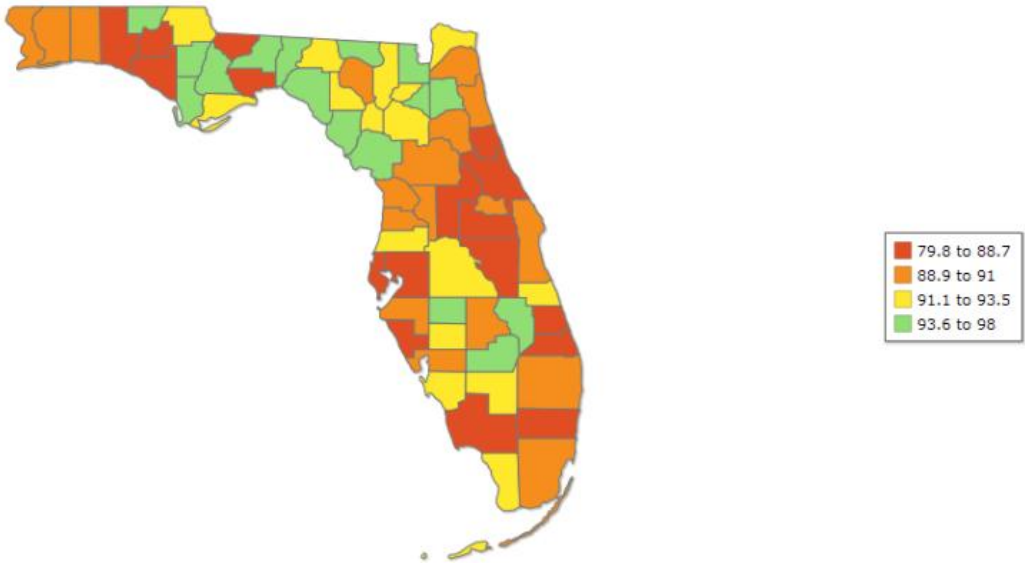


Immunization Levels in Kindergarten by Florida County

The following map[35] and data reflect percentages of students who have documented completion of their immunizations on the Certificate of Immunization form. Note that this reflects *all* immunizations, so the percentages may be lower than if it were to reflect each vaccination one by one.

[35] The 2024–2025 data point for completed immunizations was obtained from the Florida Department of Health, Immunization Levels in Kindergarten, Florida CHARTS: Community Health Assessment Resource Tool Set, https://www.flhealthcharts.gov/charts/ (last visited Jan. 20, 2026). Exemption data was requested multiple times for the 2024-25 and 2025 26 school years but was not provided.

Immunization Levels in Kindergarten, Percent of Kindergarten Students Enrolled, 2025



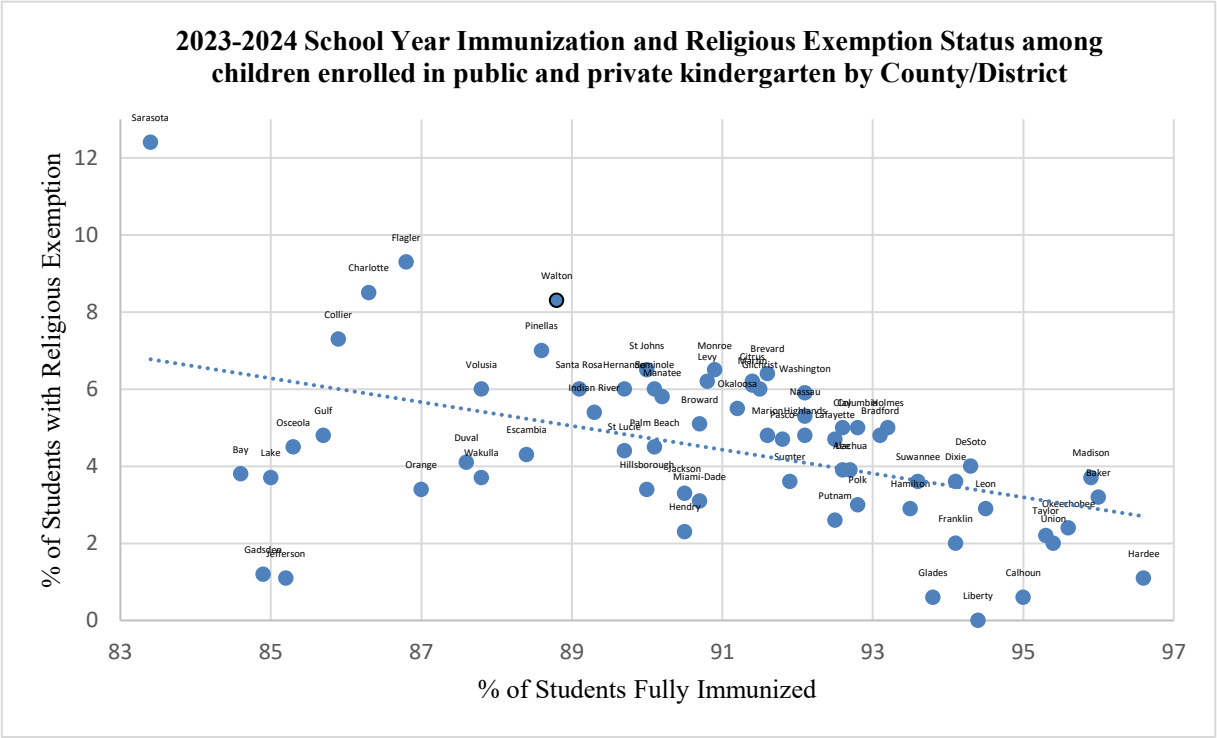
Immunization and Religious Exemption Status among Students enrolled in Public and Private kindergarten					
	2023-2024 School Year[36]			2025-2026 School Year[37]	
County	Students Enrolled	% Fully Immunized	% Religious exemption	Students Enrolled	% Fully Immunized
Alachua	2,484	92.7	3.9	2,432	91.9
Baker	349	96	3.2	368	95.4
Bay	2,252	84.6	3.8	2,245	85.3
Bradford	334	93.1	4.8	312	94.9
Brevard	5,811	91.6	6.4	5,380	90.9
Broward	19,964	90.7	5.1	19,128	82.2
Calhoun	161	95	0.6	149	98
Charlotte	1,178	86.3	8.5	1,191	89.2
Citrus	1,233	91.4	6.2	1,124	90.8
Clay	2,847	92.6	5	2,812	93.6
Collier	3,695	85.9	7.3	3,626	86.3

[36] Florida Dept. of Health, *Kindergarten and Seventh Grade Immunization Status Report, 2023–24 School Year (memorandum from Carina Blackmore, DVM, PhD, to County Health Department Health Officers, Aug. 12, 2024)* (on file with the Senate Committee on Health Policy).
[37] The 2024–2025 data point for completed immunizations was obtained from the Florida Department of Health, Immunization Levels in Kindergarten, Florida CHARTS: Community Health Assessment Resource Tool Set, https://www.flhealthcharts.gov/charts/ (last visited Jan. 20, 2026). Exemption data were requested multiple times for the 2024-25 and 2025-26 school years but were not provided by the DOH.

Immunization and Religious Exemption Status among Students enrolled in Public and Private kindergarten					
	2023-2024 School Year[36]			2025-2026 School Year[37]	
County	Students Enrolled	% Fully Immunized	% Religious exemption	Students Enrolled	% Fully Immunized
Columbia	941	92.8	5	856	92.9
DeSoto	352	94.3	4	370	91.1
Dixie	169	94.1	3.6	171	93.6
Duval	12,468	87.6	4.1	12,251	89.9
Escambia	3,628	88.4	4.3	3,661	88.9
Flagler	1,034	86.8	9.3	996	88.7
Franklin	101	94.1	2	102	91.2
Gadsden	405	84.9	1.2	346	79.8
Gilchrist	282	91.5	6	265	92.1
Glades	160	93.8	0.6	149	94
Gulf	126	85.7	4.8	146	94.5
Hamilton	139	93.5	2.9	134	97
Hardee	354	96.6	1.1	325	95.4
Hendry	610	90.5	2.3	627	91.2
Hernando	1,934	89.7	6	1,816	89
Highlands	1,031	92.1	4.8	1,019	89.8
Hillsborough	16,211	90	3.4	15,255	86
Holmes	221	93.2	5	204	93.6
Indian River	1,401	89.3	5.4	1,335	91.2
Jackson	568	90.5	3.3	498	92.2
Jefferson	88	85.2	1.1	91	97.8
Lafayette	106	92.5	4.7	98	91.8
Lake	3,855	85	3.7	3,885	86
Lee	6,981	92.6	3.9	7,867	92.4
Leon	2,894	94.5	2.9	2,954	93.8
Levy	437	90.8	6.2	437	95.4
Liberty	90	94.4	0	109	93.6
Madison	217	95.9	3.7	243	93
Manatee	3,971	90.2	5.8	3,963	89.8
Marion	3,659	91.6	4.8	3,766	90.8
Martin	1,334	91.4	6.1	1,404	88.5
Miami-Dade	27,296	90.7	3.1	27,691	91
Monroe	725	90.9	6.5	684	92
Nassau	1,028	92.1	5.3	1,029	91.8
Okaloosa	2,454	91.2	5.5	2,351	90

Immunization and Religious Exemption Status among Students enrolled in Public and Private kindergarten					
	2023-2024 School Year[36]			2025-2026 School Year[37]	
County	Students Enrolled	% Fully Immunized	% Religious exemption	Students Enrolled	% Fully Immunized
Okeechobee	505	95.6	2.4	465	93.8
Orange	14,743	87	3.4	14,129	85.4
Osceola	5,551	85.3	4.5	5,638	86.3
Palm Beach	15,692	90.1	4.5	15,389	89.8
Pasco	6,385	91.8	4.7	6,236	91.9
Pinellas	7,354	88.6	7	7,042	87.3
Polk	9,181	92.8	3	9,338	92.5
Putnam	832	92.5	2.6	837	90.1
St. Johns	2,151	89.1	6	3,538	90.6
St. Lucie	3,405	83.4	12.4	3,562	88
Santa Rosa	4,803	90.1	6	2,186	91
Sarasota	3,573	90	6.5	3,438	79.9
Seminole	3,567	89.7	4.4	5,162	90
Sumter	666	91.9	3.6	777	90.6
Suwannee	470	93.6	3.6	468	89.3
Taylor	275	95.3	2.2	244	97.1
Union	196	95.4	2	185	93.5
Volusia	4,887	87.8	6	4,689	88.6
Wakulla	403	87.8	3.7	387	86.3
Walton	964	88.8	8.3	936	88.5
Washington	304	92.1	5.9	312	88.1

The following chart reflects the same 2023-2024 school year data above in an attempt to show the inherent correlation between religious exemptions and completion of vaccinations by Florida County. Generally, the more religious exemptions, the fewer students with completed Certificates of Immunization.



Florida SHOTS Immunization Registry

The DOH maintains a secure statewide electronic immunization registry, Florida SHOTS (State Health Online Tracking System), which consolidates immunization histories and facilitates access to immunization documentation for clinical care and school recordkeeping.[38] A parent or guardian, or a certain eligible student, may decline participation in the registry by submitting an opt-out form.[39] A parent or guardian who opts out generally assumes responsibility for maintaining and providing documentation of their child's immunization status.[40]

During an outbreak, Florida SHOTS enables the DOH and county health departments to rapidly verify immunization status, identify individuals who may be susceptible to disease, and support response activities such as contact investigations, targeted vaccination outreach, and, when authorized, school exclusion decisions.[41]

[38] Section 381.003(1)(e), F.S. Florida SHOTS (State Health Online Tracking System), *About Florida SHOTS*, available at https://flshotsusers.com/about (last visited Jan. 23, 2026).
[39] Section 381.003(1)(e)2.-3., F.S.
[40] Florida SHOTS Notification and Opt-Out Form, (Florida Dep't of Health, Immunization Section, Sept. 2019), available at https://flshotsusers.com/sites/default/files/Opt-OutForm.pdf (last visited Jan. 23, 2026).
[41] Florida SHOTS, "Using the Tools in Florida SHOTS" training page (Florida Dep't of Health, Immunization Section), available at https://flshotsusers.com/training/using-the-tools-in-florida-shots (last visited Jan. 23, 2026).

Disease Outbreaks

The CDC defines a measles outbreak as three or more related cases. [42] The DOH rule defines an "outbreak" as "an increase in the number of cases of a disease or condition compared to the expected number in a particular period of time and geographical area. For diseases where the expected number is zero, a single case constitutes an outbreak."[43]

Measles Outbreak

Florida is currently experiencing a measles outbreak. The DOH reports 109 confirmed cases of measles between January 1 and February 28, 2026, as follows: [44]

Alachua	2
Broward	2
Collier	78
Duval	6
Escambia	5
Hillsborough	2
Lee	2
Manatee	3
Miami-Dade	1
Pinellas	5
St. Johns	3
TOTAL	109

Not included in this count are an additional 15 probable cases in Collier County[45] awaiting confirmation of test results.[46] These numbers reflect the reporting of each infection to the DOH.

Reporting Requirements

All practitioners, health care facilities, and laboratories in Florida are required to notify the DOH of diseases or conditions of public health significance.[47] DOH rules require reporting for each disease for which the DOH seeks to immunize children under its Immunization Guidelines. For those specified diseases, practitioners must report as follows:

- Immediately upon initial suspicion, or upon ordering a test: measles; rubella; diphtheria; *Haemophilus influenzae* type b (Hib); polio; and pneumococcal disease caused by *Streptococcus pneumoniae*.

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[42] Ctrs. for Disease Control & Prevention, *Measles Cases and Outbreaks* (Jan. 22, 2026), available at https://www.cdc.gov/measles/data-research/index.html (last visited Jan. 27, 2026).
[43] Rule 64D-3.028, F.A.C.
[44] Florida Dep't of Health, Reportable Diseases Frequency Report (select "Measles (rubeola)"), FLHealthCHARTS: Community Health Assessment Resource Tool Set, available at https://www.flhealthcharts.gov/ChartsReports/rdPage.aspx?rdReport=FrequencyMerlin.Frequency&FirstTime=True (last visited Feb. 27, 2026).
[45] *Id*.
[46] The Collier County Health Department is working closely with Ave Maria University officials to provide pre- and post-exposure resources on campus. Florida Department of Health, *Measles (Rubeola)*, available at https://www.floridahealth.gov/diseases-and-conditions/disease/measles/ (last visited Jan. 17, 2026).
[47] Section 381.0031, F.S.

- Immediately upon confirmatory test or diagnosis: pertussis (whooping cough).
- By the next business day: hepatitis B (Hep B); mumps; tetanus; and varicella (chickenpox).[48]

Emergencies and Advisories

While the Governor of this state has broad emergency management powers,[49] the statutes grant specified authority to the State Health Officer, commonly referred to as the State Surgeon General. In the State Surgeon General's discretion, he or she may issue a public health advisory[50] (a warning or report giving information to the public about a potential public health threat) or may declare a public health emergency[51] (for any occurrence which results or may result in substantial injury or harm to the public).

During a public health emergency, the State Surgeon General has statutory authority to order an individual to be examined, tested, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health.[52] In 2021, the Legislature amended the statute to remove the State Surgeon General's authority to order an individual to be vaccinated for such a disease.[53]

At the local level, a county health department director or administrator[54] may declare a communicable disease emergency if a communicable disease for which vaccination is required by the DOH is present in a public or private school.[55] Upon declaration of such an emergency, the district school board or the governing authority of a private school must identify all students in attendance who have not completed the required immunizations, as documented on the Certificate of Immunization form. Students identified as not immunized against the disease for which the emergency has been declared must be excluded from school until the county health department director or administrator specifies otherwise.[56] In 2024, when seven elementary school students contracted confirmed cases of measles, a communicable disease emergency was not declared. Instead, a public health advisory was issued.[57]

Measles and Community Immunity as illustrated by the Manatee Bay Elementary Outbreak of 2024

According to the Centers for Disease Control and Prevention (CDC) website:

- "Some people think of measles as just a little rash and fever that clear up in a few days."[58]

[48] Rule 64D-3.029, F.A.C.
[49] Section 252.36, F.S.
[50] Section 381.00315(1)(b), F.S.
[51] Section 381.00315(1)(a), F.S.
[52] Section 381.00315(2)(d)4., F.S.
[53] Chapter 2021-7B, Laws of Fla.
[54] A county health department director or administrator is appointed by and serves at the pleasure of the State Surgeon General. See s. 154.04, F.S.
[55] Section 1003.22(9), F.S.
[56] *Id*.
[57] Florida Department of Health in Broward County, *Measles Health Advisory* (Feb. 18, 2024), available at https://www.westonfl.org/home/showpublisheddocument/6597/638440458711170000 (last visited Jan. 20, 2026).
[58] Centers for Disease Control and Prevention, *Measles (Rubeola): About Measles*, available at https://www.cdc.gov/measles/about/index.html (last visited Jan. 17, 2026).

- "Measles can cause serious health complications, especially in children younger than five years of age. Common complications are ear infections and diarrhea. Serious complications include pneumonia and encephalitis."[59]
- "Measles is highly contagious. If one person has it, up to 9 out of 10 people nearby will become infected if they are not protected."[60]
- "It spreads through the air when an infected person coughs or sneezes."[61]

The CDC further indicates that "The measles, mumps, and rubella (MMR) vaccine is very safe and effective. *When more than 95 percent of people in a community are vaccinated (coverage >95 percent), most people are protected through community immunity (herd immunity)*."[62]

The CDC defines "community immunity" as "a situation in which a sufficient proportion of a population is immune to an infectious disease (through vaccination and/or prior illness) to make its spread from person to person unlikely. Even individuals not vaccinated (such as newborns and those with chronic illnesses) are offered some protection because the disease has little opportunity to spread within the community. Also known as herd immunity."[63]

In 2024, seven children at Manatee Bay Elementary in Broward County contracted confirmed cases of measles.[64] Broward County experienced two additional cases of measles, and there were single cases of measles in Martin, Orange, and Polk Counties in 2024, bringing the state total up to 12 confirmed cases in 2024 according to the DOH data.[65]

The Broward County health department issued a public health advisory on February 18, 2024, in response to the outbreak of related measles cases at Manatee Bay Elementary.[66] Initially, the Broward County school district superintendent declared that the school was 92 percent vaccinated against measles.[67] It is probable that the school district obtained initial data from the Florida SHOTS immunization registry to quickly assess the school's immunization rate. Children whose parents have opted them out of Florida SHOTS would not be counted in the initial data pull.

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[59] *Id.*
[60] *Id.*
[61] *Id.*
[62] Centers for Disease Control and Prevention, *Measles Data and Statistics*, available at https://www.cdc.gov/measles/data-research/index.html (last visited Jan. 17, 2026).
[63] Immunization is defined as "The process of being made immune or resistant to an infectious disease, typically by the administration of a vaccine. It implies that a vaccine will trigger an immune response." U.S. Centers for Disease Control and Prevention, Immunization Glossary of Terms, https://www.cdc.gov/vaccines/glossary/index.html (last visited Jan. 23, 2026).
[64] City of Weston, Florida, *Measles Cases in Weston* (Feb. 23, 2024, updated Mar. 5, 2024), available at https://www.westonfl.org/Home/Components/News/News/1249/18 (last visited Jan. 20, 2026).
[65] Florida Department of Health, *Measles (Rubeola), 2024*, Florida CHARTS: Community Health Assessment Resource Tool Set, available at https://www.flhealthcharts.gov/charts/ (last visited Jan. 20, 2026).
[66] Florida Department of Health in Broward County, *Measles Health Advisory* (Feb. 18, 2024), available at https://www.westonfl.org/home/showpublisheddocument/6597/638440458711170000 (last visited Jan. 20, 2026).
[67] NBC 6 South Florida, Ari Odzer, *Doctors Worry Herd Immunity Against Measles Is Fading as Cases at Manatee Bay Rise to 6* (Feb. 20, 2024), available at https://www.nbcmiami.com/news/local/doctors-worry-herd-immunity-against-measles-is-fading-as-cases-at-manatee-bay-rise-to-6/3238882/ (last visited Jan. 20, 2026).

State Surgeon General Ladapo has reiterated that "people with a history of prior infection or vaccination of the full series of the Measles, Mumps, Rubella (MMR) immunization are 98 percent protected and are unlikely to contract measles."[68]

The county health department began offering MMR immunizations at the school.[69] The measles vaccination is typically given in a combined vaccine formulation also protecting against mumps and rubella. The Broward County school district superintendent later gave an update claiming that 33 of 1,067 Manatee Bay students were unimmunized against measles.[70] This mathematically suggests that 97 percent of students had at least one dose of the MMR vaccine, reflecting a 5 percent increase in immunization, with roughly 3 percent of students totally unprotected from the virus. The on-site vaccination efforts, together with the inclusion of students who acquired immunity through infection, appears to have increased the overall immunization rate.

According to both the CDC Child and Adolescent Immunization Schedule and the DOH Immunization Guidelines, the first dose of the MMR vaccine is recommended at one year of age, so infants under one year of age are unprotected and have no immunity from measles, mumps, and rubella. While some vaccines, such as Tdap[71], that are given during pregnancy can pass protective antibodies to the baby, the MMR vaccine should not be administered during pregnancy.[72] The second recommended dose of the MMR vaccine is recommended at four years of age. Because this outbreak occurred in an elementary school rather than a day care or preschool, the students had significantly higher immunity due to having received the second dose.

It is likely that several of the Manatee Bay Elementary students had a permanent medical exemption in place. A medical doctor or osteopathic physician may advise against a measles vaccine if the child has a known life-threatening allergy to MMR ingredients such as gelatin or neomycin, has a serious immune system condition that makes live vaccines unsafe, or has a documented history of severe brain inflammation or injury that would make MMR vaccination dangerous. Certainly, some students had a temporary medical exemption in place with the intent of completing the second recommended dose.

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[68] Executive Office of the Governor, Florida Department of Health: "Leading the Nation Again, Florida Successfully Balances Personal Responsibility, Parents' Rights, and Public Health" (Mar. 8, 2024), available at https://www.flgov.com/eog/news/press/2024/florida-department-health-leading-nation-again-florida-successfully-balances (last visited Jan. 17, 2026). See also Florida Department of Health, *Measles (Rubeola)*, available at https://www.floridahealth.gov/diseases-and-conditions/disease/measles/ (last visited Jan. 17, 2026).

[69] NBC 6 South Florida, *Florida Surgeon General Doesn't Urge Vaccinations Amid Measles Outbreak* (Feb. 21, 2024), available at https://www.nbcmiami.com/news/local/florida-surgeon-general-measles-vaccinations-outbreak/3239826/ (last visited Jan. 20, 2026).

[70] *Id*.

[71] Centers for Disease Control and Prevention, *Tdap Vaccination During Pregnancy*, available at https://www.cdc.gov/pertussis/vaccines/tdap-vaccination-during-pregnancy.html (last visited Jan. 17, 2026). The CDC Child and Adolescent Immunization Schedule recommends the first DTaP vaccine be given to infants at two months of age.

[72] American College of Obstetricians and Gynecologists, *Practice Advisory: Measles, Mumps, Rubella (MMR) Vaccination and Management of Obstetric–Gynecologic Patients During a Measles Outbreak* (Mar. 2024), available at https://www.acog.org/clinical/clinical-guidance/practice-advisory/articles/2024/03/management-of-obstetric-gynecologic-patients-during-a-measles-outbreak (last visited Jan. 17, 2026).

A child may have a religious exemption in place while still receiving selected immunizations. For the 2023-2024 school year, Broward County reported that 5.1 percent of its Kindergarten students in public and private schools had a religious exemption.[73] It is likely that the majority of the school's 33 unimmunized students had a religious exemption in place.

Assuming the superintendent's updated data are accurate, with roughly 97 percent of students immunized from measles, the CDC's 95 percent threshold was exceeded within the school, offering most students protection through community immunity.

The school remained open.[74] The DOH deferred to parents and guardians to make decisions about school attendance and provided virtual learning options for students whose parents or guardians chose to keep them at home.[75] On March 8, 2024, the DOH issued a press release entitled "Leading the Nation Again, Florida Successfully Balances Personal Responsibility, Parent's Rights, and Public Health."[76] The disease outbreak was contained due to the DOH and county health department's response measures which appear to have boosted the school's already high immunization rate, exceeding the threshold needed to achieve community immunity.

It should be noted that the percentage of kindergarten students fully immunized in Broward County has fallen dramatically from 90.7 percent during the 2023-2024 school year to 82.2 percent during the 2025-2026 school year.[77]

Community immunity thresholds vary from disease to disease. Pertussis (whooping cough), which most commonly affects infants and young children, also requires a relatively high vaccination rate to achieve community immunity, estimated to be between 92-94 percent.[78] The pertussis vaccine is typically provided in a combined vaccine formulation along with diphtheria and tetanus, known as DTaP or Tdap.[79]

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[73] Fl. Dept. of Health, *Kindergarten and Seventh Grade Immunization Status Report, 2023–24 School Year (memorandum from Carina Blackmore, DVM, PhD, to County Health Department Health Officers, Aug. 12, 2024)* (on file with the Senate Committee on Health Policy).

[74] Letter from Joseph A. Ladapo, M.D., Ph.D., State Surgeon Gen., to Parents and Guardians of Students Attending Manatee Bay Elementary School (Feb. 20, 2024), available at https://www.westonfl.org/home/showpublisheddocument/6609/638917115733530000 (last visited Jan. 21, 2026).

[75] *Id*.

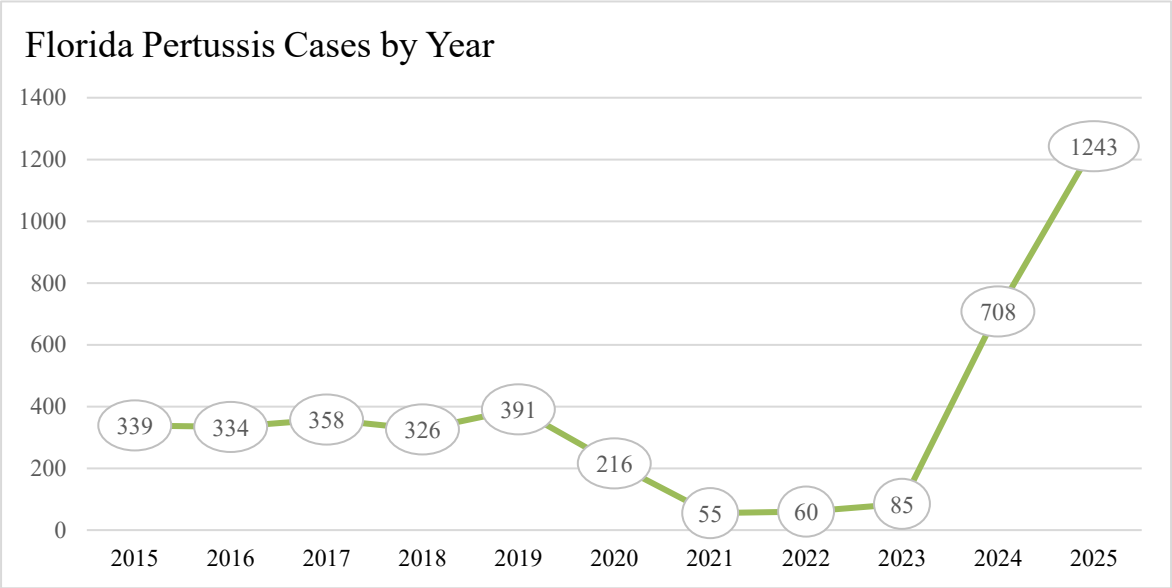
[76] Executive Office of the Governor, Florida Department of Health: *"Leading the Nation Again, Florida Successfully Balances Personal Responsibility, Parents' Rights, and Public Health" (Mar. 8, 2024),* available at https://www.flgov.com/eog/news/press/2024/florida-department-health-leading-nation-again-florida-successfully-balances (last visited Jan. 17, 2026). See also Florida Department of Health, Measles (Rubeola), available at https://www.floridahealth.gov/diseases-and-conditions/disease/measles/ (last visited Jan. 17, 2026).

[77] The Fl. Dept. of Health, *Kindergarten and Seventh Grade Immunization Status Report, 2023–24 School Year (memorandum from Carina Blackmore, DVM, PhD, to County Health Department Health Officers, Aug. 12, 2024)* (on file with the Senate Committee on Health Policy). The 2024–2025 data point for completed immunizations was obtained from the Florida Department of Health, Immunization Levels in Kindergarten, Florida CHARTS: Community Health Assessment Resource Tool Set, https://www.flhealthcharts.gov/charts/ (last visited Jan. 20, 2026). Exemption data was requested multiple times for the 2024-25 and 2025 26 school years but was not provided.

[78] NOVA PBS, Laura Helft & Emily Willingham, What Is Herd Immunity? (Sept. 5, 2014), available at https://www.pbs.org/wgbh/nova/article/herd-immunity/ (last visited Jan. 20, 2026).

[79] DTaP is recommended for children under 7 years of age. Tdap is recommended for older children and adults. Different dosages are recommended for different age groups. Ctrs. for Disease Control & Prevention, *Whooping Cough Vaccination* (Dec. 2, 2025), available at https://www.cdc.gov/pertussis/vaccines/index.html (last visited Jan. 20, 2026).

The chart below shows the total number of confirmed pertussis cases in Florida according to DOH data.[80]



Localized Data and the Spartanburg, South Carolina Measles Outbreak

Assessing local outbreak risk based on statewide data is of limited utility. On January 27, 2026, 557 people in South Carolina were in quarantine and 20 were in isolation.[81] The South Carolina Department of Public Health reported 789 measles cases associated with a single outbreak, including 89 new cases identified between the 23rd and 27th of January.[82] The epicenter of the outbreak is Spartanburg County, where the majority of cases are concentrated.[83]

Age Breakdown of 789 Cases[84]	
Under 5	203
5-17	493
18+	65
Unknown	28

[80] Florida Department of Health, *Pertussis: 10 Year Report,* Florida CHARTS: Community Health Assessment Resource Tool Set, available at https://www.flhealthcharts.gov/charts/ (last visited Jan. 27, 2026). Florida Dep't of Health, Reportable Diseases Frequency Report (select all counties, "pertussis," "confirmed" "all ages" and Jan. 1, 2025-Dec. 31, 2025), FLHealthCHARTS: Community Health Assessment Resource Tool Set, available at https://www.flhealthcharts.gov/ChartsReports/rdPage.aspx?rdReport=FrequencyMerlin.Frequency&FirstTime=True (last visited Jan. 27, 2026).

[81] S.C. Dept. of Public Health, "TUESDAY MEASLES UPDATE: DPH Reports 89 New Measles Cases in Upstate, Bringing Outbreak Total to 789, Additional School and Public Exposures" (Jan. 27, 2026), available at https://dph.sc.gov/news/tuesday-measles-update-dph-reports-89-new-measles-cases-upstate-bringing-outbreak-total-789 (last visited Jan. 27, 2026).

[82] *Id.*

[83] *Id.*

[84] *Id.*

Of the confirmed cases, 695 were unvaccinated, 14 were partially vaccinated with one of the recommended two-dose MMR sequence, 20 were fully vaccinated, and 60 are unknown. On January 27, students in at least 23 South Carolina schools were in quarantine.[85]

Although approximately 90 percent of students in Spartanburg County meet school immunization requirements, significant variation exists at a more granular level.[86] Some schools in the county reportedly have vaccination rates as low as 20 percent.[87] When assessing outbreak risk, county- and school-level immunization data provide more meaningful insight than statewide averages.

Approximately eight percent of students in Spartanburg County have a nonmedical religious exemption from immunization requirements, reflecting a jump from three percent in 2020.[88] An eight-percent figure suggests that the county as a whole will not achieve the CDC community immunity threshold for measles of at least 95 percent. The religious exemption is the only nonmedical exemption available under South Carolina law.[89] The South Carolina Department of Public Health has made the religious exemption form available on its website, warning parents that unvaccinated children are more likely to get sick.[90]

Consistent with the Spartanburg outbreak, a recent study concluded that nonmedical vaccine exemptions tend to be geographically concentrated in a fraction of counties, creating localized pockets of increased vulnerability.[91]

Nonmedical Exemptions in Other States[92]

Nationally, all 50 states and the District of Columbia require specified immunizations for K–12 school attendance and allow medical exemptions. For nonmedical exemptions, state statutes fall into four nonmedical exemption categories.

- **Religious-only (and no personal/philosophical):** Alabama, Alaska, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, and Wyoming. (Washington, D.C., is also religious-only.)
- **Both religious and personal/philosophical exemptions**: Arizona, Arkansas, Colorado, Idaho, Michigan, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Washington, and Wisconsin.

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[85] *Id*.
[86] NPR, "Measles Outbreak in South Carolina Has Some Parents Rethinking Vaccines as Cases Spread Among Children" (Jan. 16, 2026), available at https://www.npr.org/2026/01/16/nx-s1-5677299/measles-outbreak-vaccines-kids-health (last visited Jan. 27, 2026).
[87] *Id*.
[88] *Id*.
[89] S.C. Department of Public Health, *Exemptions from School Vaccine Requirements*, available at https://dph.sc.gov/health-wellness/child-teen-health/vaccine-requirements-info/school-vaccination-coverage-data-0 (last visited Jan. 27, 2026).
[90] *Id*.
[91] Fattah *et al.*, *Trends in County-Level Childhood Vaccination Exemptions in the U.S.,* JAMA (published online Jan. 14, 2026), available at https://jamanetwork.com/journals/jama/article-abstract/2843870 (last visited Jan. 27, 2026).
[92] Nat'l Conf. of State Legislatures, Letter to Senior Attorney, Florida Senate Committee on Health Policy (Oct. 22, 2025) (on file with Senate Committee on Health Policy).

- **Nonmedical allowed but not specified as religious or personal**: Louisiana and Minnesota.
- **Medical exemptions only**: California, Connecticut, Maine, New York, and West Virginia.

Procedurally, states that allow nonmedical exemptions generally require a parent or guardian (or adult student) to submit a state-required form (sometimes vaccine-specific), a signed statement or affidavit attesting to the basis for the exemption, and depending on the jurisdiction, renewal at defined grade levels or annually, with explicit notice that an exempt child may be excluded from school attendance during outbreaks. Some states also narrow the scope of personal/philosophical exemptions (for example, D.C. and Virginia allow a personal-belief exemption only for HPV, and Washington removed the personal/philosophical option for MMR). In a smaller subset, the exemption is not merely filed with the school; it is processed through a health agency workflow (e.g., state or county health department intake), or it must be notarized.

Parental Education Requirements for Nonmedical Exemptions

Several states require parents seeking a nonmedical vaccine exemption to complete an education or counseling step rather than simply filing a form. Colorado and Oregon allow two routes, either completing an online education module or obtaining documentation after a health care provider consultation. Michigan requires education through the county health department before issuing the waiver form, and Utah similarly requires either an online module or an in-person local health department consultation. Mississippi requires an in-person county health department appointment that includes watching an education video and discussing vaccine information, while Vermont requires an annual religious-exemption statement confirming the parent has reviewed evidence-based educational materials. Washington generally requires a health care practitioner signature on the exemption certificate to document that the required information was provided (with separate limits on certain personal/philosophical exemptions, such as for MMR).

Legal Challenges

The U.S. Supreme Court has long recognized that compulsory vaccination falls within a state's police power for the protection of public health.[93] Nonmedical exemptions have given rise to recent challenges.

West Virginia state law provides for compulsory school immunization with medical exemptions and does not codify a nonmedical exemption. On January 14, 2025, West Virginia Governor Morrisey issued Executive Order 7-25, directing an exemption process for families asserting religious objections in K–12 schools and state-regulated child care.[94] On March 24, 2025, West Virginia Senate Bill 460, which would have established a religious exemption and related changes, was defeated on the House floor (42–56).[95] On December 2, 2025, the West Virginia

[93] Zucht v. King, 260 U.S. 174, 176–77 (1922) ("Jacobson v. Massachusetts … had settled that it is within the police power of a State to provide for compulsory vaccination."), and id. at 177 ("[T]hese ordinances confer not arbitrary power, but only that broad discretion required for the protection of the public health."); *see* also Jacobson v. Massachusetts, 197 U.S. 11, 25-27 (1905) (upholding a state's authority to mandate smallpox vaccination as a valid exercise of its police power to protect public health).

[94] State of West Virginia, Exec. Order No. 7-25 (Jan. 14, 2025), available at https://apps.sos.wv.gov/adlaw/executivejournal/readpdf.aspx?DocID=97525 (last visited Jan. 27, 2026).

[95] House Rejects Senate Vaccine Bill, *Blog of the West Virginia Legislature* (Mar. 24, 2025), available at https://blog.wvlegislature.gov/house-floor-session/2025/03/24/house-rejects-senate-vaccine-bill/ (last visited Jan. 27, 2026).

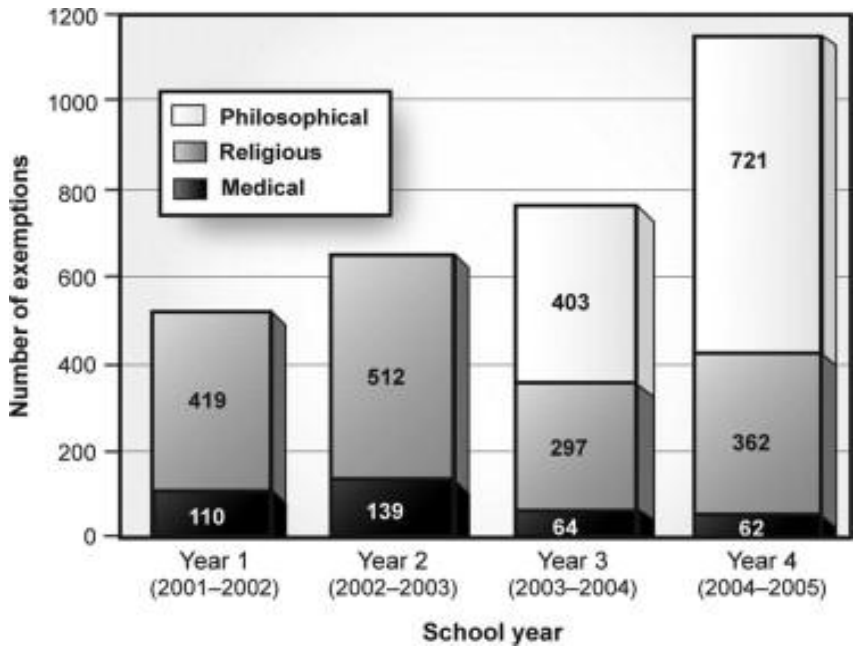
Supreme Court granted a stay of a ruling that would have allowed students to attend school with the religious exemption.[96] Litigation is ongoing.

New York removed its religious exemption from the state's school-immunization law in 2019, leaving medical exemptions as the only statutory basis for attending school without the required vaccines. That change brought forth litigation in *Miller v. McDonald*.[97] In that case, Old Order Amish parents and Amish schools challenged the 2019 repeal on federal constitutional grounds (principally the Free Exercise Clause), arguing that eliminating the religious exemption while retaining a medical exemption unlawfully burdened their religious exercise. In a decision issued March 3, 2025, the U.S. Court of Appeals for the Second Circuit upheld dismissal of the challenge, concluding that New York's post-2019 scheme is neutral and generally applicable for Free Exercise purposes despite the continued availability of medical exemptions.
The U.S. Supreme Court intervened, vacating the Second Circuit's judgment and remanding the case for further consideration on December 8, 2025.[98]

Arkansas: Addition of a Philosophical Exemption

A 2007 study examined Arkansas school immunization exemption data before and after the state introduced a philosophical exemption in 2003, in addition to its preexisting religious exemption and medical exemptions.[99] The authors reported that total exemptions increased significantly over time after the philosophical exemption became available. They also found that nonmedical exemptions were geographically clustered, which could concentrate outbreaks and risk within communities smaller than an entire county.

[96] West Virginia again bans religious reasons for school vaccine exemptions after state Supreme Court pauses injunction, *Associated Press* (Dec. 3, 2025), available at https://apnews.com/article/e61c5814de407a1aa280ce3916f82cc6 (last visited Jan. 20, 2026).
[97] *Miller v. McDonald*, No. 24-681 (2d Cir. Mar. 3, 2025).
[98] Joseph Miller, et al. v. James V. McDonald, Commissioner, New York State Department of Health, et al., No. 25-133 (U.S. docketed Aug. 4, 2025) (linked with application No. 24A987; petition granted, judgment vacated and remanded Dec. 8, 2025), available at https://www.supremecourt.gov/docket/docketfiles/html/public/25-133.html (last visited Jan. 27, 2026).
[99] Joseph W. Thompson et al., *Impact of Addition of Philosophical Exemptions on Childhood Immunization Rates*, 32(3) Am. J. Prev. Med. 194–201 (Mar. 2007), available at https://www.ajpmonline.org/article/S0749-3797(06)00497-1/fulltext (last visited Jan. 27, 2026).



The chart above shows the number of Arkansas students requesting immunization exemptions by type, 2001-2005. Exemptions include all students reported to Arkansas Division of Health who attended day care, pre-K programs, K-12, and colleges/universities.[100]

Among Florida's counties and nationwide, higher percentages of students with nonmedical exemptions are associated with lower vaccination rates.[101]

Federal Oversight of Vaccinations

While states generally establish and enforce vaccination requirements for school attendance, the federal government plays a central role in regulating vaccine products, issuing recommendations on vaccine use and supporting vaccine access through coverage and purchase programs. The U.S. Department of Health and Human Services (HHS) is the federal department principally responsible for public health policy and administration. Federal vaccine activity is coordinated through HHS and its operating divisions, including the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA). In addition, federal law directs the HHS Secretary to establish a National Vaccine Program to lead national planning efforts aimed at preventing infectious disease through immunization and preventing adverse reactions.[102]

[100] *Id*.
[101] Florida Dept. of Health, *Kindergarten and Seventh Grade Immunization Status Report, 2023–24 School Year (memorandum from Carina Blackmore, DVM, PhD, to County Health Department Health Officers, Aug. 12, 2024)* (on file with the Senate Committee on Health Policy).
[102] 42 U.S.C. § 300aa–1 (2022). See also U.S. Department of Health and Human Services, *Vaccines National Strategic Plan 2021–2025* (Jan. 19, 2021), available at https://www.hhs.gov/sites/default/files/HHS-Vaccines-Report.pdf.

CDC, ACIP, and the Recommended Childhood Immunization Schedule

The CDC's vaccine-use guidance is traditionally developed through the Advisory Committee on Immunization Practices (ACIP). [103] The CDC publishes consolidated recommendations for clinicians and public health professionals as the Recommended Child and Adolescent Immunization Schedule.[104] The CDC publishes the schedule as an annual, consolidated summary of current ACIP recommendations and organizes the schedule in standard components used in pediatric practice, including an age-based schedule, a catch-up schedule, and notes that describe routine, catch-up, and special-situation guidance.[105] Because school-age vaccination compliance frequently depends on vaccinations received in infancy and early childhood (as well as adolescent boosters and series), the schedule serves as a central federal reference point for routine pediatric vaccination and catch-up vaccination for children who are behind schedule.

The current schedule is being revised to reflect updated CDC guidance.[106] The new schedule was not established, reviewed, or revised by ACIP.[107] Interest groups and associations such as the American Academy of Pediatrics have filed a lawsuit in federal court to challenge the procedure by which the guidance was adopted, citing conflict with federal laws and regulations.[108] A hearing is scheduled for February 13, 2026, before the U.S. District Court for the District of Massachusetts.[109] The American Academy of Pediatrics no longer endorses the CDC's schedule and instead maintains its own recommended schedule.[110]

National Childhood Vaccine Injury Act: Disclosure, Reporting, and Compensation

The National Childhood Vaccine Injury Act of 1986 (Act) established an interconnected set of federal requirements and programs intended to strengthen the childhood immunization system by standardizing pre-vaccination information, requiring the recording and reporting of certain

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[103] Ctrs. for Disease Control & Prevention, *ACIP Vaccine Recommendations and Guidelines*, available at https://www.cdc.gov/acip/vaccine-recommendations/index.html (last visited Jan. 27, 2026).
[104] Ctrs. for Disease Control & Prevention, *Child and Adolescent Immunization Schedule by Age* (Content is being revised to reflect updated CDC recommendations), available at https://www.cdc.gov/vaccines/hcp/imz-schedules/child-adolescent-age.html (last visited Jan. 27, 2026).
[105] Ctrs. for Disease Control & Prevention, *Advisory Committee on Immunization Practices Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger — United States, 2025*, 74(2) Morbidity & Mortality Wkly. Rep. 26–29 (Jan. 16, 2025), available at https://www.cdc.gov/mmwr/volumes/74/wr/mm7402a2.htm (last visited Jan. 27, 2026).
[106] Ctrs. for Disease Control & Prevention, *Child and Adolescent Immunization Schedule by Age (Content is being revised to reflect updated CDC recommendations),* available at https://www.cdc.gov/vaccines/hcp/imz-schedules/child-adolescent-age.html (last visited Jan. 27, 2026).
[107] Georgetown Univ. Health Policy Inst., Ctr. for Children & Families, *HHS Announces Changes to Recommended Vaccine Schedule for Children* (Jan. 15, 2026), available at https://ccf.georgetown.edu/2026/01/15/hhs-announces-changes-to-recommended-vaccine-schedule-for-children/ (last visited Jan. 20, 2026).
[108] *See* Fourth Amended Complaint for Declaratory and Injunctive Relief, Am. Acad. of Pediatrics, et al. v. Kennedy, et al., Case No. 1:25-cv-11916 (BEM) (D. Mass. filed Jan. 19, 2026) (ECF No. 180-1), available at https://www.washingtonpost.com/documents/9e2848fb-6b04-49b5-94c5-05906811e882.pdf (last visited Jan. 21, 2026).
[109] Nate Raymond, *Medical groups challenge Kennedy-backed cuts to vaccine recommendations for children*, Reuters (Jan. 20, 2026), available at https://www.reuters.com/legal/government/medical-groups-challenge-kennedy-backed-cuts-vaccine-recommendations-children-2026-01-20/ (last visited Jan. 21, 2026).
[110] Am. Acad. of Pediatrics, *Immunization Schedule*, in Red Book Online, available at https://publications.aap.org/redbook/resources/15585 (last visited Jan. 27, 2026).

adverse events, and creating a no-fault compensation program for certain vaccine-related injuries.[111]

Federal law imposes informed-consent-adjacent requirements specific to vaccines. The Act requires development of Vaccine Information Statements (VIS) for covered vaccines and imposes duties on vaccine providers to furnish those materials prior to administration of each dose of a covered vaccine. Specifically, each health care provider who administers a vaccine set forth in the Vaccine Injury Table must provide the Vaccine Information Statement to the child's parent or guardian prior to administration of the vaccine.[112] The HHS requires providers to document in the patient's permanent medical record the VIS edition date and the date the VIS was provided at the time the VIS is given.[113]

In addition, federal law requires providers administering covered vaccines to record specified information in the patient's permanent medical record (or in a permanent office log/file):

- The date of administration,
- The manufacturer and lot number, and
- The name/address (and, if appropriate, title) of the provider administering the vaccine.[114]

The Act requires each health care provider and vaccine manufacturer to report specified events to the HHS Secretary, including events set forth in the Vaccine Injury Table within the applicable time period.[115] The national reporting mechanism used for this purpose is the Vaccine Adverse Event Reporting System (VAERS), a passive reporting system co-managed by CDC and FDA. Anyone (health care providers, manufacturers, and the public) may submit a report.[116] VAERS is primarily an early warning signal-detection system; it is not designed to determine whether a vaccine caused a reported event.[117]

The Act sought to incentivize manufacturers to develop vaccinations for market by offering some protection from litigation. The Act established the National Vaccine Injury Compensation Program (VICP), administered by the HHS, under which compensation may be paid for a vaccine-related injury or death. HRSA describes VICP's objectives: to ensure an adequate supply of vaccines, stabilize vaccine costs, and establish and maintain an accessible and efficient forum for individuals found to have been injured by certain vaccines.[118]

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[111] National Childhood Vaccine Injury Act of 1986, H.R. 5546, 99th Cong. (1986), available at https://www.congress.gov/bill/99th-congress/house-bill/5546 (last visited Jan. 20, 2026).
[112] Ctrs. for Disease Control & Prevention, *Instructions for Using VISs* (May 29, 2025), available at https://www.cdc.gov/vaccines/hcp/about-vis/instructions.html (last visited Jan. 20, 2026).
[113] *Id*.
[114] *Id*.
[115] Health Res. & Servs. Admin., *Covered Vaccines*, Nat'l Vaccine Injury Comp. Program, available at https://www.hrsa.gov/vaccine-compensation/covered-vaccines (last visited Jan. 20, 2026).
[116] U.S. Food and Drug Administration, VAERS Overview, available at https://www.fda.gov/vaccines-blood-biologics/vaccine-adverse-events/vaers-overview (last visited Jan. 27, 2026).
[117] *Id*.
[118] Health Res. & Servs. Admin., *About the National Vaccine Injury Compensation Program* (last reviewed Jan. 2026), available at https://www.hrsa.gov/vaccine-compensation/about (last visited Jan. 27, 2026).

VICP claims are adjudicated in the U.S. Court of Federal Claims by special masters in the Court's Office of Special Masters (sometimes referred to as "vaccine court"). The Court describes the program as a no-fault compensation system in which petitions for compensation may be brought by or on behalf of persons alleging injury or death from covered vaccines.[119] The vast majority of VICP claims filed are related to influenza vaccinations (flu shots).[120]

According to the CDC, from 2006 to 2023, over 5 billion doses of covered vaccines were distributed in the U.S.[121] For petitions filed in this period, 13,948 petitions were adjudicated by the Court, and of those, 10,193 were compensated.[122] This means for every 1 million doses of vaccine that were distributed, approximately one individual was compensated.[123]

The VICP covers most vaccines routinely administered in the U.S., but it does not cover claims associated with COVID-19 vaccines, which have never been added to the table. Instead, HRSA directs that claims related to COVID-19 vaccines be filed under the Countermeasures Injury Compensation Program.[124]

Vaccines for Children Program and No-Cost Vaccines for Eligible Children

Separate from the Act's reporting and compensation framework, federal law supports access to pediatric vaccines through the Vaccines for Children program, a pediatric vaccine distribution program established in the Social Security Act.[125] The CDC states that there is no cost for vaccines themselves provided by program providers to eligible children.[126]

FDA Regulation of Vaccines

Vaccines are regulated as biological products. The FDA licenses (approves) vaccines for introduction into interstate commerce.[127] In general terms, the FDA evaluates evidence of safety, effectiveness, and manufacturing quality to determine whether a vaccine may be marketed in the U.S.[128]

Before a vaccine may be evaluated by the FDA for licensure, it typically proceeds through preclinical testing and clinical development:[129]

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[119] United States Court of Federal Claims, *Vaccine Claims: Office of Special Masters*, available at https://www.uscfc.uscourts.gov/vaccine-claims-office-special-masters (last visited Jan. 20, 2026).
[120] Health Res. & Servs. Admin., National Vaccine Injury Compensation Program Data Report (Jan. 1, 2026), available at https://www.hrsa.gov/sites/default/files/hrsa/vicp/vicp-stats-01-01-26.pdf (last visited Jan. 20, 2026).
[121] *Id*.
[122] *Id*.
[123] *Id*.
[124] Health Res. & Servs. Admin., *Covered Vaccines, Nat'l Vaccine Injury Comp. Program,* available at https://www.hrsa.gov/vaccine-compensation/covered-vaccines (last visited Jan. 20, 2026).
[125] Ctrs. for Disease Control & Prevention, *About the Vaccines for Children (VFC) Program* (Sept. 30, 2025), available at https://www.cdc.gov/vaccines-for-children/about/index.html (last visited Jan. 20, 2026).
[126] *Id*.
[127] 42 U.S.C. § 262; 21 C.F.R. § 601.2. See also U.S. Food and Drug Administration, *Biologics License Applications (BLA) Process (CBER)*, available at https://www.fda.gov/vaccines-blood-biologics/development-approval-process-cber/biologics-license-applications-bla-process-cber (last visited Jan. 15, 2026).
[128] U.S. Food and Drug Administration, *Vaccine Development 101*, available at https://www.fda.gov/vaccines-blood-biologics/development-approval-process-cber/vaccine-development-101 (last visited Jan. 27, 2026).
[129] *Id*.

- Preclinical phase. A company or researcher conducts laboratory research and animal testing. If the sponsor is ready to begin studies in humans, it submits an Investigational New Drug application to the FDA. If the application meets the FDA's criteria and is authorized to proceed, clinical development begins and the vaccine enters phased human trials.
- Phase 1 (safety). Generally involves 20-100 healthy volunteers and focuses on initial safety and dosing. If no significant safety concerns arise, the product may proceed to Phase 2.
- Phase 2 (initial efficacy). Generally involves hundreds of participants and evaluates dosing, immune response, and additional safety data across broader demographic groups.
- Phase 3 (confirmatory efficacy and safety). Generally involves thousands of participants and is designed to generate the principal evidence of effectiveness and additional safety data. Participants are randomized into a treatment group and a control group to generate critical information on effectiveness and additional important safety data. The treatment group gets the vaccine and the control group gets the placebo. For a new vaccine, the placebo is saline or similar. In the case of childhood vaccinations, the currently given vaccinations are updated versions of older vaccines. When updated versions of older vaccines are tested in trials, the treatment group gets the new vaccine and the control group gets the old vaccine as the placebo.[130]

After Phase 3, the sponsor generally submits a biologics license application for FDA review of data, proposed labeling, and manufacturing.[131] If the FDA approves the application and licenses the vaccine, the product may be marketed and distributed in interstate commerce.[132] Once distribution begins, the FDA and the CDC continue post-licensure safety monitoring through systems such as VAERS.

Ivermectin

As of September 30, 2025, the DOH has received 59 total complaints involving licensed health care practitioners related to the prescribing or dispensing of ivermectin. The DOH reports that none of these complaints were deemed legally sufficient for probable cause to be found.

FDA Approval of Ivermectin (for Treatment of Parasitic Conditions)

The FDA website details how the ivermectin drug is used: "Ivermectin tablets are approved by the FDA to treat people with intestinal strongyloidiasis and onchocerciasis, two conditions caused by parasitic worms. In addition, some topical forms of ivermectin are approved to treat external parasites like head lice and for skin conditions such as rosacea. Some forms of animal ivermectin[133] are approved to prevent heartworm disease and treat certain internal and external parasites in animals. It's important to note that these products are different from the ones for people, and safe only when used in animals as labeled or as prescribed. The FDA has not

[130] It is considered unethical to deny individuals in a trial access to a proven treatment. U.S. Food & Drug Admin., *Non-Inferiority Clinical Trials to Establish Effectiveness* (explaining that active-controlled/noninferiority designs are used when placebo/no-treatment would be unethical because effective therapy exists), available at https://www.fda.gov/media/78504/download (last visited Jan. 20, 2026).
[131] U.S. Food and Drug Administration, Vaccine Development 101*, available at https://www.fda.gov/vaccines-blood-biologics/development-approval-process-cber/vaccine-development-101 (*last visited Jan. 27, 2026).
[132] *Id.*.
[133] Heartgard, Heartgard Plus, Tri-Heart Plus, Iverhart Plus, Iverhart Max, PetTrust Plus, Acarexx, Ivomec, Zimecterin, Eqvalan, Noromectin, Bimectin, etc.

authorized or approved ivermectin for the treatment or prevention of COVID-19 in people or animals. The FDA has not determined that ivermectin is safe or effective for these indications (uses)."[134]

Similar to how the FDA licenses vaccines and other ("large-molecule") biologics, the FDA also authorizes most conventional ("small-molecule") drugs for marketing by approving a New Drug Application.[135] After pre-clinical testing and with approval to proceed, the drug sponsor runs a series of clinical trials in people (typically Phase 1-3) to evaluate safety and efficacy, and then submits those data to the FDA for review.[136] The FDA's review teams then evaluate the submitted evidence (along with manufacturing and labeling information) and decide whether the benefits outweigh the risks for the intended use.[137]

The FDA has granted marketing approval for ivermectin tablets for specified parasitic worm conditions.[138] Those FDA-approved indications are the drug's "on-label" uses. However, a licensed prescriber has the authority to prescribe an FDA-approved human drug for an off-label use when, in the prescriber's professional judgment, such use is medically appropriate for an individual patient.[139]

The FDA at one time led a "You are not a horse!" social media campaign attempting to deter people from using both animal ivermectin drugs and FDA-approved prescription ivermectin drugs as an off-label COVID-19 treatment.[140] The campaign gave rise to litigation clarifying the role of the FDA. The U.S. Court of Appeals for the Fifth Circuit opined that the "FDA is not a physician. It has authority to inform, announce, and apprise—but not to endorse, denounce, or advise."[141]

The American Association of Poison Control Centers reported 2,337 ivermectin poison control reports nationally in 2021.[142] One of the clearest datasets tying veterinary ivermectin to severe outcomes comes from Oregon. A poison center study of COVID-19-related ivermectin exposures that led to a health care visit (Aug. 14, 2021–Jan. 31, 2022) reported 37 cases, including 21

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[134] U.S. Food and Drug Administration, *Ivermectin and COVID-19* (Apr. 5, 2024), https://www.fda.gov/consumers/consumer-updates/ivermectin-and-covid-19 (last visited Jan. 23, 2026).
[135] 21 U.S.C. § 355.; U.S. Food and Drug Administration, 21 C.F.R. pt. 314; Food and Drug Administration, *New Drug Application (NDA)*, available at https://www.fda.gov/drugs/types-applications/new-drug-application-nda (last visited Jan. 20, 2026).
[136] U.S. Food and Drug Administration, Step 3: Clinical Research, available at https://www.fda.gov/patients/drug-development-process/step-3-clinical-research (last visited Jan. 20, 2026).
[137] U.S. Food and Drug Administration, *Step 4: FDA Drug Review*, https://www.fda.gov/patients/drug-development-process/step-4-fda-drug-review.
[138] U.S. Food and Drug Administration, *Ivermectin and COVID-19* (Apr. 5, 2024), https://www.fda.gov/consumers/consumer-updates/ivermectin-and-covid-19 (last visited Jan. 23, 2026).
[139] U.S. Food and Drug Administration, *Compliance Policy Guide Sec. 300.600: Use of Approved Drugs for Unlabeled Indications*; United States Supreme Court, *Buckman Co. v. Plaintiffs' Legal Committee*, 531 U.S. 341, 350 (2001).
[140] Apter v. Dep't of Health & Hum. Servs., 80 F.4th 579, 595 (5th Cir. 2023), also available at https://www.ca5.uscourts.gov/opinions/pub/22/22-40802-CV0.pdf.
[141] *Id*.
[142] American Association of Poison Control Centers, *National Poison Data System (NPDS) Bulletin: COVID-19 (Ivermectin)—Ivermectin Case Counts 2019 vs. 2020 vs. 2021 (Jan. 1–Dec. 31)* (2021), available at https://npr.brightspotcdn.com/06/8e/72f45189455ea8d3561012b1608e/poisoncontrolpdf.pdf (last visited Jan. 27, 2026).

hospitalizations, 13 treated in emergency departments, and one death. Seventeen cases involved veterinary formulations, and 15 involved prescription-only tablets.[143]

Clinical Studies: Ivermectin and COVID-19

Early in the COVID-19 pandemic, ivermectin drew attention because a mix of small clinical studies and early meta-analyses appeared to show benefit, but the limited evidence and its underlying data sets were highly disputed. A CDC health alert issued on August 26, 2021, explained: "Clinical trials and observational studies to evaluate the use of ivermectin to prevent and treat COVID-19 in humans have yielded insufficient evidence for the NIH COVID-19 Treatment Guidelines Panel to recommend its use. Data from adequately sized, well-designed, and well-conducted clinical trials are needed to provide more specific, evidence-based guidance on the role of ivermectin in the treatment of COVID-19."[144]

As the evidence base matured, larger, better-controlled randomized trials did not confirm those early signals that appeared to show benefits of off-label ivermectin use. In the TOGETHER outpatient trial, ivermectin did not reduce the need for hospitalization or prolonged emergency observation.[145] In the U.S. ACTIV-6 platform trial, which included a participation site at the University of Florida, ivermectin likewise did not improve time to sustained recovery, even when tested at higher doses and longer courses.[146]

Because the most rigorous trials have failed to demonstrate meaningful clinical benefit, clinical guidelines largely do not recommend ivermectin for COVID-19 outside of research settings.[147]

Ivermectin Classified as Rx-Only Status; Federal Misbranding

When the FDA approves a drug application for marketing, the agency also determines whether the product will be prescription-only or nonprescription (over-the-counter or "OTC"), and it approves the product's conditions of use and labeling consistent with that status. Under the Federal Food, Drug, and Cosmetic Act, a drug is classified as prescription-only if it is not safe for use without a clinician's supervision (e.g., due to toxicity, method of use, or required monitoring), and prescription drugs must bear the "Rx only" legend consistent with this statutory scheme.[148] If a drug sponsor later seeks to move a drug from prescription to nonprescription

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[143] Ruby Hoang et al., *Characteristics of Ivermectin Toxicity in Patients Taking Veterinary and Human Formulations for the Prevention and Treatment of COVID-19*, Clinical Toxicology (Phila.) 60(12):1350–1355 (Dec. 2022), available at https://pubmed.ncbi.nlm.nih.gov/36374218/ (last visited Jan. 27, 2026).
[144] Ctrs. for Disease Control & Prevention, Health Alert Network (HAN), *Rapid Increase in Ivermectin Prescriptions and Reports of Severe Illness Associated with Use of Products Containing Ivermectin to Prevent or Treat COVID-19* (Aug. 26, 2021), available at https://archive.cdc.gov/emergency_cdc_gov/han/2021/han00449.asp (last visited Jan. 20, 2026).
[145] Gilmar Reis et al., Effect of Early Treatment with Ivermectin among Patients with Covid-19, New England Journal of Medicine (published online Mar. 30, 2022), available at https://www.nejm.org/doi/full/10.1056/NEJMoa2115869.
[146] Popp M. et al., *Ivermectin for COVID-19: Systematic Review and Meta-Analysis of Randomized Controlled Trials*, Frontiers in Medicine (2023), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC9941969/ (last visited Jan. 27, 2026). ***See* also** University of Florida, Division of Pulmonary, Critical Care & Sleep Medicine, *UF Health Joins National Study to Test COVID-19 Treatments* (Mar. 23, 2022), available at https://pulmonary.medicine.ufl.edu/2022/03/23/uf-health-joins-national-study-to-test-covid-19-treatments/ (last visited Jan. 18, 2026).
[147] Am. Med. Ass'n, *AMA, APhA, ASHP Statement on Ending Use of Ivermectin to Treat COVID-19* (Sept. 1, 2021), available at https://www.ama-assn.org/press-center/ama-press-releases/ama-apha-ashp-statement-ending-use-ivermectin-treat-covid-19 (last visited Jan. 20, 2026).
[148] 21 U.S.C. § 353(b)(1)(A), (b)(4)(A).

status, that occurs through a separate Rx-to-OTC switch process that typically relies on consumer-focused evidence (e.g., label comprehension and self-selection studies, and sometimes actual-use studies) to show the product can be used safely and effectively without a prescriber.[149]

Ivermectin remains classified federally as a prescription drug for human use. Federal law requires that, prior to dispensing, the drug's labeling bear the legend "Rx only." A prescription drug that does not bear this legend before dispensing is deemed misbranded under federal law. Ivermectin is generally well tolerated when used at FDA-approved doses for approved indications; however, adverse effects may occur and can be dose-related. The FDA has warned that ivermectin can interact with other medications, including anticoagulants ("blood thinners").[150] These interaction risks are particularly relevant when ivermectin is obtained without individualized prescriber oversight, as patients taking anticoagulants may not recognize the potential for increased bleeding risk.

For purposes of labeling and misbranding law, nonprescription (OTC) drug labeling must "stand on its own" for a lay consumer and must include adequate directions for use so that an ordinary person can use the product safely and for its intended purpose without professional supervision.[151] By contrast, prescription (Rx-only) drugs are intended to be used under the supervision of a licensed practitioner and therefore generally fall within the FDA's regulatory exemptions from the "adequate directions for use" requirement, because such directions cannot feasibly be written for safe self-use by the general public. As a result, attempts to market a product for self-directed use without consumer-usable directions (or with labeling that implies an OTC use that actually requires practitioner oversight) raise heightened misbranding risk under federal labeling standards.

State Trends in Ivermectin Laws

When a state authorizes a pharmacist to furnish a prescription drug without a patient-specific prescription, questions arise as to whether the transaction constitutes "dispensing" under state law and what labeling and documentation requirements apply, particularly in light of the federal "Rx only" classification.

Several states have enacted laws authorizing pharmacists to provide ivermectin without an individual patient-specific prescription, notwithstanding ivermectin's federal prescription-only status. These laws generally fall into two models: an OTC authorization declaring that ivermectin suitable for human use may be sold or purchased without a prescription, or a standing order or collaborative practice model authorizing dispensing pursuant to a non-patient-specific prescriptive order or protocol.

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[149] U.S. Food & Drug Admin., *Prescription-to-Nonprescription (Rx-to-OTC) Switches* (content current as of Dec. 9, 2025), available at https://www.fda.gov/drugs/drug-application-process-nonprescription-drugs/prescription-nonprescription-rx-otc-switches (last visited Jan. 20, 2026).

[150] U.S. Food and Drug Administration, *Ivermectin and COVID-19* (Apr. 5, 2024), https://www.fda.gov/consumers/consumer-updates/ivermectin-and-covid-19 (last visited Jan. 23, 2026).

[151] U.S. Food & Drug Admin., *Labeling Requirements—Exemptions From Adequate Directions for Use* (content current as of Feb. 21, 2018), available at https://www.fda.gov/medical-devices/general-device-labeling-requirements/labeling-requirements-exemptions-adequate-directions-use (last visited Jan. 20, 2026).

Vaccine and Testing Mandate Prohibitions

In 2023, CS/SB 252 was enacted to prohibit a business entity,[152] governmental entity,[153] or educational institution[154] from requiring any person to provide any documentation certifying vaccination with listed vaccines or postinfection recovery from COVID-19, or requiring a COVID-19 test, in order to gain access, entry upon, or service from entity or institution.

The 2023 bill, now codified in ss. 381.00316 and 381.00319, F.S., applies to the following vaccines:

- "COVID-19 vaccine" means a preparation designed to stimulate the human body's immune response against COVID-19.
- "Emergency use authorization vaccine" means any vaccine that is authorized for emergency use under 21 U.S.C. 360bbb-3(a)(1) and qualifies as an unapproved product under 21 U.S.C. 360bbb-3(a)(2)(A).
- "Messenger ribonucleic acid vaccine" means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.

Those statutes prohibit:

- Requiring such documentation or testing as a condition of contracting, hiring, promotion, or continued employment;
- Using a knowledge or belief of a person's vaccination with any of the listed vaccines or COVID-19 postinfection status, or a person's failure to take a COVID-19 test, to:
  - Refuse to hire, or discharge, the person;
  - Deprive or attempt to deprive the person of employment opportunities;
  - Adversely affect the person's status as an employee or as an applicant; or
  - Otherwise discriminate against the person.

Current law also provides that if a governmental entity fails to comply with the above provisions, an employee terminated based on such noncompliance is eligible for reemployment assistance under ch. 443, F.S., in addition to any other remedies available for such violation.

Additionally, for matters related to any vaccine other than a defined vaccine, a defined entity or institution must provide for reasonable religious and medical accommodations in compliance with federal law.

The definitions for "messenger ribonucleic acid vaccine" in ss. 381.00316 and 381.00319, F.S., were scheduled to automatically expire on June 1, 2025, but the enactment of a 2025 bill,

[152] "Business entity" has the same meaning as in s. 606.03, F.S., and also includes a charitable organization as defined in s. 496.404, a corporation not for profit as defined in s. 617.01401, a private club, or any other business operating in this state.
[153] "Governmental entity" means the state or any political subdivision thereof, including the Executive, Legislative, and Judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies that are subject to chapter 286, F.S.
[154] "Educational institution" means a public or private school, including a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school.

CS/CS/HB 1299, delayed the automatic expiration until June 1, 2027, effectively eliminating the prohibitions relating to that type of vaccine on that date.[155]

Messenger Ribonucleic Acid (mRNA) Vaccines

Messenger RNA is a molecule that contains the instructions or recipe that directs cells in the human body to make a protein using their natural machinery. To enter cells smoothly, mRNA travels within a protective bubble called a Lipid Nanoparticle. Once inside, mRNA causes cells to read the mRNA as a set of instructions, building proteins that match parts of the pathogen called antigens. The immune system sees these foreign antigens as invaders, dispatching defenders called antibodies and T-cells, and training the immune system for potential future attacks. So, if and when the real virus comes along, the body might recognize it, sounding the alarm to help defend against infection and illness.

Though many people first became aware of mRNA technology because of COVID-19 vaccines, the technology is not new to the scientific community. For decades, scientists have studied mRNA, looking for ways to unlock its potential to prevent and treat disease. While the mechanism of action for mRNA technology is relatively simple, researchers have worked for years to develop technologies to allow mRNA to work in the real world.[156]

In 2024, the FDA approved an mRNA vaccine for the prevention of respiratory syncytial virus (RSV). There are mRNA vaccines in Phase 3 of clinical trials, including vaccines for Influenza and Norovirus.[157] Research is ongoing for various infectious diseases, and additionally researchers are working on mRNA vaccines for cancer and genetic diseases as well as treatments for food an environmental allergies.[158]

III. Effect of Proposed Changes:

Section 1 creates a short title. The act may be cited as the "Medical Freedom Act."

Section 2 repeals section 9 of Chapter 2023-43, L.O.F., as amended by section 1 of Chapter 2025-114, L.O.F. In effect, this repeals the scheduled repeal date of June 1, 2027, for the statutory definition of "messenger ribonucleic acid vaccine," ensuring the continued enforceability of the definition in both s. 381.00316(2)(g) and s. 381.00319(1)(e), F.S."[159] In practice, this maintains existing prohibitions against mandates by governmental entities, business establishments, and educational institutions that a person must be vaccinated with an mRNA-based vaccine.

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[155] Sections 1-3, ch. 2025-114, Laws of Fla.
[156] Pfizer, *Harnessing the Potential of mRNA, available at* https://www.pfizer.com/science/innovation/mrna-technology, (last visited Mar. 30, 2025).
[157] Moderna, Inc., mRNA Pipeline (as of Jan. 12, 2025) (last visited Mar. 4, 2026), available at https://www.modernatx.com/en-US/research/product-pipeline.
[158] Penn Medicine, *The Future of mRNA Vaccines, available at* https://www.pennmedicine.org/mrna, (last visited Mar. 30, 2025).
[159] "Messenger ribonucleic acid vaccine" means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body's immune system to generate an immune response.

Section 3 amends s. 381.00315(2)(d)4., F.S. That statute currently provides that the State Surgeon General, upon declaration of a public health emergency, may order an individual to be treated for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. The bill amends this subparagraph to clarify that the State Surgeon General's authority to order an individual to be treated does not include authority to order the individual to be vaccinated.

In 2021, the Legislature amended the statute to remove the State Surgeon General's overt authority to order an individual to be vaccinated for such a disease.[160] Although the State Surgeon General's authority to order an individual to be vaccinated was already removed from this section, this bill goes a step further to state that limitation affirmatively. The bill forecloses negative-implication and prevents arguments that vaccination is simply a form of "treatment" authorized within that section.

Section 4 amends s. 456.0575, F.S., to revise procedures surrounding vaccinations of minor children.

"Health care practitioner" is defined for ch. 456, F.S., in s. 456.001(4), F.S., [161] but only the following professions are granted authority in their respective practice acts to administer vaccinations to minors: allopathic physicians and physician assistants, osteopathic physicians and physician assistants, registered nurses, advanced practice registered nurses, and licensed practical nurses.

Under s. 401.272(2)(c), F.S., paramedics may administer immunizations in a nonemergency environment, within the scope of their training, and under the medical direction of a physician through two-way communication or pursuant to established standing orders or protocols.

Under the bill, before administering a vaccine to a minor child, such health care practitioner or paramedic must:

- Provide the child's parent or guardian with the most recently issued Vaccine Information Statement (VIS) published by the U.S. Centers for Disease Control and Prevention pertaining to each vaccine being administered and materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine (collectively, the Boards) relating to the role of immunizations in communicable disease prevention.
- Obtain the signature of the parent or guardian acknowledging receipt of that information.

In addition to obtaining the signature of the parent or guardian acknowledging receipt of the information required by the bill, the practitioner or paramedic must document additional information in the minor child's medical record. The National Childhood Vaccine Injury Act establishes a federal requirement for health care providers to provide a VIS to a child's parent or guardian prior to administration of vaccines covered by the Act, a category that includes most

[160] Chapter 2021-7B, Laws of Fla.

[161] Section 456.001(4), F.S. "Health care practitioner" means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part I, part II, or part III of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491.

routine pediatric immunizations and flu shots.[162] Federal law requires providers to record in the medical record that the VIS was provided; the date the VIS was provided; the edition (publication) date of the VIS; the name, address and title of the individual who administers the vaccine; the date of administration; and the vaccine manufacturer and lot number of the vaccine used.

If more than one vaccine is to be administered, the bill requires a health care practitioner to discuss the timing of multiple vaccinations with the child's parent or guardian and the parent or guardian's options for such timing before administering the initial vaccination. The bill affirmatively authorizes the health care practitioner to administer vaccines to a child over multiple encounters if the parent or guardian requests it.

The Department of Health (DOH) has indicated that the Board of Medicine, Board of Osteopathic Medicine, Board of Nursing, and Board of Pharmacy may need to amend their disciplinary guideline rules to create a range of penalties for violating the new requirements in s. 456.0575, F.S., as amended by the bill.[163]

Section 5 provides that the amendments to s. 456.0575(2)(a) and (b), F.S., in section 3 of the bill relating to information that must be provided to parents or guardians before vaccinating a minor, become effective 30 days after the Board of Medicine and the Board of Osteopathic Medicine adopt the informational materials by joint rule. The Boards must adopt the joint rule no later than 120 days after the bill becomes a law and must notify the Division of Law Revision immediately upon adoption. The bill, if enacted, would take effect before the informational materials are finalized. This delayed effective date relating to the informational materials ensures that practitioners and paramedics can continue to provide vaccinations to minors with parental consent, as generally required for the provision of all health care services pursuant to s. 1014.06, F.S., while the materials are being developed by the Boards.

The bill provides this section takes effect upon becoming a law, enabling the Boards to begin the rulemaking process as soon as practicable.

Sections 6, 7, and 8 create ss. 458.3351, 459.0156, and 464.0181, F.S., respectively, to grant immunity from civil or criminal liability and disciplinary action under Florida law to a health care practitioner licensed under chs. 458, 459, or 464, F.S., whose license includes prescribing authority, for prescribing or administering ivermectin[164] to an adult, in good faith, in accordance with the applicable standard of care and in accordance with the applicable practice act and pertinent rules.

Section 6 grants such immunities to allopathic physicians, and physician assistants delegated prescriptive authority by their supervising physician, licensed under ch. 458, F.S.

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[162] While COVID-19 vaccines are not NCVIA-covered vaccines, CDC guidance indicates that vaccinators should provide the COVID-19 VIS before each dose. U.S. Ctrs. for Disease Control & Prevention, *COVID-19 Vaccines by Product*, available at https://www.cdc.gov/vaccines/covid-19/info-by-product/index.html (last visited Jan. 20, 2026).

[163] Florida Department of Health, *Legislative Bill Analysis: SB 1756* (Jan. 22, 2026) (On file with Senate Committee on Health Policy).

[164] These sections address ivermectin broadly and could be interpreted to encompass all formulations for on- and off-label use, including drugs manufactured for human use and animal use.

Section 7 grants such immunities to osteopathic physicians, and physician assistants delegated prescriptive authority by their supervising physician, licensed under ch. 459, F.S.

Section 8 grants such immunities to advance practice registered nurses (APRNs) operating within the framework of an established protocol, or autonomous APRNs, licensed under ch. 464, F.S.

Section 9 amends the Florida Pharmacy Act by creating s. 465.1897, F.S., to authorize a licensed pharmacist to provide ivermectin[165] to a person who is 18 years of age or older without a prescription as a behind-the-counter medication until the U.S. Food and Drug Administration (FDA) approves ivermectin for over-the-counter sale. Current prescription-only ivermectin drugs include oral tablets for the treatment of parasitic conditions and topical ivermectin for the treatment of rosacea.

Before providing ivermectin under this provision, the pharmacist must provide written information regarding indications and contraindications, appropriate dosage, and the need to seek follow-up care from the person's primary care physician. Because the FDA has classified all tablet forms and some topical forms of ivermectin as prescription-only drugs, meaning that the drugs may be dispensed to a specific patient pursuant to a practitioner's prescription and used under that practitioner's supervision, they are exempted from federal "adequate directions for use" requirements. This exemption would no longer apply if they were to be dispensed without a prescription.

The bill provides that a pharmacist acting in good faith is immune from civil or criminal liability or disciplinary action for providing ivermectin to an adult in accordance with this portion of the bill. However, any prescription drugs so dispensed would be misbranded in violation of federal law.[166] Although the bill provides protection from state actions, a pharmacist or pharmacy acting in accordance with this section would risk federal enforcement.

The Board of Pharmacy is authorized, but not required, to adopt rules to implement this new section of law.

Section 10 amends s. 1003.22, F.S., to create a statutory nonmedical exemption from immunization requirements for a child attending a K-12 school if the administration of immunizing agents conflicts with the parent's conscience.

Like the existing religious exemption, the conscience exemption would also be available to children attending preschool or day care in a child care facility[167] or family day care home facility[168] who are subject to immunization requirements pursuant to rules of the Department of Children and Families.

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[165] The bill does not specify whether the ivermectin authorized to be dispensed by pharmacists under this section must be manufactured for human use.
[166] *See* Constitutional Issues. *See* Present Situation: Ivermectin Classified as Rx-Only Status; Federal Misbranding.
[167] Fla. Dep't of Children & Fams., *Child Care Facility Handbook,* https://flrules.org/Gateway/reference.asp?No=Ref-13928 (last visited Jan. 20, 2026).
[168] Section 402.313, F.S.

Under the bill, a single nonmedical exemption form would provide for both conflicts with religious tenets or practices and conflicts with conscience.[169] In accordance with current DOH rule for the religious exemption form, the new form must be approved and provided by the DOH.

The bill statutorily requires the nonmedical exemption form to be made available on the DOH website. Nothing in current law prevents the DOH from making the form available on its website today. Under the bill, the DOH would be required to do something it may already do of its own volition but has chosen not to.

Upon making the nonmedical exemption form available on its website and upon the Boards adoption of a rule, the DOH must ensure that the form and the materials approved and adopted by joint rule of the Boards under s. 456.0575(2)(a), as amended by section 4 of the bill relating to the role of immunizations in communicable disease prevention, are downloaded as a single document. This requirement takes effect upon the adoption of the joint rule.

The web page containing the download link must also include and prominently display a link or links to the CDC's current Vaccine Information Statements.

A parent seeking a nonmedical exemption must obtain a signature from the director or administrator of the county health department pursuant to existing DOH rule before presenting the form to the school or facility, as required by the bill and in accordance with rule, effectively exempting their child from immunization requirements.

The bill makes a technical change to paragraph (5)(b) regarding a permanent medical exemption to clarify that a child may be exempt from one or more required immunizations, which is in accordance with Part C of the DOH's current Certificate of Immunization Form.

The bill also makes a technical change to paragraph (5)(c) to correct verbiage providing that a child who has a temporary medical exemption, which may be issued by an allopathic physician, an osteopathic physician, or a chiropractic physician under current law, is in the process of completing the other required immunizations. The bill conforms to Part B of the DOH's current Certificate of Immunization Form.

The bill makes other non-substantive edits to improve clarity within this statutory section and to improve consistency within the statutes. For example, the bill replaces "permit" with "allow" to clarify that no formal permit is issued, and hyphens are added to "follow-up."

Section 10 provides an effective date of July 1, 2026.

[169] Neither the bill nor the Florida Statutes define the term "conscience." Section 381.00321(1)(b), F.S., defines the term "conscience-based objection" for purposes of that section as an objection based on a sincerely held religious, moral, or ethical belief." One Merriam-Webster definition of "conscience" is "conformity to what one considers to be correct, right, or morally good." Merriam-Webster, *Conscience*, available at https://www.merriam-webster.com/dictionary/conscience (last visited Jan. 20, 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:

Because the bill authorizes behind-the-counter access to an U.S. Food and Drug Administration (FDA) Rx-only ivermectin product, a court could find conflict preemption under the Supremacy Clause because the state authorization would permit conduct that federal law treats as unlawful misbranding for prescription-only drugs. *See Present Situation: Ivermectin.*

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

CS/SB 1756 requires the Board of Medicine and the Board of Osteopathic Medicine to jointly adopt materials to convey to parents the role of immunizations in communicable disease prevention. The Department of Health (DOH) will be required under the bill to update its Immunization Guidelines and its Exemption from Immunization for Religion form. The Department of Children and Families will need to update its handbooks for childcare facilities and family day care home. It is expected that these operational impacts may be absorbed within existing resources.[170]

[170] *Florida Department of Health, Legislative Bill Analysis: SB 1756* (Jan. 22, 2026) (On file with Senate Committee on Health Policy

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.00315, 456.0575, and 1003.22.

This bill creates the following sections of the Florida Statutes: 458.3351, 459.0156, 464.0181, and 465.1897.

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 March 3, 2026:
The CS preserves the statutory definition of "messenger ribonucleic acid vaccine" by deleting the scheduled repeal.

The CS clarifies the rulemaking authority of the Boards of Medicine and Osteopathic Medicine to jointly approve and adopt, by rule, materials related to the role of immunizations in communicable disease prevention. Practitioners and paramedics must provide these materials to parents before administering a vaccine to a minor child. The Boards are directed to adopt the joint rule no later than 120 days after the bill becomes law.

The CS requires the Department of Health (DOH) to post the nonmedical exemption form (for religious and conscience-based objections) on its website, so county health departments are no longer the sole source of the exemption form. The DOH must also make the exemption form available as a single combined download with the materials adopted by the Boards that are given to parents who vaccinate their children. The webpage containing the download link must include links to the CDC's Vaccine Information Statements.

CS by Health Policy on January 26, 2026:
The committee substitute adds provisions not found in the underlying bill to grant immunity from civil or criminal liability and for disciplinary action under Florida law to health care practitioners licensed under chs. 458, 459, or 464, F.S., whose license includes prescribing authority, for prescribing or administering ivermectin to an adult, in good faith, in accordance with the applicable chapter under which the practitioner is licensed and rules pertaining to his or her practice.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2026	.	
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The Committee on Rules (Yarborough) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Medical Freedom Act."

Section 2. Section 9 of chapter 2023-43, Laws of Florida, as amended by section 1 of chapter 2025-114, Laws of Florida, is repealed.

Section 3. Paragraph (d) of subsection (2) of section 381.00315, Florida Statutes, is amended to read:

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381.00315 Public health advisories; public health emergencies; isolation and quarantines.—The State Health Officer is responsible for declaring public health emergencies, issuing public health advisories, and ordering isolation or quarantines.

(2)

(d) The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer’s priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or

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chapter 459; physician assistants licensed under chapter 458 or chapter 459; licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or before the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, or treated for reasons of health, religion, or conscience may be subjected to isolation or quarantine. For the purposes of this subparagraph, the State Health Officer's authority to treat or order treatment does not include the authority to order a vaccination.

a. Examination, testing, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health,

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the State Health Officer may subject the individual to isolation or quarantine. If there is no practical method to isolate or quarantine the individual, the State Health Officer may use any means necessary to treat the individual.

c. Any order of the State Health Officer given to effectuate this paragraph is immediately enforceable by a law enforcement officer under s. 381.0012.

Section 4. Section 456.0575, Florida Statutes, is amended to read:

456.0575 Duty to notify patients.—

(1) ADVERSE INCIDENTS.—A ~~Every licensed~~ health care practitioner shall inform each patient, or an individual identified pursuant to s. 765.401(1), in person about adverse incidents that result in serious harm to the patient. Notification of outcomes of care that result in harm to the patient under this section does not constitute an acknowledgment of admission of liability, nor can such notifications be introduced as evidence.

(2) VACCINATIONS OF MINORS.—

(a) Each health care practitioner authorized by law to administer vaccines, and each paramedic acting pursuant to s. 401.272, shall, before administering one or more vaccines to a minor child, provide the parent or guardian with the following:

1. The most recently issued Vaccine Information Statement published by the United States Centers for Disease Control and Prevention pertaining to each vaccine being administered.

2. Materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine relating to the role of immunizations in communicable disease prevention.

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(b) Before administering one or more vaccines to a minor child, the health care practitioner or paramedic must obtain the signature of the parent or guardian acknowledging receipt of the information required under paragraph (a).

(c) When more than one vaccine is to be administered, the health care practitioner shall discuss the timing of multiple vaccinations with the child's parent or guardian and the parent's or guardian's options for such timing before administering the initial vaccination. At the request of the parent or guardian, a health care practitioner may administer vaccines to the minor child over multiple encounters.

(3) GOOD FAITH ESTIMATE OF CHARGES.—Upon request by a patient, before providing nonemergency medical services in a facility licensed under chapter 395, a health care practitioner shall provide, in writing or by electronic means, a good faith estimate of reasonably anticipated charges to treat the patient's condition at the facility. The health care practitioner shall provide the estimate to the patient within 7 business days after receiving the request and is not required to adjust the estimate for any potential insurance coverage. The health care practitioner shall inform the patient that the patient may contact his or her health insurer or health maintenance organization for additional information concerning cost-sharing responsibilities. The health care practitioner shall provide information to uninsured patients and insured patients for whom the practitioner is not a network provider or preferred provider which discloses the practitioner's financial assistance policy, including the application process, payment plans, discounts, or other available assistance, and the

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practitioner's charity care policy and collection procedures. Such estimate does not preclude the actual charges from exceeding the estimate. Failure to provide the estimate in accordance with this subsection, without good cause, shall result in disciplinary action against the health care practitioner and a daily fine of $500 until the estimate is provided to the patient. The total fine may not exceed $5,000.

Section 5. The amendments made by this act to s. 456.0575(2)(a) and (b), Florida Statutes, relating to information that must be provided to parents or guardians before the administration of a vaccination to a minor are effective July 1, 2026, or 30 days after the Board of Medicine and the Board of Osteopathic Medicine adopt by joint rule the informational materials as required under that subsection, whichever occurs later. The Board of Medicine and the Board of Osteopathic Medicine shall adopt the joint rule no later than 120 days after this act becomes a law and shall notify the Division of Law Revision immediately upon their adoption of the joint rule. This section takes effect upon becoming a law.

Section 6. Section 458.3351, Florida Statutes, is created to read:

458.3351 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith, in accordance with the applicable standard of care and in accordance with this chapter and the rules pertaining to his or her practice.

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Section 7. Section 459.0156, Florida Statutes, is created to read:

459.0156 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith, in accordance with the applicable standard of care and in accordance with this chapter and the rules pertaining to his or her practice.

Section 8. Section 464.0181, Florida Statutes, is created to read:

464.0181 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith, in accordance with the applicable standard of care and in accordance with this chapter and the rules pertaining to his or her practice.

Section 9. Section 465.1897, Florida Statutes, is created to read:

465.1897 Sale of ivermectin without a prescription.—

(1) A pharmacist may provide ivermectin to a person 18 years of age or older without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale.

(2) Before providing ivermectin under this section, the pharmacist shall provide the person with written information

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regarding the indications and contraindications for ivermectin, the appropriate dosage, and the need to seek follow-up care from the person's primary care physician.

(3) A pharmacist acting in good faith is immune from civil or criminal liability or disciplinary action for providing ivermectin to an adult in accordance with this section.

(4) The board may adopt rules to implement this section.

Section 10. Subsections (5) and (9) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(5) A child is exempt from immunization requirements in subsection (3) ~~The provisions of this section shall not apply~~ if:

(a) The parent of the child presents to the school, on a form adopted by rule of the Department of Health and made available on its website, an attestation ~~objects in writing~~ that the administration of immunizing agents conflicts with the parent's ~~his or her~~ religious tenets or practices or conscience;

(b) A physician licensed under ~~the provisions of~~ chapter 458 or chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from one or more of the required immunizations ~~immunization~~ for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

(c) A physician licensed under ~~the provisions of~~ chapter 458, chapter 459, or chapter 460 certifies in writing, on a form


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approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing the other required ~~necessary~~ immunizations;

(d) The Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

(e) An authorized school official issues a temporary exemption, for up to 30 school days, to allow ~~permit~~ a student who transfers into a new county to attend class until his or her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for follow-up ~~followup~~ of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to allow ~~permit~~ the student to attend class until his or her records can be obtained or until the immunizations can be administered ~~obtained~~. An authorized juvenile justice official is responsible for follow-up ~~followup~~ of each student who enters a juvenile justice program until proper documentation is obtained or immunizations are administered ~~obtained~~.

Upon making the exemption form referenced under paragraph (a) available on its website, the Department of Health shall ensure that when the form is downloaded, such download includes, as a single document, the form and materials approved and adopted by

joint rule of the Board of Medicine and the Board of Osteopathic Medicine under s. 456.0575(2)(a) relating to the role of immunizations in communicable disease prevention. This requirement shall take effect upon the adoption of the joint rule. The webpage containing the download link must also include and prominently display a link or links to the United States Centers for Disease Control and Prevention's current Vaccine Information Statements.

(9) The presence of any of the communicable diseases for which immunization is required under subsection (3) ~~by the Department of Health~~ in a Florida public or private school authorizes ~~shall permit~~ the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency must ~~shall~~ mandate that all students attending ~~in attendance in~~ the school who have not been immunized against the diseases specified in subsection (3) or related Department of Health rules ~~are not in compliance with the provisions of this section~~ be identified by the district school board or by the governing authority of the private school,~~;~~ and the school health and immunization records of such children must ~~shall~~ be made available to the county health department director or administrator. ~~Those~~ Children who are identified as not having been ~~being~~ immunized against the disease for which the emergency has been declared must ~~shall~~ be temporarily excluded from school attendance by the district school board, or the governing authority of the private school, until ~~such time as is specified by~~ the county health department director or administrator declares that the communicable disease emergency has ended.

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Section 11. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, 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 medical freedom; providing a short title; repealing s. 9 of chapter 2023-43, Laws of Florida, as amended by chapter 2025-114, Laws of Florida, relating to the future repeal of the definition of the term "messenger ribonucleic acid vaccine"; amending s. 381.00315, F.S.; providing construction; amending s. 456.0575, F.S.; requiring certain health care practitioners and paramedics to, before administering one or more vaccines to a minor child, provide the parent or legal guardian with specified materials; requiring such practitioners and paramedics to obtain the signature of a minor child's parent or guardian acknowledging receipt of such information; requiring health care practitioners to discuss certain information with a minor child's parent or guardian when more than one vaccine is to be administered; authorizing a health care practitioner, at the request of the parent or guardian, to administer the vaccines to the minor child over

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multiple encounters; providing that specified amendments made by the act to s. 456.0575, F.S., take effect on a specified date or within a specified timeframe after the Board of Medicine and the Board of Osteopathic Medicine adopt certain materials by joint rule, whichever occurs later; requiring the boards to adopt the joint rule within a specified timeframe and immediately notify the Division of Law Revision of their adoption of the joint rule; creating ss. 458.3351, 459.0156, and 464.0181, F.S.; providing certain health care practitioners immunity from civil and criminal liability and disciplinary action for prescribing or administering ivermectin to adults under certain circumstances; creating s. 465.1897, F.S.; authorizing pharmacists to provide ivermectin to adults without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale; requiring pharmacists to provide specified information before providing the ivermectin; providing pharmacists acting in good faith with immunity from civil and criminal liability and disciplinary action for providing ivermectin to adults; authorizing the Board of Pharmacy to adopt rules; amending s. 1003.22, F.S.; revising exemptions from school-entry immunization requirements; requiring the Department of Health to make the immunization exemption form for religious or conscience-based exemptions publicly available on its website; specifying procedures and requirements for

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receiving such exemptions; requiring the department to ensure that when a certain exemption form is downloaded from its website, the download includes the form and specified materials as a single document; providing that the requirement takes effect upon adoption of a specified rule; requiring that the webpage containing the download link also include and prominently display certain other links; revising requirements and procedures for declarations of a communicable disease emergency; providing effective dates.

103592

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/04/2026	.	
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The Committee on Rules (Burton) recommended the following:

Senate Amendment to Amendment (150652) (with directory and title amendments)

Between lines 272 and 273

insert:

(12) A private school is not required to honor an exemption under paragraph (5)(a) if such school has adopted policies requiring all students who attend the school to be immunized except for students who are exempt under paragraph (5)(b), paragraph (5)(c), paragraph (5)(d), or paragraph (5)(e).

Section 11. Paragraph (e) of subsection (1) of section

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381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.—

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly. The communicable disease program must include, but need not be limited to:

(e) Programs for the prevention and control of vaccine-preventable diseases, including programs to immunize school children as required by s. 1003.22(3)-(12) ~~s. 1003.22(3)-(11)~~ and the development of an automated, electronic, and centralized database and registry of immunizations. The department shall ensure that all children in this state are immunized against vaccine-preventable diseases. The immunization registry must allow the department to enhance current immunization activities for the purpose of improving the immunization of all children in this state.

1. Except as provided in subparagraph 2., the department shall include all children born in this state in the immunization registry by using the birth records from the Office of Vital Statistics. The department shall add other children to the registry as immunization services are provided.

2. The parent or guardian of a child may refuse to have the child included in the immunization registry by signing a form obtained from the department, or from the health care

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practitioner or entity that provides the immunization, which indicates that the parent or guardian does not wish to have the child included in the immunization registry. Each consent to treatment form provided by a health care practitioner or by an entity that administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age must contain a notice stating that the parent or guardian of a child may refuse to have his or her child included in the immunization registry. The parent or guardian must provide such opt-out form to the health care practitioner or entity upon administration of the vaccination. Such health care practitioner or entity shall submit the form to the department. A parent or guardian may submit the opt-out form directly to the department. Any records or identifying information pertaining to the child shall be removed from the registry, if the parent or guardian has refused to have his or her child included in the immunization registry.

3. A college or university student, from 18 years of age to 23 years of age, who obtains a vaccination from a college or university student health center or clinic in the state may refuse to be included in the immunization registry by signing a form obtained from the department, health center, or clinic which indicates that the student does not wish to be included in the immunization registry. The student must provide such opt-out form to the health center or clinic upon administration of the vaccination. Such health center or clinic shall submit the form to the department. A student may submit the opt-out form directly to the department. Any records or identifying information pertaining to the student shall be removed from the

registry if the student has refused to be included in the immunization registry.

4. The immunization registry shall allow for immunization records to be electronically available to entities that are required by law to have such records, including, but not limited to, schools and licensed child care facilities.

5. A health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to children from birth through 17 years of age is required to report vaccination data to the immunization registry, unless a parent or guardian of a child has refused to have the child included in the immunization registry by meeting the requirements of subparagraph 2. A health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who administers vaccinations or causes vaccinations to be administered to college or university students from 18 years of age to 23 years of age at a college or university student health center or clinic is required to report vaccination data to the immunization registry, unless the student has refused to be included in the immunization registry by meeting the requirements of subparagraph 3. Vaccination data for students in other age ranges may be submitted to the immunization registry only if the student consents to inclusion in the immunization registry. The upload of data from existing automated systems is an acceptable method for updating immunization information in the immunization registry. The information in the immunization registry must include the child’s name, date of birth, address, and any other unique identifier necessary to correctly identify

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the child; the immunization record, including the date, type of administered vaccine, and vaccine lot number; and the presence or absence of any adverse reaction or contraindication related to the immunization. Information received by the department for the immunization registry retains its status as confidential medical information and the department must maintain the confidentiality of that information as otherwise required by law. A health care practitioner or other agency that obtains information from the immunization registry must maintain the confidentiality of any medical records in accordance with s. 456.057 or as otherwise required by law.

Section 12. Paragraph (a) of subsection (6) of section 1002.42, Florida Statutes, is amended to read:

1002.42 Private schools.—

(6) IMMUNIZATIONS.—The governing authority of each private school shall:

(a) Require students to present a certification of immunization in accordance with the provisions of s. 1003.22(3)-(12) ~~s. 1003.22(3)-(11)~~.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======

And the directory clause is amended as follows:

Delete line 194

and insert:

Florida Statutes, are amended, and subsection (12) is added to that section, to read:

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

And the title is amended as follows:

Delete line 340

and insert:

communicable disease emergency; providing that private schools are not required to honor a specified exemption from immunization requirements under certain circumstances; amending ss. 381.003 and 1002.42, F.S.; conforming cross-references; providing effective

By the Committee on Health Policy; and Senator Yarborough

588-02218-26 20261756c1

A bill to be entitled

An act relating to medical freedom; providing a short title; amending s. 381.00315, F.S.; providing construction; amending s. 456.0575, F.S.; requiring certain health care practitioners and paramedics to, before administering a vaccine to a minor child, inform the parent or legal guardian of certain information using materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine; requiring such practitioners and paramedics to obtain the signature of a minor child's parent or guardian acknowledging receipt of such information; requiring health care practitioners to discuss certain information with a minor child's parent or guardian when more than one vaccine is to be administered; authorizing a health care practitioner, at the request of the parent or guardian, to administer the vaccines to the minor child over multiple encounters; providing that specified amendments made by the act to s. 456.0575, F.S., take effect within a specified timeframe after the Board of Medicine and the Board of Osteopathic Medicine adopt certain materials by joint rule; requiring the boards to immediately notify the Division of Law Revision of their adoption of such materials; creating ss. 458.3351, 459.0156, and 464.0181, F.S.; providing certain health care practitioners immunity from civil and criminal liability and disciplinary action for prescribing or administering ivermectin to adults

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

588-02218-26 20261756c1

under certain circumstances; creating s. 465.1897, F.S.; authorizing pharmacists to provide ivermectin to adults without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale; requiring pharmacists to provide specified information before providing the ivermectin; providing pharmacists acting in good faith with immunity from civil and criminal liability and disciplinary action for providing ivermectin to adults; authorizing the Board of Pharmacy to adopt rules; amending s. 1003.22, F.S.; revising exemptions from school-entry immunization requirements; requiring the Department of Health to make the immunization exemption form for religious or conscience-based exemptions publicly available on its website; specifying procedures and requirements for receiving such exemptions; revising requirements and procedures for declarations of a communicable disease emergency; providing an effective date.

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

Section 1. This act may be cited as the "Medical Freedom Act."

Section 2. Paragraph (d) of subsection (2) of section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; public health emergencies; isolation and quarantines.—The State Health Officer is responsible for declaring public health emergencies, issuing

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

public health advisories, and ordering isolation or quarantines.

(2)

(d) The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under part I of

chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or before the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, or treated for reasons of health, religion, or conscience may be subjected to isolation or quarantine. For the purposes of this subparagraph, the State Health Officer's authority to treat or order treatment does not include the authority to order a vaccination.

a. Examination, testing, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to isolation or quarantine. If there is no practical method to isolate or quarantine the individual, the State Health Officer may use any

means necessary to treat the individual.

c. Any order of the State Health Officer given to effectuate this paragraph is immediately enforceable by a law enforcement officer under s. 381.0012.

Section 3. Section 456.0575, Florida Statutes, is amended to read:

456.0575 Duty to notify patients.—

(1) ADVERSE INCIDENTS.—A ~~Every licensed~~ health care practitioner shall inform each patient, or an individual identified pursuant to s. 765.401(1), in person about adverse incidents that result in serious harm to the patient. Notification of outcomes of care that result in harm to the patient under this section does not constitute an acknowledgment of admission of liability, nor can such notifications be introduced as evidence.

(2) VACCINATIONS OF MINORS.—

(a) Each health care practitioner authorized by law to administer vaccines, and each paramedic acting pursuant to s. 401.272, shall, before administering a vaccine to a minor child, provide the parent or guardian with information on the risks, benefits, safety, and efficacy of each vaccine being administered, using materials approved and adopted by joint rule of the Board of Medicine and the Board of Osteopathic Medicine.

(b) Before administering a vaccine or vaccines to a minor child, the health care practitioner or paramedic must obtain the signature of the parent or guardian acknowledging receipt of the information required under paragraph (a).

(c) When more than one vaccine is to be administered, the health care practitioner shall discuss the timing of multiple

vaccinations with the child's parent or guardian and the parent's or guardian's options for such timing before administering the initial vaccination. At the request of the parent or guardian, such a health care practitioner may administer vaccines to the minor child over multiple encounters.

(3) GOOD FAITH ESTIMATE OF CHARGES.—Upon request by a patient, before providing nonemergency medical services in a facility licensed under chapter 395, a health care practitioner shall provide, in writing or by electronic means, a good faith estimate of reasonably anticipated charges to treat the patient's condition at the facility. The health care practitioner shall provide the estimate to the patient within 7 business days after receiving the request and is not required to adjust the estimate for any potential insurance coverage. The health care practitioner shall inform the patient that the patient may contact his or her health insurer or health maintenance organization for additional information concerning cost-sharing responsibilities. The health care practitioner shall provide information to uninsured patients and insured patients for whom the practitioner is not a network provider or preferred provider which discloses the practitioner's financial assistance policy, including the application process, payment plans, discounts, or other available assistance, and the practitioner's charity care policy and collection procedures. Such estimate does not preclude the actual charges from exceeding the estimate. Failure to provide the estimate in accordance with this subsection, without good cause, shall result in disciplinary action against the health care practitioner and a daily fine of $500 until the estimate is

provided to the patient. The total fine may not exceed $5,000.

Section 4. The amendments made by this act to s. 456.0575(2)(a) and (b), Florida Statutes, relating to information that must be provided to parents or guardians before the administration of a vaccination to a minor are effective 30 days after the Board of Medicine and the Board of Osteopathic Medicine adopt by joint rule the informational materials as required under that subsection. The Board of Medicine and the Board of Osteopathic Medicine shall notify the Division of Law Revision immediately upon their adoption of such materials.

Section 5. Section 458.3351, Florida Statutes, is created to read:

458.3351 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith in accordance with this chapter and rules pertaining to his or her practice.

Section 6. Section 459.0156, Florida Statutes, is created to read:

459.0156 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith in accordance with this chapter and rules pertaining to his or her practice.

Section 7. Section 464.0181, Florida Statutes, is created

to read:

464.0181 Prescription or administration of ivermectin.—A health care practitioner who is licensed under this chapter and whose license includes prescribing authority is immune from civil or criminal liability or disciplinary action for prescribing or administering ivermectin to an adult in good faith in accordance with this chapter and rules pertaining to his or her practice.

Section 8. Section 465.1897, Florida Statutes, is created to read:

465.1897 Sale of ivermectin without a prescription.—

(1) A pharmacist may provide ivermectin to a person 18 years of age or older without a prescription as a behind-the-counter medication until the United States Food and Drug Administration approves it for over-the-counter sale.

(2) Before providing ivermectin under this section, the pharmacist shall provide the person with written information regarding the indications and contraindications for ivermectin, the appropriate dosage, and the need to seek follow-up care from the person's primary care physician.

(3) A pharmacist acting in good faith is immune from civil or criminal liability or disciplinary action for providing ivermectin to an adult in accordance with this section.

(4) The board may adopt rules to implement this section.

Section 9. Subsections (5) and (9) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.—

(5) A child is exempt from immunization requirements in subsection (3) ~~The provisions of this section shall not apply~~ if:

(a) The parent of the child presents to the school, on a form approved and provided by the Department of Health and made available on its website, an attestation ~~objects in writing~~ that the administration of immunizing agents conflicts with the parent's ~~his or her~~ religious tenets or practices or conscience;

(b) A physician licensed under ~~the provisions of~~ chapter 458 or chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from one or more of the required immunizations ~~immunization~~ for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

(c) A physician licensed under ~~the provisions of~~ chapter 458, chapter 459, or chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing the other required ~~necessary~~ immunizations;

(d) The Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

(e) An authorized school official issues a temporary exemption, for up to 30 school days, to allow ~~permit~~ a student who transfers into a new county to attend class until his or her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the

department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. The public school health nurse or authorized private school official is responsible for follow-up ~~followup~~ of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to allow ~~permit~~ the student to attend class until his or her records can be obtained or until the immunizations can be administered ~~obtained~~. An authorized juvenile justice official is responsible for follow-up ~~followup~~ of each student who enters a juvenile justice program until proper documentation is obtained or immunizations are administered ~~obtained~~.

(9) The presence of any of the communicable diseases for which immunization is required under subsection (3) ~~by the Department of Health~~ in a Florida public or private school authorizes ~~shall permit~~ the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency must ~~shall~~ mandate that all students attending ~~in attendance in~~ the school who have not been immunized against the diseases specified in subsection (3) or related Department of Health rules ~~are not in compliance with the provisions of this section~~ be identified by the district school board or by the governing authority of the private school~~,~~ and the school health and immunization records of such children must ~~shall~~ be made available to the county health department director or administrator. ~~Those~~ Children who are identified as not having been ~~being~~ immunized against the disease for which the emergency has been declared must ~~shall~~ be temporarily excluded from school

attendance by the district school board, or the governing authority of the private school, until ~~such time as is specified by~~ the county health department director or administrator declares that the communicable disease emergency has ended.

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 25, 2026

I respectfully request that **Senate Bill #1756**, relating to Medical Freedom, 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

02/03/26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Susan Farris

Phone 804-605-7101

Address 545 Oxford Ave
Street

Email susanacfarris@gmail.com

Melbourne FL 32935
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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02/03/26
Meeting Date

Rules
Committee

~~SB~~ 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Susan A Farris

Phone 904-605-7101

Address 545 Oxford Ave
Street

Email susanacfarris@gmail.com

Melbourne FL 32935
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

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

3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Vanessa Fergeson

Phone 321-698-2772

Address 911 Bluewater Drive
Street

Email Reelyfbless@gmail.com

Judian Harbour Beach FL 32937
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

Amendment 103592

APPEARANCE RECORD

3-3-26
Meeting Date

SB 1756
Bill Number or Topic

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name Larry Dennis Jr.

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:

☐ 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
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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Cynthia Eames

Phone 321-431-2457

Address 6354 S. Hwy A1a
Street

Email cindyeames@hotmail.com

Melbourne Beach FL 32951
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

Deliver both copies of this form to
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3-3-26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Maija Hahn

Phone 909-289-3406

Address 132 Rainbow St.
Street

Email FL.Maija.Hahn@childrenshealthdefense.org

merritt Island, FL 32952
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: Children's Health Defense Florida

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Attorney Katherine Henry

Phone 321 300 3037

Address 33 Cypress Circle
Street

Email

Ormond Beach FL 32176
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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3/3/26
Meeting Date

Senate Rules
Committee

SB 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Aimee Villella McBride

Phone (516) 662-6562

Address 9073 Luna Lane
Street

Email aimee@globalwellnessformula.com

Sarasota FL 34241
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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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/26
Meeting Date

rules
Committee

1754
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Hillary Earle

Phone 516 384 7855

Address 988 Altair Way
Street

Email hillary.earle@amicusadr.com

Grant Valkaria FL 32950
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

Deliver both copies of this form to
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March 3, 2026
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Allison Euker

Phone 609-670-8902

Address 11808 Hunters Creek Rd
Street

Email Aeukerogmail.com

Venice FL 34293
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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3/3/26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Susan Sweetin

Phone 973 568 3587

Address 309 Rubens Drive
Street

Email Susan@Freedomhealthconnect.com

Nokomis FL 34275
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

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

2/3/25
Meeting Date

Rules
Committee

SB1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Elyse Young

Phone 518-275-1076

Address 1756 Sugarberry Trail
Street

Sarasota FL 34240
City State Zip

Email guidingtheimpact@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3-3-26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name DR. Diane Gowski MD

Phone 727-480-7574

Address 1383 Temple St
Street

Clearwater FL
City State Zip

Email DIANETG@aol.com

against 103592

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

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

3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Emma Henry

Phone 321 300 5503

Address 33 cypress Circle
Street

Email

ormond Beach FL 32176
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

Deliver both copies of this form to
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MARCH 3, 26	SB1756
Meeting Date	Bill Number or Topic
RULES	103592
Committee	Amendment Barcode (if applicable)

Name BAILEY KUYKENDALL (KIRKEN-DULL) Phone 310-663-8902

Address 2312 MIZNER BAY AVE Email baileykuyk@PROTONMAIL.COM
Street

BRADENTON FL 34208
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

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

March 3, 2026
Meeting Date

Rules
Committee

amendment to SB 1756
Bill Number or Topic

103592-Burton
Amendment Barcode (if applicable)

Name Lynda Bell

Phone 786-208-3292

Address 19690 Crows Lane
Street

Email Lyndaforlife@bellsouth.net

Tally FL 32310
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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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

3/3/26
Meeting Date

RULES
Committee

1756
Bill Number or Topic

103592
Amendment Barcode (if applicable)

Name Joseph Harmon

Phone 850-205-6826

Address 201 W Park Ave
Street

Email jharmon@flccb.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:
FL Conference of Catholic Bishops

☐ 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

3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Attorney Katherine Henry

Phone 321 300 3037

Address 33 Cypress Circle
Street

Email

Ormond Beach FL 32176
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

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

3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Vanessa Ferguson Phone 321-698-2772

Address 911 Bluewater Drive Email Reelyblessed@gmail.com
Street

Indian Harbour Beach FL 32937
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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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Cynthia Eames

Phone 321-431-2457

Address 6354 S Hwy A1a
Street

Email cindyeemet@hotmail.com

Melbourne
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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3-3-26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Maija Hahn

Phone 909-289-3406

Address 132 Rainbow St.
Street

Email FL.Maija.Hahn@ChildrensHealthDefense.org

Merritt Island, FL 32952
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:
Children's Health Defense 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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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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Medical Freedom bill

3-3-2026
Meeting Date

RULES
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Dr. Diane T. Gowski

Phone 727-480-7574

Address 1383 Temple St.
Street

Email DIANETG@aol.com

Clearwater, FL 33756
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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3-3-26
Meeting Date

Committee

amendment
SB-1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Larry Downs Jr. 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:

☐ 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

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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Emma Henry Phone

Address 33 Cypress Circle Email
Street

Ormond Beach FL 32176
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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Senate professional staff conducting the meeting

~~2/3/26~~ 2/3/26
Meeting Date

RULES
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name BAILEY KUYKENDALL (PRONOUNCED KIRK-EN-DOLL) Phone 310-663-8902

Address 2312 MIZNER BAY AVE Email baileykuyke@protonmail.com
Street

BRADENTON FL 34208
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

Deliver both copies of this form to
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March 3, 2026
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Allison Euker

Phone 609-670-8902

Address 11868 Hunters Creek Rd
Street

Email Aeuker@gmail.com

Venice FL 34293
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

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

3/2/24
Meeting Date

Senate Rules
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Aimee Vilella McBride

Phone (516) 662-6562

Address 9073 Luna Lane
Street

Email aimee@globalwellnessforum.org

Sarasota FL 34241
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

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

2/3/25
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Elyse Young

Phone 518-275-1076

Address 1756 Sugarberry Trail
Street

Sarasota FL 34240
City State Zip

Email [redacted]
guidingtheimpact@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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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

3/3/26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

150652
Amendment Barcode (if applicable)

Name Susan Sweetin

Phone 973 568 3587

Address 309 Rubens Dr
Street

Email Susan@freedomhealthcontact.com

Nokomis FL 34275
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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Senate professional staff conducting the meeting

3/3/2026
Meeting Date

Rules.
Committee

SB 1756
Bill Number or Topic

150852
Amendment Barcode (if applicable)

Name KO Robins

Phone 305 320 3247

Address 411 Arredondo Ave
Street

Email korobinsgop@gmail.com

St Augustine FL 32080
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

Deliver both copies of this form to
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3.3.26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kas. Miller Phone

Address 6017 N Orange Blossom ave Email
Street

Tampa, FL 33604
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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3/3/26
Meeting Date

H 1756
MED FREEDOM
Bill Number or Topic

APP
Committee

Amendment Barcode (if applicable)

Name CATHY MAYFIELD

Phone 850.528.2037

Address 347 High Hill Ranch Ln
Street

TALL FL 32317
City State Zip

Email

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

02/03/26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Susan Farris

Phone 804-605-7101

Address 545 Oxford Ave
Street

Email susanacfarris@gmail.com

Melbourne FL 32935
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

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

2/3/25
Meeting Date

Rules
Committee

SB1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Elyse Young

Phone 518-275-1076

Address 1756 Sugarberry Trail
Street
Sarasota FL 34240
City State Zip

Email guidingtheimpact@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Sara Usher

Phone 513-600-8267

Address 810 21st Ave N
Street

Email saraush11@gmail.com

St. Petersburg FL 33704
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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3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Emma Henry

Phone 3213005503

Address 33 cypress circle
Street

Ormond Beach FL 32176
City State Zip

Email

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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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

3/3/24
Meeting Date

rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hillary Earle

Phone 516-384-7855

Address 988 Altair Way
Street

Email hillary.earle@amiasadr.com

Grant Valkaria FL 32950
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

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

2/3/26
Meeting Date

RULES
Committee

SB1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name BAILEY KUYKENDOLL (PRONOUNCED KIRK-EN-DOIL) Phone 310-663-8902

Address 2312 MIZNER BAY AVE Email baileykuyke@protonmail.com
Street

BRADENTON FL 34209
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/2026
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lynda Bell

Phone 786-208-3292

Address 19690 Crows Lane
Street

Email Lyndaforlife@bellsouth.net

Talahassee FL 32310
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:

☐ 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

3/3/26
Meeting Date

Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Susan Harbin

Phone 770-546-8845

Address
Street

Email susan.harbin@cancer.org

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing:
American Cancer Society
Cancer Action Network

☐ 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

3/3/26
Meeting Date

Rules
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Daniel Green

Phone

Address 8708 Wolf Den TRL
Street

Email

Port Richey FL 34668
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

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

03/03/26	SB 1756
Meeting Date	Bill Number or Topic
Rules	
Committee	Amendment Barcode (if applicable)

Name Dr. Casey Mohrien Phone 607-240-7343

Address 471 NE 25th St Email Casey.mohrien@JHSMiami.org
Street

Miami FL 33137
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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Senate professional staff conducting the meeting

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Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phone 813 532 9846

Address 1109 Mook St
Street

Email tim.heber@gmail

Brandon FL 33510
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
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name THOMAS BAXTER

Phone 850 755 6679

Address 426 W. CAROLINA ST
Street

Email 124C4U@GMAIL.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:

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Rules
Committee

SB 1757
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kyle Huneycutt

Phone

Address 1879 Bristol Ct.
Street

Email

Maitland FL 32751
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. Family

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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Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tracy Walker

Phone 850-295-5465

Address 2001 Wright Rd
Street

Perry FL 32347
City State Zip

Email tracywalkermph@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Anne Edwards

Phone 850 - 296 - 1810

Address 642 W 7th Ave
Street

Email

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:

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March 3, 2026
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Rules
Committee

SB 1756
Bill Number or Topic

[redacted]
Amendment Barcode (if applicable)

Name Allison Euker

Phone 609-670-8902

Address 11868 Hunters Creek Rd
Street

Email Aeuker@gmail.com

Venice FL 34293
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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Rules
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Cynthia Eames

Phone 321-431-2457

Address 6354 S. Hwy A1a
Street

Email Cindyeames@hotmail.com

Melbourne Beach FL 32951
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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3/3/26	1756
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Rules	
Committee	Amendment Barcode (if applicable)

Name Vanessa Ferguson Phone 321-698-2772

Address 911 Bluewater Drive Email Reelybless@gmail.com
Street

Indian Harbour Beach, FL 32937
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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Senate Rules
Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aimee Villeda McBride

Phone (516) 662-6562

Address 9073 Luna Lane
Street

Email aimee@globalwellness forum.org

Sarasota FL 34241
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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Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Maija Hahn

Phone 909-289-3406

Address 132 Rainbow St.
Street

Email FL.Maija.Hahn@childrenshealthdefense.org

Merritt Island, FL 32952
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: Children's Health Defense 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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Meeting Date	Bill Number or Topic
	SB 1756
Committee	**Amendment Barcode (if applicable)**

Name Larry Dawns Jr. Phone 8502457615?

Address 12156 Hawsing dr. Email

Street

Pen FL 32507

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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Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Attorney Katherine Henry

Phone 3213003037

Address 33 Cypress Circle
Street

Email

Ormond Beach FL 32176
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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Committee

SB1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jay Millson - Florida Academy of Family Physicians Phone 904-400-6189

Address 13241 Bartram Park Blvd Suite 1321 Email jmillson@fafp.org
Street

Jacksonville FL 32258
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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Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Nuland

Phone 904-233-3051

Address 4427 Herschel St
Street

Email nulandlaw@aol.com

Jacksonville, FL 32210
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 Chapter, American College of Physicians

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Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name John Labriola

Phone 954-515-2084

Address PO Box 650216
Street

Email JohnLabriola@cfcflorida.net

Miami FL 33265
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: Christian Family Coalition Florida

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

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Committee

SB1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Susan Sweeton

Phone 9735683587

Address 399 Robens Drive
Street

Email Susan@freedomhealthconnect...

Nokomis FL 34275
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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SB 1756
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Amendment Barcode (if applicable)

Name Ashley Lyerly

Phone 205-968-2266

Address PO Box 43263
Street

Email Ashley.Lyerly@lung.org

Vestavia AL 35243-0263
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 Lung Association

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

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Committee

CS/SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jason D. Winn

Phone 850/222-5702

Address 106 E. College Ave #1500
Street

Email jwinn@llw-law.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 Osteopathic Medical Association

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

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Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Aaron DiPietro

Phone

Address on file
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 Family Voice

☐ 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

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Anthony Verdugo

Phone 786-447-6431

Address PO Box 650216
Street

Email AVerdugo@cfcflorida.net

Miami FL 33265
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: Christian Family Coalition Florida

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

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Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tracy Walker

Phone 850-295-5465

Address 2001 Wright Rd.
Street

Perry FL 32347
City State Zip

Email tracywalkermph@gmail.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Watson

Phone 850 567 1202

Address 9114 Seafair Lane
Street

Email watson.strategies@comcast.net

Tallahassee FL 32317
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Florida Voices for Health

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

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SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Joe Gabriel

Phone

Address 1920 Wahalaw Ct
Street

Email

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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Rules. 3/31/20
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Committee

SB 1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Ko Robins

Phone 305 320 3247

Address 411 Arredondo Ave
Street

Email korobinsgop@gmail.com

St Augustine FL 32080
City State Zip

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

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☐ 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)

3/3/26
Meeting Date

The Florida Senate

APPEARANCE RECORD

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1756
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name MICHAEL FISCHER Phone

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3/3/26
Meeting Date

RULES
Committee

1756
Bill Number or Topic

Amendment Barcode (if applicable)

Name Joseph Harmon

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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:
FL Conference of Catholic Bishops

☐ 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:	SB 7034
INTRODUCER:	Environment and Natural Resources Committee
SUBJECT:	Ratification of Rules of the Department of Environmental Protection
DATE:	March 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Barriero	Rogers	EN	**EN Submitted as Comm. Bill/Fav**
1.	Reagan	Betta	AEG	**Favorable**
2.	Barriero	Kruse	RC	**Favorable**

I. Summary:

SB 7034 ratifies the Department of Environmental Protection's (DEP) revisions to the minimum flows and levels (MFLs) for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs within rule 62-42.300 of the Florida Administrative Code. MFLs are established at the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. The proposed rule relies on conservation practices, monitoring, and offsets to protect the continued health and ecological value of the Lower Santa Fe and Ichetucknee Rivers and Priority Springs.

The Statement of Estimated Regulatory Costs developed by the DEP concluded that the proposed rules will likely increase costs to regulated entities by $158,450,588 to $163,836,003 in the aggregate within five years after the rules' implementation. Additionally, an estimated $1,975,050 to $11,712,476 in indirect costs are expected to be incurred by the Suwannee River Water Management District. This amount triggers the statutory requirement for the rule to be ratified by the Legislature before it may go into effect.

The bill takes effect upon becoming law.

II. Present Situation:

Minimum Flow and Minimum Water Levels (MFLs)

MFLs are established for waterbodies to prevent significant harm to the water resources or ecology of an area as a result of water withdrawals.[1] MFLs are typically determined based on evaluations of natural seasonal fluctuations in water flows or levels, nonconsumptive uses, and

[1] *See* section 373.042, F.S.; *see also* DEP, *Minimum Flows and Minimum Water Levels and Reservations*, https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations (last visited Jan. 26, 2026).

environmental values associated with coastal, estuarine, riverine, spring, aquatic, wetlands ecology, and other pertinent information associated with the water resource.[2]

While the Department of Environmental Protection (DEP) has the authority to adopt MFLs, the state's five water management districts (WMDs) have the primary responsibility for MFL adoption. The WMDs submit annual MFL priority lists and schedules to the DEP for the establishment of MFLs for surface watercourses, aquifers, and surface waters within the district.[3] MFLs are calculated using the best information available[4] and are considered rules by the WMDs, which are subject to chapter 120, F.S., challenges.[5] MFLs are subject to independent scientific peer review at the election of the DEP, a WMD, or, if requested, by a third party.[6] MFLs must be reevaluated periodically and revised as needed.[7]

MFLs must be established for each Outstanding Florida Spring (OFS).[8] For OFSs identified on a WMD's priority list which have the potential to be affected by withdrawals in an adjacent district, the adjacent district and the DEP must collaboratively develop and implement a recovery or prevention strategy for an OFS not meeting an adopted MFL.[9]

For OFSs that fall below the adopted MFL or are projected to fall below the MFL within 20 years, the DEP or WMDs must implement a recovery or prevention strategy to ensure the MFL is maintained over the long-term.[10] The recovery or prevention strategy must include:

- A listing of all specific projects identified for implementation of the plan;
- A priority listing of each project;
- The estimated cost and date of completion for each listed project;
- The source and amount of financial assistance to be made available by the WMD for each listed project, which may not be less than 25 percent of the total project cost unless a specific funding source or sources are identified which will provide more than 75 percent of the total project cost;[11]
- An estimate of each listed project's benefit to an OFS; and
- An implementation plan designed with a target to achieve the adopted MFL no more than 20 years after the adoption of the recovery or prevention strategy.[12]

Agricultural producers who implement best management practices are presumed to be in compliance with the recovery or prevention strategy.[13]

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[2] Fla. Admin. Code R. 62-40.473(1).
[3] Section 373.042(3), F.S.
[4] Section 373.042(1), F.S.
[5] Section 373.042(5) and (7), F.S.
[6] Section 373.042(6)(a), F.S.
[7] Section 373.0421(5), F.S.
[8] Section 373.042(2), F.S.
[9] Section 373.042(2)(b), F.S.
[10] DEP, *Minimum Flows and Minimum Water Levels and Reservations*, https://floridadep.gov/owper/water-policy/content/minimum-flows-and-minimum-water-levels-and-reservations (last visited Jan. 29, 2026); section 373.805(1), F.S.
[11] The Northwest Florida Water Management District and SRWMD are not required to meet the minimum financial assistance requirement. Section 373.805(4)(d), F.S.
[12] Section 373.805(4), F.S
[13] Section 373.0421(2), F.S.

Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The Santa Fe River in north-central Florida is a second-order tributary to the Suwannee River.[14] It is naturally divided into two sections: the Upper Santa Fe River, extending from its headwaters in Lake Santa Fe and the Santa Fe Swamp, and the Lower Santa Fe River, extending from the River Rise north of High Springs to its confluence with the Suwannee River.[15] The Lower Santa Fe River is fed by the flow of at least 36 different named springs.[16] With a discharge of over 200 million gallons per day, the Ichetucknee River is the largest tributary to the Santa Fe River.[17]

The Santa Fe River Basin is approximately 1,380 square miles and is underlain by limestone formations that comprise the Floridan aquifer or aquifer system.[18] The area features several popular recreational areas containing springs, swallets, and river rises, including Ichetucknee Springs State Park, O'Leno State Park, River Rise State Park, and private venues.[19] The river and its springs are important to the economy of at least seven counties in north-central Florida and serve as a significant natural resource through the ecosystem services they provide, including the maintenance of habitat for fish and wildlife.[20]

Six springs within the basin have been designated as OFSs, including the Ichetucknee Springs Group and Columbia, Devil's Ear, Hornsby, Poe, and Treehouse Springs along the Santa Fe River.[21] The Ichetucknee Springs Group is a first-magnitude spring complex, comprised of nine named and many unnamed springs that discharge into the Ichetucknee River. All but two of the nine springs are identified as Priority Springs.[22]

Maintaining flows from the Priority Springs is essential to protecting water resource conditions and the ecological values of the springs, as well as the Lower Santa Fe River and Ichetucknee River downstream.[23] However, historical flow records over more than 90 years have shown a decline in flow for the Ichetucknee River and springs of roughly 10-20 percent. Additionally, nitrate-nitrogen concentrations have increased over the past two decades, and while the Ichetucknee River and springs continue to be well-vegetated with native plant species, there has been a marked decrease in the diversity of those species over time.[24]

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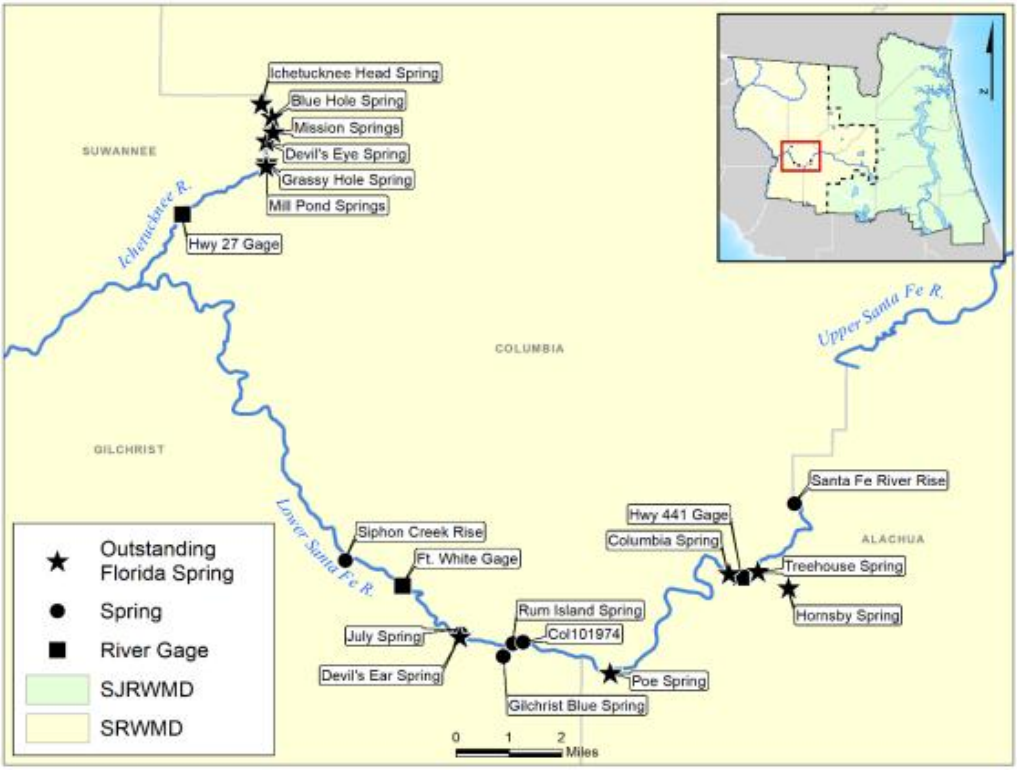
[14] Santa Fe River Basin Springs Working Group and the Howard T. Odum Florida Springs Institute, *Santa Fe Springs Restoration Plan*, 7 (2012), *available at* https://floridaspringsinstitute.org/wp-content/uploads/2018/07/SFS-RAP.pdf.
[15] *Id.*
[16] *Id.* at 8.
[17] DEP, *Florida State Park: When the masses meet the grasses*, https://www.floridastateparks.org/learn/when-masses-meet-grasses (last visited Jan. 30, 2026); Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis*, 5 (2021), *available at* https://floridaspringsinstitute.org/wp-content/uploads/2021/03/Santa-Fe-River-and-Springs-Environmental-Analysis_Final-rev1-ZH-Update.pdf.
[18] Florida Springs Institute, *Santa Fe Springs Restoration Plan*, at 8; SRWMD, *Minimum flows and minimum water levels re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs*, 2 (2021), *available at* https://www.mysuwanneeriver.com/DocumentCenter/View/17834/LSFIR-MFL-Report-Final.
[19] SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.
[20] *See* Florida Springs Institute, *Santa Fe Springs Restoration Plan* at 2.
[21] SRWMD, *MFLs re-evaluation for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs* at 3.
[22] *Id.*
[23] *Id.* at 119.
[24] Florida Springs Institute, *Santa Fe River and Springs: Environmental Analysis* at 5.

In 2013, the Suwannee River Water Management District (SRWMD) concluded that excessive flow reductions in the Lower Santa Fe and Ichetucknee Rivers and associated Priority Springs (LSFIR) were beyond the point of "significant harm" and that these waterbodies required a recovery strategy.[25] Accordingly, the SRWMD governing board requested that the DEP adopt MFLs for the LSFIR due to the potential for impacts associated with water withdrawals in both the SRWMD and the St. Johns River Water Management District (SJRWMD).[26] At that time, the LSFIR was determined to be in recovery at both of the two MFL compliance points, and a recovery strategy was approved by the SRWMD and SJRWMD governing boards with regulatory components adopted by rule by the DEP in June 2015.[27]



Santa Fe and Ichetucknee Rivers and Priority Springs[28]

On December 2, 2019, the DEP published a Notice of Rule Development to reevaluate the 2015 LSFIR MFLs.[29] The most recent status assessment determined that the reevaluated MFLs in the proposed rule are not being met at two of the three identified compliance points. Accordingly, development of a prevention or recovery strategy was necessary.[30] The revised rules and implementation strategy are discussed in the Effect of Proposed Changes section below.

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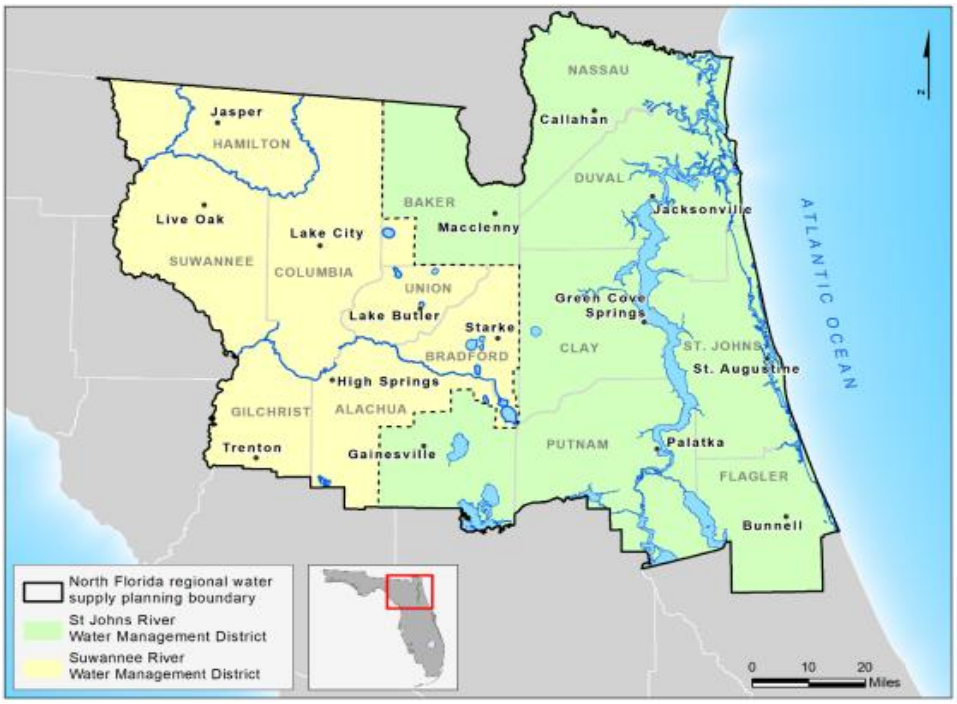
[25] *Id.*; SRWMD, *Recovery Strategy: Lower Santa Fe River Basin*, 1 (2014), *available at* https://srwmd.org/DocumentCenter/View/9116/Lower-Santa-Fe-and-Ichetucknee-River-Recovery-Strategy?bidId=.
[26] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 6 (2025), *available at* https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment.
[27] *Id.*
[28] North Florida Regional Water Supply Partnership, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 5 (2025), *available at* https://www.northfloridawater.com/2025implementationstrategy.html (depicting map).
[29] *Id.* at 7.
[30] Section 373.0421(2), F.S.

North Florida Regional Water Supply Partnership (NFRWSP)

The NFRWSP was established in 2011 through a formal interagency agreement executed by the DEP, SJRWMD, and SRWMD.[31] The NFRWSP planning area covers more than 8,000 square miles and includes 14 counties: Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.[32]



NFRWSP Area[33]

The purpose of the NFRWSP is to protect natural resources and water supplies in North Florida through collaborative planning, scientific-tool development, and related efforts.[34] A central product of the NFRWSP is the North Florida Regional Water Supply Plan, which assesses current and projected water demands and identifies projects, water conservation measures, and other strategies to meet future demands while avoiding unacceptable water resource impacts.[35] Such projects include the use of reclaimed water to offset potable use or groundwater recharge to increase the amount of water in an aquifer to help offset declines caused by withdrawals.[36]

[31] SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan (2020-2045)*, 18 (2023), *available at* https://aws.sjrwmd.com/NFWSP/watersupplyplan/documents/final/2023_NFRWSP_and_Associated_Appendices_Final_20230212.pdf
[32] *Id.*
[33] NFRWSP, *2025 Implementation Strategy for the Lower Santa Fe and Ichetucknee Rivers and priority springs*, 6 (2025), *available at* https://www.northfloridawater.com/2025implementationstrategy.html (depicting map).
[34] SJRWMD and SRWMD, *2023 North Florida Regional Water Supply Plan* at 19.
[35] *Id.* at 22.
[36] *Id.* at 84, 87. For example, one project identified in the 2023 plan is the Black Creek Water Resource Development Project in Clay County, which is designed to recharge of the Upper Floridan aquifer and has the potential to increase flows in the Lower Santa Fe and Ichetucknee Rivers. *Id.* at 84.

According to the latest water supply plan published in 2023, total water demand within the NFRWSP area is projected to increase from 530 million gallons per day (mgd) in 2015 to 698 mgd by 2045, a 32 percent increase.[37] The NFRWSP concluded that fresh groundwater alone cannot meet this projected increase in demand without causing unacceptable impacts to water resources.[38]

Since approval of the previous regional water supply plan in 2017, participating agencies and stakeholders have implemented approximately 1,294 cost-share water supply and conservation projects through 2022, an investment of about $146 million that contributed to the availability or conservation of approximately 89.1 mgd of water within the NFRWSP area.[39] The 2023 plan identifies 160 mgd of estimated benefit from water supply development, water resource development, and water conservation project options to offset the projected increase in groundwater demand of approximately 135 mgd by 2045.[40]

Legislative Ratification

A rule is subject to legislative ratification if it:

- Has an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within five years after the implementation of the rule;
- Has an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within five years after the implementation of the rule; or
- Increases regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within five years after the implementation of the rule.[41]

If a rule requires ratification by the Legislature, the rule must be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the regular legislative session. The rule may not go into effect until it is ratified by the Legislature.[42]

Statement of Estimated Regulatory Costs Requirements

A statement of estimated regulatory costs (SERC) is an analysis prepared by an agency before the adoption, amendment, or repeal of a rule other than an emergency rule. A SERC must be prepared by an agency for a proposed rule that:

- Will have an adverse impact on small businesses; or

[37] *Id.* at 26. This includes groundwater, surface water, and alternative water sources. *Id.* at 2.
[38] *Id.* at 2.
[39] *Id.* at 75.
[40] *Id.* at 4, 101.
[41] Section 120.541(2)(a), F.S. "Transactional costs" re direct costs that are readily ascertainable by the agency based upon standard business practices, and may include, among other things: filing fees; necessary equipment, operations, or procedures; labor and benefits; capital expenditures; professional services; monitoring and reporting; reduced sales or other revenue. Section 120.541(2)(d), F.S.
[42] Section 120.541(3), F.S.

- Is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in the state within one year after the implementation of the rule.[43]

A SERC must include:

- An economic analysis showing whether the rule exceeds the thresholds requiring legislative ratification;
- A good faith estimate of the number and types of individuals and entities likely to be required to comply with the rule, and a general description of the types of individuals likely to be affected by the rule;
- A good faith estimate of the cost to the agency, and to other state and local government entities, of implementing and enforcing the proposed rule, including anticipated effects on state or local revenues;
- A good faith estimate of the transactional costs (direct business costs) likely to be incurred by individuals and entities required to comply with the requirements of the rule;
- An analysis of the impact on small businesses, small counties, and small cities; and
- A description of regulatory alternatives submitted to the agency and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.[44]

SERC for Rule 62-300, F.A.C.

The DEP determined that a SERC was required for the revisions to rule 62-42.300 of the Florida Administrative Code and prepared one in advance of rule adoption.[45] The DEP estimates the revised rule will increase regulatory costs, including transactional costs, by up to $163.8 million in the aggregate within five years of implementation.[46] A summary of these costs is provided in the table below.[47]

Summary of Costs to Regulated Entities[48]

Rule Citation	Topic	SERC Total Estimated Cost
62-42.300(4), F.A.C.	Private residential landscape irrigation well water uses	$2,540,806–$4,393,906
62-42.300(5), F.A.C.	Metering and Monitoring Requirements	$1,136,818–$4,669,133
62-42.300(6), F.A.C.	Water Conservation Requirements	$12,772,964
62-42.300(7), F.A.C.	Offset Requirements[49]	$142,000,000
TOTAL		**$158,450,588–$163,836,003**

[43] Section 120.541(3)(b)1., F.S.
[44] Section 120.541(2), F.S.
[45] *See* DEP, *SERC: Rule 62-42.300, F.A.C.* (2025), *available at* https://floridadep.gov/owper/water-policy/documents/office-fiscal-accountability-regulatory-reform-serc-form-rule-62-42300.
[46] *Id.* at 4.
[47] *See id.* at 4-5.
[48] For agricultural producers, section 373.0421, F.S. (2025), provides an alternative means for compliance. The costs associated with that statutorily-established alternative are not included in this SERC. *Id.* at 4.
[49] The total estimated cost for the "Offset Requirements" includes the completion of a large-scale regional water recharge project, which will take place over an estimated 13-year time period. In the first five years following rule adoption, $142 million is the estimated expenditure for the project, which includes preconstruction activities, such as permitting and design and land acquisition, and some initial construction activities. The total estimated project cost is $1.1 billion. *Id.*

Additionally, an estimated $1,975,050 to $11,712,476 in indirect costs are expected to be incurred by the SRWMD within the first five years.[50]

The proposed rules and associated costs will be discussed in the Effect of Proposed Changes section below.

III. Effect of Proposed Changes:

Section 1 ratifies the revised minimum flows and level (MFL) rule 62-42.300 of the Florida Administrative Code, titled "The Lower Santa Fe and Ichetucknee Rivers and Priority Springs," as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025. The bill provides that this section serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This section does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This section does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing adoption of any rule cited.

The costs associated with the revised rule stem from revisions to the MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs and the implementation strategy to comply with those MFLs. The key components of the proposed rule and implementation strategy are discussed below. In total, the proposed rule may increase regulatory costs, including transactional costs, by $158,450,588 to $163,836,003.[51]

Proposed MFLs for the Lower Santa Fe and Ichetucknee Rivers and Priority Springs

The proposed revisions to rule 62-42.300 of the Florida Administrative Code replace the existing 2015 MFLs and establish the regulatory components of an implementation strategy to achieve the new limits.[52] The implementation strategy will be administered by the St. Johns River Water Management District (SJRWMD) and the Suwannee River Water Management District (SRWMD) in the North Florida Regional Water Supply Partnership (NFRWSP) planning area.

As discussed in further detail below, the proposed rule provides new requirements related to private residential landscape irrigation, monitoring and reporting, water conservation, and offsetting impacts.

[50] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A*, 4 (2025), *available at* https://floridadep.gov/owper/water-policy/documents/attachment-lsfir-serc-summary-serc-economic-assessment.
[51] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 4.
[52] *Id.* at 8. If the revised rules are not ratified, the 2015 MFL and recovery strategy will remain in place.

Private Residential Landscape Irrigation Requirements

Currently, private residential irrigation water use is authorized by a general permit. Uses authorized under such permits generally must abide by days of the week restrictions and other watering restrictions.[53]

The proposed rule supersedes existing rules for certain users. If a residential home is supplied potable water by a utility, a general permit will not be authorized within the NFRWSP for a new well from the Floridan aquifer for irrigation after the effective date of the rule.[54] The use of water may be authorized through a No-Fee Noticed General Permit, which has a duration of 10 years and requires certification that the applicant has an irrigation system that includes leak detection and water conservation devices.[55]

The estimated costs for the proposed private residential landscape irrigation requirements are between $2,540,806 and $4,393,906 ($1,200 to $2,100 per system).[56]

Monitoring and Reporting Requirements

The proposed rule provides supplemental requirements for monitoring and reporting activities where they are not already in place.[57] Monitoring and reporting requirements are currently in effect in both the SJRWMD and SRWMD.[58] In the SJRWMD, the proposed rule does not impose any additional monitoring or reporting requirements beyond those already in effect. However, in the SRWMD, the proposed rule supplements existing district rules and would result in additional regulatory requirements for monitoring and reporting water use.[59]

Currently, the SRWMD rules require monthly monitoring of wells eight inches or greater and surface water pumps with a cumulative intake diameter of six inches or greater, regardless of total permit allocation.[60] The proposed rule requires monitoring of all permitted wells and pumps authorized by an individual consumptive use permit.[61] The timeline and type of monitoring required is handled differently based on permit allocation and when the authorized use began.[62]

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[53] *See* Fla. Admin. Code R. 40B-2.041(9)(d) and 40C-2.042(2)(a).
[54] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 9.
[55] *Id.*
[56] *Id.* at 24. These costs are incurred by homeowners who have public supply available but choose to install a well for irrigation and ensure that water conservation measures are implemented. The cost savings from not paying for water from the public supplier are presumed to be offset by the well installation. *Id.*
[57] *Id.* at 9.
[58] *Id.* at 10.
[59] *Id.*
[60] *Id.*
[61] A consumptive use permit allows the holder to withdraw a specified amount of water from surface water and groundwater sources for reasonable and beneficial use. Consumptive use permits require water conservation to prevent wasteful uses, require the reuse of reclaimed water instead of higher-quality groundwater where appropriate, and set limits on the amount of water that can be withdrawn. South Florida Water Management District, *Consumptive Water Use Permits*, https://www.sfwmd.gov/doing-business-with-us/permits/water-use-permits (last visited Jan. 27, 2026).
[62] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 10. New individual permits issued after the effective date of the proposed rule must comply with monitoring requirements before use begins. Existing individual permits issued prior to the effective date are generally required to comply within five years following a renewal or modification that does not increase allocation or add withdrawal points. Modifications or renewals of existing permits that add withdrawal points or increase authorized allocations earlier compliance timelines, depending on the nature of the modification.

Regarding reporting requirements, the SRWMD currently requires permittees to submit monthly water use data every six months for withdrawal points that are subject to monitoring (i.e., wells eight inches or greater, surface water pumps with intakes six inches or greater).[63] SRWMD rules currently do not incorporate standardized forms for reporting. The proposed rule prescribes the format for reporting. Specifically, the proposed rule requires monthly recording and biannual reporting of all permitted wells for permittees with total allocations of 100,000 gallons per day (gpd) or greater and annual reporting for permittees with total allocations less than or equal to 100,000 gpd. Additionally, flow meters and alternative methods must be validated for accuracy every 10 years using proposed forms incorporated into the proposed rule. In the SRWMD, this verification is a current requirement only for the withdrawal points currently requiring monitoring (i.e., wells 8 inches or greater, surface water pumps with intakes six inches or greater), and the SRWMD rules do not incorporate standardized forms for reporting.[64]

The total cost to permittees for this regulatory measure is estimated to be between $1,136,818 and $4,669,133, which includes the cost of equipment installation, monitoring, and reporting.[65]

Water Conservation Requirements

The proposed rule imposes different requirements for public water supply permittees, agricultural permittees, and permittees of other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering). The total estimated cost of the proposed rule's water conservation requirements for all permittees is $12,772,964.[66] The requirements and associated costs for each type of permittee are discussed in more detail below.[67]

Public Water Supply: All public supply permittees are required to implement either a standard or goal-based water conservation plan, evaluate those plans, and provide the evaluations in the form of a report.[68] Water conservation plans are already required for permittees, but the proposed rule includes new components or minimum requirements that must be included.[69] The standard plan must include:

- A water conservation public education program;
- An outdoor water use reduction program;
- A rate structure promoting conservation;[70]
- A water loss reduction program; and

[63] *Id.* at 11.
[64] *Id.*
[65] *Id.* at 26. To develop the cost for the monitoring requirements, the cost to install in-line flow meters is estimated to be $5,000 per well, inclusive of the cost of equipment and installation. Based on SRWMD's current agricultural cost-share program, these devices are covered at 75 percent district cost share (which is funded by state grants), leaving the total estimated cost per well at $1,250 for the producer. *Id.* at 24-25.
[66] *Id.* at 32.
[67] The proposed rule also provides an alternative means of compliance for agricultural producers who implement statutorily adopted best management practices. *Id.* at 15. *See* section 373.0421(2), F.S.
[68] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 11.
[69] *Id.* at 11.
[70] There are no changes in these requirements. However, the proposed rule conforms this language in SRWMD to how it is currently expressed in the SJRWMD rule, including the details of how the districts will assist the permittee or applicant. These amendments in SRWMD are not expected to create an additional regulatory burden. *Id.* at 12.

- An indoor water use conservation program.[71]

The proposed rule also includes four new requirements for Public Supply Water Conservation Plans:

- A goal for reducing residential per capita water use;[72]
- For permittees with an allocation of 100,000 gpd or greater:
  - Annual verification of ongoing implementation of the water conservation plan and submittal of a Public Supply Annual Report; and
  - Submittal of an updated water conservation plan and a Public Supply Five-Year Water Conservation Report;
- For permittees with an allocation greater than 1 million gpd, include in the Public Supply Five-Year Water Conservation Report an analysis of the pre- and post-water use data to demonstrate the water savings associated with the implementation of the water conservation measures.[73]

Public Water Supply permittees are estimated to incur total costs of $10,769,636 to implement these water conservation requirements, including $4,061,448 for reporting and $6,708,188 for conservation measures.[74]

Agricultural: Currently, all agricultural permittees are required to implement a district-approved water conservation plan.[75] Consistent with existing rules, the proposed rule requires these permittees to implement the best available water conservation measures for all irrigation systems installed and take reasonable actions to maintain that efficiency throughout the term of the permit.[76] The specific requirements depend on the size of the permit, based on allocation, and include:

- Irrigation system maintenance and evaluation: For permittees with allocations of 100,000 gpd or greater, the proposed rule requires maintenance of minimum distribution uniformity standards and submission of a Mobile Irrigation Lab evaluation or its equivalent to verify compliance.[77]
- Water conservation measures: Consistent with existing rules, permittees with allocations exceeding 100,000 gpd must implement water conservation practices appropriate for field conditions. The proposed rule requires that this be accomplished to the maximum extent environmentally, economically, and technically feasible by using the highest efficiency options from a list of options provided in the proposed rule.[78]

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[71] *Id.* at 12.
[72] This is a new requirement. The proposed rule requires permittees or applicants to demonstrate achievement of, or progress toward, a residential per capita water use rate equal to the lower of 75 gallons per capita day or the permittee's five-year average prior to the rule's effective date, with interim per capita reduction targets as needed. Permittees must submit documentation explaining any failure to meet the goal or approved targets through the required five-year water conservation report. *Id.* at 13.
[73] *Id.* at 13.
[74] *Id.* at 30, 31.
[75] *Id.* at 14.
[76] *Id.*
[77] Evaluations must be submitted with permit renewals, certain modifications, or 10-year compliance reviews. Because Mobile Irrigation Labs are already required under current rules, this does not create a new regulatory cost. *Id.* at 14.
[78] *Id.*

- Reporting: Agricultural permittees with allocations greater than 100,000 gpd must verify ongoing implementation of conservation measures and submit an Agricultural Water Conservation Report with renewals, certain permit modifications, and 10-year compliance reviews. While existing rules require conservation information at renewal, the proposed rule expands reporting to additional permit actions and standardizes the reporting format.[79]
- Small agricultural uses: For agricultural uses with allocations of 100,000 gpd or less, excluding aquaculture, the proposed rule requires implementation of water conservation measures and consideration of a specified list of practices.[80]

Agricultural permittees are estimated to incur total costs of $256,620 to implement these water conservation requirements, including $81,120 for reporting and $175,500 for conservation measures.[81]

Other Use Types: The proposed rule requires permittees for other use types (i.e., landscape/recreation, commercial/industrial/institutional, and mining/dewatering) to consider implementation of water conservation practices for all processes and components of water use that are environmentally, technically, and economically feasible.[82] Although water conservation is already required under existing rules, the proposed rule adds specificity by identifying additional elements to be considered, including:

- For landscape/recreation: limiting daytime water use, leak detection and repair programs, and use of irrigation schedules and water-conserving devices;
- For commercial/industrial/institutional and mining/dewatering: water-efficient irrigation for drought-tolerant landscaping.[83]

The proposed rule also requires permittees in these use categories with allocations greater than 100,000 gpd to evaluate and update their water conservation plans and submit a standardized water conservation report upon permit renewal, certain permit modifications, and 10-year compliance reviews.[84]

These permittees are estimated to incur $1,746,708 in costs associated with reporting requirements within five years of rule implementation.[85] Implementation of other water conservation measures does not result in additional costs, as all permittees are already required to implement such measures and submit a water conservation plan.[86]

Offset Requirements

The proposed rule requires the offset of impacts as a permit condition for specific individual permit applicants.[87] These offset requirements are based on the quantity of water needed to meet

[79] *Id.* at 14-15.
[80] This builds on existing SJRWMD and SRWMD requirements and does not add new reporting obligations for small agricultural uses. *Id.* at 15.
[81] *Id.* at 30, 31.
[82] *Id.* at 15.
[83] *Id.*
[84] *Id.* at 15-16.
[85] *Id.* at 30.
[86] *Id.* at 32.
[87] *Id.* at 16.

demands in 2025, referred to the "Demonstrated 2025 Demand." For new permits, applicants whose requested withdrawals that may impact an MFL compliance point must continue to provide reasonable assurance that the potential impact will be eliminated or offset before withdrawals begin, consistent with existing rule requirements. For permit renewals or modifications, applications that may impact an MFL compliance point must include reasonable assurance of elimination or offset for the portion of the requested allocation that exceeds the applicant's Demonstrated 2025 Demand.[88] For existing permits, uses that do not exceed the Demonstrated 2025 Demand are considered consistent with the implementation strategy. Uses with projected demands above that level must, within five years of the proposed rule's effective date, identify a project to eliminate or offset the excess.[89] The proposed rule provides means by which permittees may participate in a regional project to offset their growth.[90]

For permittees whose demand is not calculated based on projected growth, such as agriculture, no offset is required and no action will be taken to reduce the permittee's allocation.[91] For permittees whose demand is calculated based on projected population growth, such as public supply, the permittee must address any future impacts associated with that growth.[92] Impacts may be offset by financial contribution, in-kind services, or assisting in cooperation and maintenance of a regional or local project.[93]

The cost of the proposed rule's offset requirements are estimated to be $142 million within the first five years of the rule's implementation, which includes completion of a large-scale regional water recharge project (Water First North Florida) over an estimated 13-year period.[94] While other projects may be implemented at the election of individual permittees, the DEP included the Water First North Florida project cost as the sole offset cost as the project is anticipated to address the impacts associated with all water uses.[95]

Regulatory Cost to Agencies

The proposed rule will require the SJRWMD and SRWMD to incorporate the proposed regulatory requirements into all water use permits issued in the NFRWSP area.[96] The SJRWMD and SRWMD will provide financial assistance for projects and measures identified in the implementation strategy.[97] The SJRWMD is required to provide at least 25 percent of total

[88] Existing rules require offsets for amounts exceeding the current permitted allocation. Therefore, the requirement to eliminate or offset impacts for renewals or modifications is not entirely new, but the benchmark for determining the amount of offset that would be needed is a change from existing rule. *Id.*
[89] *Id.*
[90] *Id.* at 17.
[91] *Id.* at 16-17.
[92] *Id.* at 17.
[93] *Id.*
[94] *Id.* at 33. Water First North Florida is a planned 40 mgd project that will treat reclaimed water from JEA's Buckman and Southwest water reclamation facilities through wetland systems, provide regional recharge to the Floridan aquifer, and, when fully implemented, has the potential to increase flows to the Lower Santa Fe and Ichetucknee rivers. The project is in the planning phase, with wetland treatment and recharge site investigations underway. Total estimated construction costs are approximately $1.1 billion, excluding land acquisition, permitting, and operation and maintenance costs. *Id.* at 32-33.
[95] *Id.* at 33.
[96] *Id.*
[97] *Id. See* section 373.805(4)(d), F.S.

project costs unless other funding sources provide more than 75 percent.[98] The SRWMD is not subject to this requirement.[99]

The SJRWMD intends to implement the proposed rule with existing staff and meet its statutory requirements through participation in the Black Creek Water Resource Development Project, the Water First North Florida project, and the Florida Water Star Silver Plus water conservation project.[100] The SJRWMD's financial contribution to Water First North Florida will be limited to the share of impacts to the MFL compliance points resulting from water withdrawals in the SJRWMD region, estimated at $100–125 million.[101]

The SRWMD has identified the potential need to expand their workforce by one full-time equivalent position for the first five years of the proposed rule's implementation.[102] Additionally, the SRWMD's existing cost-share programs are anticipated to assist agricultural producers in implementing monitoring cost. The funding for these programs comes from state grant programs. The total estimated indirect cost to the SRWMD for the new position and cost-share programs is between $1,975,050 and $11,712,476.[103]

Regulatory Costs to Small Cities, Small Counties, and Small Businesses

Small cities are estimated to incur total costs between $1,545,415 and $1,608,996 within the first five years of rule implementation.[104] These estimates are based on a review of existing permits and 2020 Census population data identifying small city permittees in the NFRWSP planning area.[105] Costs to the small cities will vary based on the permit allocation and type, and include the cost to implement the conservation requirements, including achieving per capita goals (for Public Supply permittees), implementing specific elements required in their water conservation plans, and reporting on the effectiveness of their water conservation plans.[106] Most costs are attributable to water conservation requirements applicable to Public Supply permits with allocations exceeding 100,000 gpd.[107]

Small counties are estimated to incur total costs between $191,746 and $234,134 within the first five years of rule implementation.[108] Like small cities, these estimates are based on a review of existing permits and 2020 Census population data identifying small county permittees in the

[98] *Id.*
[99] *Id.*
[100] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 33, 34. Regarding Water First North Florida, SJRWMD intends to participate by contributing to the planning, design, construction and/or operation and maintenance of the project. In addition to direct cost-share, SJRWMD may meet the financial assistance requirement through land acquisition or in-kind services. *Id.* at 34.
[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.* at 37. "Small city" means any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(18), F.S.
[105] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 36-37.
[106] *Id.* at 37.
[107] *Id.*
[108] *Id.* at 38. "Small county" means any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census. *Id.* at 35; section 120.52(19), F.S.

NFRWSP planning area.[109] Only three small county Public Supply permits exceed 100,000 gpd and are subject to water conservation requirements, resulting in an estimated cost of $178,104.[110] Additional costs to small counties are attributable to monitoring and reporting requirements, based on their proportionate share of affected permittees.[111]

Small businesses are estimated to incur total costs between $3,272,885 and $6,628,584 within the first five years of rule implementation.[112] The proposed rule would only directly impact small businesses that are water use permittees or applicants in the NFRWSP planning area.[113] Below is a table summarizing the regulatory costs from the proposed water conservation requirements.

Estimated Number of Small Business Permittees by Use Type and Regulatory Costs from Conservation Requirements[114]

Water Use Type	Total Number of Permittees with a Regulatory Cost (a)	Water Conservation Reporting Cost per Permittee (b)	Total Regulatory Cost per Use Type (a x b)
Agricultural	669	$120	$80,280
Commercial/Industrial/Institutional	30	$12,388	$371,640
Landscape/Recreation	81	$12,388	$1,003,428
Mining/Dewatering	10	$12,388	$123,880
Public Supply[115]	10	$59,368	$613,680

In addition, small businesses are estimated to incur $1,079,977–$4,435,676 in costs related to the proposed rule's monitoring and reporting requirements.[116]

Other costs that could be incurred by small businesses, small cities, and small counties, such as participation in a water conservation project, are based on the needs and decisions of the permittees and are not known on an individual basis at this time.[117]

Section 2 provides that the bill takes effect upon becoming a law.

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[109] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 38.
[110] *Id.*
[111] *Id.*
[112] *Id.* at 36. "Small business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than $5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the $5 million net worth requirement includes both personal and business investments. *Id.* at 34-35; section 288.703(6), F.S.
[113] DEP, *SERC: Rule 62-42.300, F.A.C.: Attachment A* at 35.
[114] *Id.* at 36.
[115] The cost for Public Supply is the combined cost of the five-year cost for the Public Supply Annual Report ($46,980) and the one-time cost for the Public Supply Five-Year Water Conservation Report ($12,388). There is one small business Public Supply permit with an allocation greater than 1 mgd, which means it would also have an additional $20,000 reporting cost for implementing the data analytics requirements. This $20,000 is added to the total for Public Supply. *Id.* at 36.
[116] *Id.* at 36.
[117] *Id.* at 36, 38.

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:

There will be a negative fiscal impact on the private sector. The estimated costs for the proposed private residential landscape irrigation requirements are between $2,540,806 and $4,393,906 ($1,200 to $2,100 per system) within five years of rule implementation. Grants may be available to offset some of these costs; however, such offsets were not considered in the Statement of Estimated Regulatory Cost.

There will also be an estimated negative fiscal impact on the private sector of $12,772,964 within five years of implementation for the new water conservation requirements on public water supply, agricultural water use, and other use types. Other impacts to small businesses are discussed on pages 14-15.

C. Government Sector Impact:

The additional monitoring and reporting requirements of the new rule is estimated to cost between $1,136,818 and $4,669,133 to the SRWMD within five years of rule implementation (the SJRWMD already meets these requirements). Other fiscal impacts to the St. Johns River Water Management District and the Suwannee River Water Management District are discussed on pages 13-14 of this analysis. Impacts to small cities and counties are discussed on pages 14-15.

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

None.

B. Amendments:

None.

By the Committee on Environment and Natural Resources

592-02474-26 20267034__

A bill to be entitled

An act relating to ratification of rules of the Department of Environmental Protection; ratifying a specified rule relating to the Lower Santa Fe and Ichetucknee Rivers and Priority Springs minimum flows and recovery strategy for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing construction; providing an effective date.

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

Section 1. (1) The following rule is ratified for the sole and exclusive purpose of satisfying any condition on the effectiveness imposed under s. 120.541(3), Florida Statutes: Rule 62-42.300, Florida Administrative Code, titled "The Lower Santa Fe and Ichetucknee Rivers and Priority Springs," as filed for adoption with the Department of State pursuant to the certification package dated December 31, 2025.

(2) This act serves no other purpose and may not be codified in the Florida Statutes. After this act becomes a law, its enactment and effective dates must be noted in the Florida Administrative Code, the Florida Administrative Register, or both, as appropriate. This act does not alter rulemaking authority delegated by prior law, does not constitute legislative preemption of or exception to any provision of law

592-02474-26 20267034__

governing adoption or enforcement of the rule cited, and is intended to preserve the status of any cited rule as a rule under chapter 120, Florida Statutes. This act does not cure any rulemaking defect or preempt any challenge based on a lack of authority or a violation of the legal requirements governing the adoption of any rule cited.

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

The Florida Senate

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3 March 2026
Meeting Date

Rules
Committee

SB 7034
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)

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3-3-2026
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Jea Wasted water for recharge Aquifer & Springs
Bill Number or Topic

Senate Rules Committee
Committee

Amendment Barcode (if applicable)

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Rules
Committee

7034
Bill Number or Topic

Amendment Barcode (if applicable)

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3-3-26	7034
Committee	**Amendment Barcode (if applicable)**
Rules	

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3-3-26
Meeting Date

Rules
Committee

7034
Bill Number or Topic

Amendment Barcode (if applicable)

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City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:
Suwannee River Water Management District

[ ] 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

7034
Bill Number or Topic

Amendment Barcode (if applicable)

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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:

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

St. Johns River Water Management District

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S-001 (08/10/2021)

2/3/26
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SB 7034
Bill Number or Topic

Amendment Barcode (if applicable)

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Mayo FL 32066
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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Rules
Committee

7034
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:
United Dairy Farmers of Florida

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

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3/3/26
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Rules
Committee

7034
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.

[X] I am a registered lobbyist, representing: The Roberts Company

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

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Committee

7034
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:

☐ 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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March 3, 2026
Meeting Date

Rules
Committee

7034
Bill Number or Topic

Amendment Barcode (if applicable)

Name De Broughton

Phone 386-685-0454

Address 2823 CR 249
Street

Email d.brighton@gmail.com

Live Oak FL 32060
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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March 3, 2026
Meeting Date

Rules
Committee

7034
Bill Number or Topic

Amendment Barcode (if applicable)

Name Laura Goss

Phone 386 249 9017

Address 270 NE 446th St
Street

Email Laura@FloridaPeanutFederation.org

Old Town FL 32680
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)

3/3/26
Meeting Date

S Rules
Committee

The Florida Senate

APPEARANCE RECORD

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SB 7034
Bill Number or Topic

Amendment Barcode (if applicable)

Name Adam Blalock

Phone 850-245-2092

Address 3900 Commonwealth Blvd
Street

Email adam.blalock@FloridaDEP.gov

Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: State Employee
FL Dept. of Environmental Protection

[ ] 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
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3/3/26
Meeting Date

Rules
Committee

7034
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tripp Hunter

Phone 850-251-3672

Address 310 W College
Street

Email

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:
Florida Farm Bureau

☐ 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:	SB 7044
INTRODUCER:	Banking and Insurance Committee
SUBJECT:	Public Records/Custodians of Gold Coin and Silver Coin
DATE:	March 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Moody	Knudson		**BI Submitted as Comm. Bill/Fav**
1.	Moody	Kruse	RC	**Favorable**

I. Summary:

SB 7044 expands current public records exemptions that apply to money services businesses and financial institutions, including anti-money laundering provisions, to exempt from public records disclosure requirements records relating to custodians of gold and silver coin that is made legal tender under ch. 100-2025, Laws of Florida. This is done by reenacting public records exemptions relevant to custodians and providing updated public necessity statements.

The bill provides that the reenacted public records exemptions to which the Open Government Sunset Review Act applies will be repealed on October 2, 2031, unless the statutes are reviewed and reenacted by the Legislature before that date.

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.

There is no anticipated fiscal impact on state or local government. See Section V. Fiscal Impact Statement.

The bill is effective on the same date that sections 1 through 15 of chapter 2025-100, Laws of Florida, become effective.

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

[1] FLA. CONST., art. I, s. 24(a).

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 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]

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[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).
[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.

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 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

[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.
[19] Section 119.15(3), F.S.
[20] Section 119.15(6)(b), F.S.
[21] Section 119.15(6)(b)1., F.S.

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]

Financial Regulation

The Office of Financial Regulation (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").[27] The number of licensees or state-chartered institutions regulated by the office is summarized below:[28]

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

[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.
[27] Section 20.121(3)(a)2., F.S.
[28] Florida Office of Financial Regulation, *Fast Facts* (Jan. 2025 ed.), available at: fast-facts.pdf (last visited Jan. 7, 2026) (hereinafter cited as "2025 OFR Fast Facts").

Money Services Businesses

The OFR regulates money services businesses[29] (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. [30] The OFR is responsible for enforcing regulations and imposing disciplinary actions against MSBs.[31]

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;[32]
- Trade secrets[33] or personal financial information obtained by the OFR during its investigation or examination;[34]
- A consumer complaint or other information concerning an investigation or examination for a specified reason.[35]

Any person who willfully discloses any of the above confidential and exempt information commits a third degree felony.[36]

Confidentiality of Database of Payment Instrument Transactions

Check cashers and foreign currency exchangers must maintain a copy of each payment instrument cashed.[37] If the payment instrument exceeds $1,000, additional information must be maintained or submitted to database, such as the payor name, payee name, amount of the payment instrument, and amount of currency provided.[38] Such payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor is confidential and exempt from public records disclosures.[39]

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[29] 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.
[30] *Id.*
[31] Section 560.114(1), F.S.
[32] 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").
[33] "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.
[34] Section 560.129(2), F.S.
[35] 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).
[36] 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.
[37] Section 560.310(1), F.S.
[38] Section 560.310(2), F.S.
[39] Section 560.312, F.S.

Database for Deferred Presentment Providers

The OFR is required to implement a common database with real-time access for deferred presentment providers in order to verify whether any deferred presentment transactions are outstanding for a particular person.[40] Deferred presentment providers must submit specified data before entering into each deferred present transaction, such as the drawer's name, social security number or employment authorization alien number, address, amount of the transaction.[41] Information that identifies a drawer or a deferred presentment provider contained in a database of deferred presentment transactions is confidential and exempt.[42]

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.[43] The Florida Financial Institutions Codes apply to all state-authorized or state-chartered financial banks, trust companies, and related entities.[44] Of the 196 financial entities regulated by the OFR, 57 of them are state-chartered banks.[45] There are also approximately 30 federally-chartered banks operating in Florida.[46]

Confidentiality of Information and Records

Certain information and records of financial institutions are confidential and exempt from the Public Records Act, including:

- Investigations conducted by the OFR until the investigation is completed or ceases to be active[47] except for specified reasons;[48,49]

[40] Section 560.404(24), F.S.
[41] *Id.*
[42] Section 560.4041, F.S.
[43] Congressional Research Service, *Introduction to Financial Services: Banking*, p. 1, January 5, 2023, available at: https://crsreports.congress.gov/product/pdf/IF/IF10035 (last visited Jan. 6, 2026).
[44] 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.
[45] 2025 OFR Fast Facts.
[46] The OCC, *National Banks Active As of 11/30/2025*, November 30, 2025, available at national-by-state.pdf (last visited Jan. 6, 2026).
[47] Section 655.057(1), F.S., provides an investigation is "active while such investigation is being conducted by the office within a reasonable, good faith belief that it may lead to the filing of administrative, civil, or criminal proceedings."
[48] *Id.* (providing the reasons, including (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).
[49] Section 655.057(1), F.S.

- Reports of examinations,[50] operations, or condition, including working papers,[51] or portions thereof, prepared by, or for the use of, the OFR or any state or federal agency responsible for the regulation or supervision of financial institutions[52] in Florida;[53]
- Informal enforcement actions;[54,55]
- Trade secrets[56] held by the OFR;[57]
- Relating to certain information received by the OFR in an application for authority to organize a new state bank[58] or new state trust company.[59,60]
- Any portion of a required shareholder list which reveals the shareholders' identities;[61] and
- Confidential documents supplied to the OFR or to employees of any financial institution by other state or federal governmental agencies.[62]

Any person who willfully discloses information made confidential commits a felony of the third degree.[63] The exemptions do not prevent or restrict:[64]

- Publishing certain reports that must be submitted to the OFR 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;

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[50] "Examination report" is defined as records submitted to or prepared by the [OFR] as part of the [OFR's] duties performed pursuant to s. 655.012, F.S., or s. 655.045(1), F.S. Section 655.057(12)(a), F.S.
[51] "Working papers" is defined 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.
[52] "Financial institution" is defined 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.
[53] Section 655.057(2), F.S.
[54] "Informal enforcement actions" is defined as a board resolution, a document of resolution, or an agreement in writing between the office and a financial institution which meets certain criteria. Section 655.057(12)(b), F.S.
[55] Section 655.057(3), F.S.
[56] Supra note 33; The trade secret must also comply with s. 655.0591, F.S.
[57] Section 655.057(4), F.S.
[58] "State bank" is defined 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. Section 658.12(17), F.S.
[59] "State trust company" is defined 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. Section 658.12(19), F.S.
[60] Section 655.057(5), F.S. (providing the following information as confidential and exempt from public records disclosure requirements: 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 institutions; and 4. The proposed business plan and supporting documentation).
[61] Section 655.057(9), F.S.
[62] Section 655.057(10), F.S.
[63] Section 655.057(14), F.S.; Supra note 36.
[64] Section 655.057(6), F.S.

- 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.

Any confidential information and records obtained from the OFR based on these exemptions must be maintained as confidential and exempt from public records disclosure requirements.[65]

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 OFR. [66]

The OFR must retain the original and any copies of examination reports, investigatory records, applications, and related information compiled by the OFR for at least 10 years.[67]

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.[68] 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 transaction has no business or apparent lawful purpose.[69] Federal law prohibits the reporter of such information from disclosing the report.[70]

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.[71] Federal law makes these reports confidential and prohibits state public-records laws.[72]

[65] *Id.*
[66] Section 655.057(7), F.S.
[67] Section 655.057(11), F.S.
[68] 31 U.S.C. s. 5318(g)(1).
[69] 31 C.F.R. s. 1020.320(2).
[70] 31 U.S.C. s. 5318(g)(2); 31 C.F.R. s. 1020.320(e).
[71] 31 U.S.C. s. 5313(a); 31 C.F.R. s. 1010.311.
[72] 31 U.S.C. s. 5319.

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.[73] Multiple financial transactions must be treated as a single transaction.[74]

Each financial institution must file a report of the required records with the OFR.[75] 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.[76] Florida makes the records that are required to be filed with the OFR confidential and exempt from public records disclosure requirements.[77]

Regulation of Gold and Silver Coin[78]

Florida adopted laws last session to recognize gold and silver as legal tender in the state if certain conditions are met.[79] The laws regulate money services businesses and financial institutions that offer products and services in gold coin[80] and silver coin.[81,82] The laws established a new category of money transmitters, which is a type of MSB, that are regulated for safekeeping and storing gold and silver coin.[83]

MSBs, including custodians, and financial institutions are required to comply with several consumer protections relating to gold and silver coin that are expected to result in additional information and records obtained by the OFR in the course of its investigations, examinations, application process, collection of anti-money laundering reports, and other related supervisory

[73] Section 655.50(5), F.S.
[74] Section 655.50(5)(a), F.S.
[75] Section 655.50(5)(d), F.S.
[76] Section 655.50(5)(e), F.S.
[77] Section 655.50(7), F.S.
[78] Chapter 2025-100, L.O.F. (providing an effective date of July 1, 2026, except as expressly provided otherwise in the act).
[79] Section 215.986, F.S.
[80] Section 215.986(1)(c), F.S., defines "gold coin" as a precious metal with the chemical element of atomic number 79 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 79 consists of at least 99.5 percent purity. The term does not include any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.
[81] Section 215.986(1)(f), F.S., defines "silver coin" as a precious metal with the chemical element of atomic number 47 in solid form, in the shape of rounds, bars, ingots, or bullion coins, which is valued for its metal content and is stamped or imprinted with its weight and purity and which solid form of chemical element atomic number 47 consists of at least 99.9 percent purity. The term does not mean any goods as defined in s. 672.105(1), such as jewelry; other items of utility, such as picture frames; or collectibles.
[82] Sections 560.155 and 655.97, F.S.
[83] Sections 560.103(26)(b), F.S. and 560.214, F.S.

functions. Examples of such information and records include, for instance, disclosure requirements,[84] financial information,[85] and chain of custody documents.[86]

III. Effect of Proposed Changes:

SB 7044 expands the application of certain public records exemptions in current law to also exempt records relating to custodians of gold and silver coin. The exemptions contained in the proposed bill are those addressing:

- Money services businesses in ss. 560.129, 560.312, and 560.4041, F.S.
- Financial institutions in s. 655.057(1)-(4), (6), and (10), F.S.
- Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act in s. 655.50(5)(d), F.S.

Section 1 reenacts portions of the public records exemptions in the money services business provisions relating to the following information or records:

- Active investigations or examinations;[87]
- Information obtained by the OFR during an investigation or examination which is a trade secret;[88] and
- Specified consumer complaints and other information concerning an investigation or examination after the investigation is no longer active if certain conditions are met.[89]

The expanded exemptions of s. 560.129(1), (2), and (4), 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 2 reenacts the public records exemption relating to payment instrument transaction information held by the OFR which identifies a licensee, payor, payee, or conductor. The expanded exemption of s. 560.312, F.S., is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3 reenacts the public records exemption relating to information that identifies a drawer or a deferred presentment provider contained in a database required to be implemented by the OFR pursuant to s. 560.404(24), F.S. The expanded exemption of s. 560.4041, F.S., is subject to the Open Government Sunset Review Act and is repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4 provides a public necessity statement for the expansion of the public records exemption of s. 560.129, F.S.

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[84] Sections 560.155(1)(e) and 655.97(4)(f), F.S.
[85] Sections 560.155(1)(a) and 655.97(4)(a), F.S.
[86] Sections 560.155(1)(g) and 655.97(4)(h), F.S.
[87] Supra note 32.
[88] Supra notes 33 – 34.
[89] Supra note 35.

Section 5 reenacts portions of public records exemptions in the financial institutions provisions relating to the following information or records:

- Active investigations and after an investigation is completed if certain conditions are met;[90]
- Specified reports prepared by or for the use of the OFR or any state or federal agency;[91]
- Certain records related to informal enforcement actions;[92]
- Trade secrets held by the OFR;[93]
- Those furnished or reported information or records obtained from the OFR;[94]
- Confidential documents supplied to the OFR or to employees of any financial institution by other state or federal governmental agencies.[95]

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 6 provides a public necessity statement for the expansion of the public records exemption of s. 655.057, F.S.

Section 7 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").

Generally, a public records exemption must be reviewed and saved from appeal or the exemption will be repealed on October 2nd of the 5th year after enactment ("OGSR").[96] However, this requirement does not apply to an exemption that is required by federal law.[97] Since federal law prohibits the disclosure of the existence of a suspicious activity report (SAR) and any information that would reveal that a SAR has been filed,[98] there is no OGSR with respect to the expansion of the public records exemption in the Control of Money Laundering and Terrorist Financing Act.

Section 8 provides a public necessity statement for the expansion of the public records exemption of s. 655.50, F.S.

Section 9 provides the bill is effective on the same date that sections 1 through 15 of chapter 2025-100, Laws of Florida, become effective.

[90] Supra notes 41 – 43.
[91] Supra notes 44 – 47.
[92] Supra notes 48 – 49.
[93] Supra notes 50 - 51.
[94] Supra notes 58-59.
[95] Supra note 56.
[96] Section 119.15(2) and (3), F.S.
[97] Section 119.15(2)(a), F.S.
[98] 31 U.S.C. s. 5318(g)(2); 31 C.F.R. s. 1020.320(e).

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:

There is no anticipated fiscal impact on state or local government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 560.129, 560.312, 560.4041, 655.057, and 655.50.

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 the Committee on Banking and Insurance

597-02755-26 20267044__

A bill to be entitled

An act relating to public records; 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 money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; providing for future legislative review and repeal of the exemption; reenacting and amending s. 560.312, F.S.; expanding a public records exemption for payment instrument transactions to incorporate the inclusion of money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; providing for future legislative review and repeal of the exemption; amending s. 560.4041, F.S.; expanding a public records exemption for deferred presentment transactions to incorporate the inclusion of money transmitters acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; providing 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,

597-02755-26 20267044__

including reports or papers of examinations, operations, or condition and trade secrets, to incorporate the inclusion of financial institutions acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; 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 acting as custodians of gold coin and silver coin as authorized by chapter 2025-100, Laws of Florida; 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 (8) is added to section 560.129, Florida Statutes, 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 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.

(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 2. Subsection (4) is added to section 560.312, Florida Statutes, and subsection (1) of that section is reenacted, to read:

560.312 Database of payment instrument transactions; confidentiality.—

(1) Payment instrument transaction information held by the office pursuant to s. 560.310 which identifies a licensee, payor, payee, or conductor is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) Subsection (1) 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 3. Section 560.4041, Florida Statutes, is amended

to read:

560.4041 Database for deferred presentment providers; public records exemption.—

(1) Information that identifies a drawer or a deferred presentment provider contained in the database authorized under s. 560.404 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A deferred presentment provider may access information that it has entered into the database and may obtain an eligibility determination for a particular drawer based on information in the database.

(2) Subsection (1) 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. (1) The Legislature finds all of the following:

(a) That 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) That 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) That it is a public necessity that payment instrument transaction information held by the office pursuant to s. 560.310, Florida Statutes, which identifies a licensee, payor, payee, or conductor be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

(d) That it is a public necessity that deferred presentment transaction information held by the office pursuant to s. 560.404, Florida Statutes, which identifies a drawer or a deferred presentment provider be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

(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 money transmitters, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, to include custodians of gold coin or silver coin. Custodians of gold coin or silver coin 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 custodians of gold coin or silver coin 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. 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 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 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 to individuals whose personal financial information may be disclosed.

(3) Information specified in paragraphs (1)(c) and (d) held by the office in its database of payment instrument transactions pursuant to s. 560.312, Florida Statutes, and deferred presentment transactions pursuant to s. 560.404, Florida Statutes, may include information that identifies money transmitters, as defined in s. 560.103, Florida Statutes, as amended by chapter 2025-100, Laws of Florida, to include custodians of gold coin or silver coin. As a result, the office may receive sensitive personal and financial information relating to custodians of gold coin or silver coin that cash a payment instrument exceeding $1,000 or deferred presentment transactions for a particular person. An exemption from public records requirements for custodians of gold coin and silver coin provides the same protections to custodians of gold coin or silver coin 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 payment instrument transactions is necessary to deter money laundering and identity theft and related crimes through such custodians. The availability of this information to the office will help increase premium collection, lower costs to insurance carriers, and alleviate premium avoidance, as well as reduce the cost of administering these public programs. However, the public availability of payment instrument transaction or deferred presentment transaction information would reveal sensitive, personal financial information about payees and

conductors who use check-cashing and deferred presentment programs, including paycheck amounts, salaries, and business activities, as well as information regarding the financial stability of these custodians. Such information is traditionally private and sensitive. Protecting the confidentiality of such information that would identify these payees and custodians would provide adequate protection for these persons while still providing public oversight of the check-cashing and deferred presentment programs. The public release of payment instrument transaction and deferred presentment transaction information would also identify licensees or payors and reveal business transaction information that is traditionally private and could be used by competitors to harm other licensees or payors in the marketplace. If such information were publicly available, competitors could determine the amount of business conducted by other licensees or payors.

Section 5. 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 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 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.

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 6. (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 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) is held by the office in conjunction with investigations of

financial institutions which may include records concerning gold coin or silver coin products or services offered by such institutions, as authorized in s. 215.986(2)(e), Florida Statutes, enacted in chapter 2025-100, Laws of Florida. As a result, the office may receive sensitive personal and financial information relating to such institutions in conjunction with its duties under chapter 655, Florida Statutes. An exemption from public records requirements provides the same protections to custodians of gold coin or silver coin 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 also provide a means of early detection of violations, allowing for corrective action to 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 investigation by the Office of Financial Regulation; portions of records relating to a completed or inactive investigation by the office which would jeopardize the integrity of another active 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 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, 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.

(4) Release of information specified in s. 655.057(1)-(4), (6), and (10) could compromise the office's investigations and examinations, 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 investigation or examination 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.

(6) The Legislature finds that there is little public benefit derived from access to such information during the office's 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 investigations, reveal the office's investigative techniques or procedures, or expose personal financial information or a confidential source.

Section 7. 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 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 8. (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 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 investigations of financial institutions' transactions involving monetary instruments concerning gold coin or silver coin products or services offered by such institutions, as authorized in s. 215.986(2)(e), Florida Statutes, enacted in chapter 2025-100, Laws of Florida, to include any transactions involving gold coin or silver coin 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 custodians of gold coin or silver coin 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 also provide a means of early detection of violations, allowing for corrective action to be taken before any harm can be done.

Section 9. This act shall take effect on the same date that sections 1 through 15 of chapter 2025-100, Laws of Florida, become effective.

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/HB 245
INTRODUCER:	Criminal Justice Subcommittee and Representative Baker and others
SUBJECT:	Child Pornography Terminology
DATE:	March 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Parker	Kruse	RC	**Favorable**

I. Summary:

CS/HB 245 amends numerous sections of Florida Statutes to replace the term "child pornography" with the term "child sexual abuse material."

The bill does not make any substantive changes to the definition of "child pornography" or the elements of any criminal offense relating to child pornography.

The bill takes effect on July 1, 2026.

II. Present Situation:

Child Pornography

The First Amendment does not protect child pornography. In *New York v. Ferber*,[1] the Supreme Court of the United States recognized that states have a compelling interest in safeguarding the physical and psychological well-being of minors and in preventing their sexual exploitation and abuse. The Court noted that it was "unlikely that visual depictions of children . . . lewdly exhibiting their genitals would often constitute an important and necessary part of a literary performance or scientific or educational work.[2]

Child Pornography Prevention Action of 1996

In 1996, Congress passed the Child Pornography Prevention Action of 1996 (CPPA),[3] which created a definition of "child pornography." This criminalized, for the first time, acts relating to morphed child pornography. Under the CPPA, "child pornography" was defined as:

[1] *New York v. Ferber*, 458 U.S. 747 (1982).
[2] *Id*. at 763.
[3] Pub. L. No. 104-208, s.121.

- Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct,[4] where:
  - The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
  - Such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct (i.e., virtual child pornography – created without using an actual child);
  - Such visual depiction has been created, adapted, or modified to appear that an identifiable minor[5] is engaging in sexually explicit conduct (i.e., morphed child pornography); or
  - Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.[6]

Florida Child Pornography Laws

Present law defines "child pornography" to mean:

- Any image depicting a minor engaged in sexual conduct; or
- Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.[7]

Florida law currently contains a variety of statutes that prohibit acts relating to child pornography. Currently, these statutes are found in two different chapters, ch. 827, F.S., relating to the abuse of children, and ch. 847, F.S., relating to obscenity.

It is unlawful for any person to possess with the intent to promote[8] any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child pornography.[9] A person who violates this subsection commits a third degree felony.[10]

[4] The term "sexually explicit conduct" was defined as actual or simulated sexual intercourse (including genital-genital, oral-genital, anal-genital, or oral-anal) whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person. 18 U.S.C. s. 2256(2) (1996 ed.).
[5] The term "identifiable minor" was defined as a person who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, and: who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction. The term was not to be construed to require proof of the actual identity of the identifiable minor. 18 U.S.C. s. 2256(9) (1996 ed.).
[6] 18 U.S.C. s. 2256(8) (1996 ed.).
[7] Section 827.071(1)(b), F.S.
[8] Section 827.071(1)(h), F.S., defines "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.
[9] Section 827.071(4), F.S.
[10] A third degree felony is punishable by a term of imprisonment up to 5 years and a $5,000 fine as provided in ss. 775.082, 775.083, and 775.084, F.S.

The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote.[11] A person who violates this subsection commits a second degree felony.[12]

Additionally, it is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which he or she knows to include child pornography.[13] A person who violates this section commits a third degree felony.

The provision does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

Child Sexual Abuse Material (CSAM)

There has been a recent push to replace the term "child pornography" with "child sexual abuse material." Proponents of this change argue that the term "child pornography" should be avoided because:

- It fails to describe the true nature of the material and undermines the seriousness of the abuse from the child's perspective;
- Pornography is a term primarily used to describe material depicting consensual sexual acts between adults distributed for the purpose of sexual pleasure. Using the term in this context risks normalizing, trivializing, and legitimizing the sexual abuse and exploitation of children;[14] and
- Child pornography implies consent, and a child cannot legally give consent.[15]

The term "child pornography" is currently used in federal statutes and is defined as any visual depiction of sexually explicit conduct involving a person less than 18 years old. While this phrase still appears in federal law, "child sexual abuse material" is preferred, as it better reflects the abuse that is depicted in the images and videos and the resulting trauma to the child. In 2016, an international working group, comprising a collection of countries and international organizations working to combat child exploitation, formally recognized "child sexual abuse material" as the preferred term.[16]

Two states have passed similar legislature amending the term "child pornography" with the term "child sexual abuse material":

[11] Section 827.071(4), F.S.
[12] A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to $10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.
[13] Section 827.071(5)(a), F.S.
[14] IWF, *Child sexual abuse material vs. child porn': why language matters published on July 1, 2025*, available at https://www.iwf.org.uk/news-media/blogs/child-sexual-abuse-material-vs-child-porn-why-language-matters/ (last visited February 26, 2026).
[15] INHOPE, *What is Child Sexual Abuse Material*? (2025), available at https://www.inhope.org/EN/articles/child-sexual-abuse-material?locale=en (last visited on February 26, 2026).
[16] U.S. Department of Justice *Child Sexual Abuse Material*, available at https://www.justice.gov/d9/2023-06/child_sexual_abuse_material_2.pdf (last visited February 26, 2026).

- **Pennsylvania** – S.B. 187 amends the Child Internet Protection Act, enacted in 2004 to replace the term "child pornography with the term "child sexual abuse material."[17]
- **Minnesota** – SF 2825/HF 2594 amends multiple statutes to use "child sexual abuse/child sexual material" terminology.[18]

Other states, including the following, have pending similar legislation:

- **Alaska** – HB 265 – An act changing the term child pornography to child sexual abuse material.[19]
- **Washington** – SB 5105 and related 2025 proposal to expand the statutory definitions to include fabricated AI CSAM and amend wording from child pornography to child sexual abuse material.[20]
- **Texas** – HB 1717 – proposed bill to update statutory definitions to capture AI generated or indistinguishable depictions and to modernize language away from child pornography to CSAM terms.[21]
- **Nebraska** – LB 383 recodifies relevant offenses and replaces wording to refer to child sexual abuse material harmonizing definitions and penalties.[22]

The cross-cutting reasons states have indicated for changing the terminology include:

- Victim-center language and avoiding implying consent.[23]
- Reframing the language … better enables professionals to trigger the appropriate child-protection response.[24]
- Harmonize with global use of the term. The term CSAM is used by the Department of Justice, and the Federal Bureau of Investigations.[25]

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[17] Pennsylvania State Legislature, *Child Internet Protection Act* available at https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/2024/0/0092..HTM?12 (last visited February 26, 2026).
[18] Minnesota Legislature, *SF 2825 A bill for an act proposing changes to terms used in statute that punishes sexually explicit materials involving children, passed June 5, 2025*, available at https://www.revisor.mn.gov/bills/94/2025/0/SF/2825/versions/latest/ (last visited February 26, 2026).
[19] Alaska Beacon *It's child sexual abuse material – not pornography, Alaska House says, published March 14, 2024*, available at https://alaskabeacon.com/briefs/its-child-sexual-abuse-material-not-pornography-alaska-house-says/ (last visited February 26, 2026).
[20] The Columbian, *Washington lawmakers weigh new artificial intelligence regulations* available at https://www.columbian.com/news/2025/feb/10/washington-lawmakers-weigh-new-artificial-intelligence-regulations/ (last visited February 26, 2026).
[21] Texas Public Policy Foundation *Bill Analysis HB 1717*, available at https://www.texaspolicy.com/wp-content/uploads/2025/04/2025-03-Bill-Analyses-BTT-HB1717-Gee.pdf (last visited February 26, 2026)
[22] Nebraska Legislature, *LB383 – Act to rename the Child Pornography Prevention Act (2025)* available at https://nebraskalegislature.gov/FloorDocs/109/PDF/Final/LB383.pdf (last visited February 26, 2026).
[23] Palm Beach Post *A Florida legislator wants to get rid of the term 'child pornography.' Here's why*, available at https://www.yahoo.com/news/articles/florida-legislator-wants-rid-term-090710577.html?utm_source=chatgpt.com&guccounter=1&guce_referrer=aHR0cHM6Ly9jaGF0Z3B0LmNvbS8&guce_referrer_sig=AQAAACDad4Xh0fFSM7lO_TaXS_KHmc_Ovyny0IyBSW60qvC3HOsKw6jkUYeTonHYMD4CNoGmIecCCmvDisp_7nk_kdzsRCtVVFWfpXc0S3ww43oudqmX_nAIkajiFzhLheXMJLWcxGqeTQTo-gq4f7VEX89Hh-Lfc5TKEh5xSaV1Khta (last visited on February 26, 2026).
[24] NSPCC Learning, *Why language matters: why we should never use 'child pornography' and always say child sexual abuse material*, *published January 30, 2023*, available at https://learning.nspcc.org.uk/news/why-language-matters/child-sexual-abuse-material#:~:text=Referring%20to%20child%20sexual%20abuse,children%20and%20recognise%20the%20abuse. (last visited on February 26, 2026).
[25] FBI *Public Service Announcement: Child Sexual Abuse Material Created by Generative AI and Similar Online Tools is Illegal, published March 29, 2024*, available at https://www.ic3.gov/PSA/2024/PSA240329 (last visited February 26, 2026).

III. Effect of Proposed Changes:

The bill amends numerous sections of Florida Statutes to replace the term "child pornography" with the term "child sexual abuse material."

The bill does not make any substantive changes to the definition of "child pornography" or the elements of any criminal offense relating to child pornography.

Ther term "child pornography" is replaced with "child sexual abuse material" in the following statutes:

- Section 39.0138, F.S., relating to criminal history and other records checks;
- Section 92.56, F.S., relating to judicial proceedings and court records involving sexual offenses and human trafficking;
- Section 92.561, F.S., relating to prohibition on reproduction of child pornography;
- Section 435.07, F.S., relating to exemptions from disqualification;
- Section 456.074, F.S., relating to certain health care practitioners;
- Section 775.0847, F.S., relating to possession or promotion of certain images of child pornography;
- Section 827.071, F.S., relating to sexual performance by a child and child pornography;
- Section 827.072, F.S., relating to generated child pornography;
- Section 836.13, F.S., relating to altered sexual depictions;
- Section 836.14, F.S., relating to theft or unauthorized promotion of a sexually explicit image;
- Section 847.001, F.S., relating to definitions pertaining to offenses involving obscenity;
- Section 847.002, F.S., relating to child pornography prosecutions;
- Section 847.01357, F.S., relating to exploited children; civil remedy;
- Section 847.0137, F.S., relating to transmission of child pornography by electronic device or prohibited equipment;
- Section 847.0139, F.S., relating to immunity from civil liability for reporting child pornography, or any image, information, or data harmful to minors to a minor in this state;
- Section 903.011, F.S., relating to pretrial release;
- Section 921.0022, F.S., relating to the Criminal Punishment Code Offense Severity Ranking Chart; specifically amending the following statutes:
  - Section 827.071(5), F.S., replacing the term "child pornography" with the term "child sexual abuse material."
  - Section 827.071(4), F.S., replacing the term "child pornography" with the term "child sexual abuse material."
  - Section 847.0137(2), F.S., replacing the term "child pornography" with the term "child sexual abuse material."
  - Section 847.0137(3), F.S., replacing the term "child pornography" with the term "child sexual abuse material."
- Section 948.06, F.S., relating to violation of probation or community control;
- Section 960.03, F.S., relating to definitions pertaining to the Florida Crimes Compensation Act; and
- Section 960.197, F.S., relating to assistance to victims of online sexual exploitation and child pornography.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 39.0138, 92.56, 92.561, 435.07, 456.074, 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001, 847.002, 847.01357, 847.0137, 847.0139, 903.011, 921.0022, 948.06, 960.03, 960.197 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.

A bill to be entitled

An act relating to child pornography terminology; amending ss. 39.0138, 92.56, 92.561, 435.07, 456.074, 775.0847, 827.071, 827.072, 836.13, 836.14, 847.001, 847.002, 847.01357, 847.0139, 903.011, 948.06, 960.03, and 960.197, F.S.; replacing the term "child pornography" with the term "child sexual abuse material"; amending ss. 847.0137 and 921.0022, F.S.; replacing the terms "pornography" and "child pornography" with the term "child sexual abuse material"; providing an effective date.

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

Section 1. Paragraph (c) of subsection (3) of section 39.0138, Florida Statutes, is amended to read:

39.0138 Criminal history and other records checks; limit on placement of a child.—

(3) The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

(c) Child sexual abuse material ~~pornography~~ or other felony in which a child was a victim of the offense; or

Section 2. Subsection (3) of section 92.56, Florida Statutes, is amended to read:

92.56 Judicial proceedings and court records involving sexual offenses and human trafficking.—

(3) The state may use a pseudonym instead of the victim's name to designate the victim of a crime described in s. 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f), or (g), or in chapter 794 or chapter 800, or of child abuse, aggravated child abuse, or sexual performance by a child as described in chapter 827, or any crime involving the production, possession, or promotion of child sexual abuse material ~~pornography~~ as described in chapter 847, in all court records and records of court proceedings, both civil and criminal.

Section 3. Section 92.561, Florida Statutes, is amended to read:

92.561 Prohibition on reproduction of child sexual abuse material ~~pornography~~.—

(1) In a criminal proceeding, any property or material that portrays sexual performance by a child as defined in s. 827.071, constitutes generated child sexual abuse material ~~pornography~~ as defined in s. 827.072, or constitutes child sexual abuse material ~~pornography~~ as defined in s. 847.001, must remain secured or locked in the care, custody, and control of a law enforcement agency, the state attorney, or the court.

(2) Notwithstanding any law or rule of court, a court shall deny, in a criminal proceeding, any request by the

defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that portrays sexual performance by a child, constitutes generated child sexual abuse material ~~pornography~~, or constitutes child sexual abuse material ~~pornography~~ so long as the state attorney makes the property or material reasonably available to the defendant.

(3) For purposes of this section, property or material is deemed to be reasonably available to the defendant if the state attorney provides ample opportunity at a designated facility for the inspection, viewing, and examination of the property or material that portrays sexual performance by a child, constitutes generated child sexual abuse material ~~pornography~~, or constitutes child sexual abuse material ~~pornography~~ by the defendant, his or her attorney, or any individual whom the defendant uses as an expert during the discovery process or at a court proceeding.

Section 4. Paragraph (c) of subsection (4) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

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(c) Disqualification from employment under this chapter may not be removed from, and an exemption may not be granted to, any current or prospective child care personnel, as defined in s. 402.302(3), and such a person is disqualified from employment as child care personnel, regardless of any previous exemptions from disqualification, if the person has been registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been arrested for and is awaiting final disposition of, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or a similar law of another jurisdiction:

1. A felony offense prohibited under any of the following statutes:

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

c. Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

d. Section 784.021, relating to aggravated assault.

e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

g. Section 787.025, relating to luring or enticing a child.

h. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

i. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

j. Section 794.011, relating to sexual battery.

k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

l. Section 794.05, relating to unlawful sexual activity with certain minors.

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

q. Section 827.04, relating to contributing to the delinquency or dependency of a child.

r. Section 827.071, relating to sexual performance by a child.

s. Chapter 847, relating to child sexual abuse material ~~pornography~~.

t. Chapter 893, relating to a drug abuse prevention and control offense, if that offense was committed in the preceding 5 years.

u. Section 985.701, relating to sexual misconduct in juvenile justice programs.

2. A misdemeanor offense prohibited under any of the following statutes:

a. Section 784.03, relating to battery, if the victim of the offense was a minor.

b. Section 787.025, relating to luring or enticing a child.

c. Chapter 847, relating to child sexual abuse material ~~pornography~~.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 5. Paragraph (aa) of subsection (5) of section 456.074, Florida Statutes, is amended 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:

(aa) Section 847.0137, relating to the transmission of child sexual abuse material ~~pornography~~ by electronic device or equipment.

Section 6. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 775.0847, Florida Statutes, are amended to read:

775.0847 Possession or promotion of certain images of child sexual abuse material ~~pornography~~; reclassification.—

(1) For purposes of this section:

(b) "Child sexual abuse material ~~pornography~~" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to the next higher degree as provided in subsection (3) if:

(a) The offender possesses 10 or more images of any form

of child sexual abuse material ~~pornography~~ regardless of content; and

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 7. Paragraph (b) of subsection (1), subsection (4), and paragraph (a) of subsection (5) of section 827.071, Florida Statutes, are amended to read:

827.071 Sexual performance by a child; child sexual abuse material ~~pornography~~; penalties.—

(1) As used in this section, the following definitions shall apply:

(b) "Child sexual abuse material ~~pornography~~" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes child sexual abuse material ~~pornography~~. The

possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly solicit, possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include child sexual abuse material ~~pornography~~. The solicitation, possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes child sexual abuse material ~~pornography~~ depicting more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly solicited, possessed, controlled, or intentionally viewed is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Paragraph (a) of subsection (1) and paragraphs (a) and (b) of subsection (2) of section 827.072, Florida

Statutes, are amended to read:

827.072 Generated child sexual abuse material ~~pornography~~.—

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

(a) "Generated child sexual abuse material ~~pornography~~" means any image that has been created, altered, adapted, or modified by electronic, mechanical, or other computer-generated means to portray a fictitious person, who a reasonable person would regard as being a real person younger than 18 years of age, engaged in sexual conduct.

(2)(a) It is unlawful for a person to knowingly possess or control or intentionally view a photograph, a motion picture, a representation, an image, a data file, a computer depiction, or any other presentation which, in whole or in part, he or she knows includes generated child sexual abuse material ~~pornography~~. The possession, control, or intentional viewing of each such photograph, motion picture, representation, image, data file, computer depiction, or other presentation is a separate offense. A person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A person who intentionally creates generated child sexual abuse material ~~pornography~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Subsection (11) of section 836.13, Florida Statutes, is amended to read:

836.13 Altered sexual depictions; prohibited acts; penalties; applicability.—

(11) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child sexual abuse material ~~pornography~~ or the sexual performance or the sexual exploitation of children.

Section 10. Subsection (9) of section 836.14, Florida Statutes, is amended to read:

836.14 Theft or unauthorized promotion of a sexually explicit image.—

(9) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child sexual abuse material ~~pornography~~ or the sexual performance or the sexual exploitation of children.

Section 11. Subsection (3) of section 847.001, Florida Statutes, is amended to read:

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

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(3) "Child sexual abuse material ~~pornography~~" means:

(a) Any image depicting a minor engaged in sexual conduct; or

(b) Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

Section 12. Section 847.002, Florida Statutes, is amended to read:

847.002 Child sexual abuse material ~~pornography~~ prosecutions.—

(1) Any law enforcement officer who, pursuant to a criminal investigation, recovers images or movies of child sexual abuse material ~~pornography~~ shall:

(a) Provide such images or movies to the law enforcement agency representative assigned to the Child Victim Identification Program at the National Center for Missing and Exploited Children, as required by the center's guidelines.

(b) Request the law enforcement agency contact information from the Child Victim Identification Program for any images or movies recovered which contain an identified victim of child sexual abuse material ~~pornography~~ as defined in s. 960.03.

(c) Provide case information to the Child Victim Identification Program, as required by the National Center for Missing and Exploited Children guidelines, in any case where the law enforcement officer identifies a previously unidentified

victim of child sexual abuse material ~~pornography~~.

(2) Any law enforcement officer submitting a case for prosecution which involves the production, promotion, or possession of child sexual abuse material ~~pornography~~ shall submit to the designated prosecutor the law enforcement agency contact information provided by the Child Victim Identification Program at the National Center for Missing and Exploited Children, for any images or movies involved in the case which contain the depiction of an identified victim of child sexual abuse material ~~pornography~~ as defined in s. 960.03.

(3) In every filed case involving an identified victim of child sexual abuse material ~~pornography~~, as defined in s. 960.03, the prosecuting agency shall enter the following information into the Victims in Child Pornography Tracking Repeat Exploitation database maintained by the Office of the Attorney General:

(a) The case number and agency file number.

(b) The named defendant.

(c) The circuit court division and county.

(d) Current court dates and the status of the case.

(e) Contact information for the prosecutor assigned.

(f) Verification that the prosecutor is or is not in possession of a victim impact statement and will use the statement in sentencing.

Section 13. Subsections (1) and (4) of section 847.01357,

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Florida Statutes, are amended to read:

847.01357 Exploited children's civil remedy.—

(1) Any person who, while under the age of 18, was a victim of a sexual abuse crime listed in chapter 794, chapter 800, chapter 827, or chapter 847, where any portion of such abuse was used in the production of child sexual abuse material ~~pornography~~, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such images or movies, may bring an action in an appropriate state court against the producer, promoter, or possessor of such images or movies, regardless of whether the victim is now an adult. In any action brought under this section, a prevailing plaintiff shall recover the actual damages such person sustained and the cost of the suit, including reasonable attorney's fees. Any victim who is awarded damages under this section shall be deemed to have sustained damages of at least $150,000.

(4) It is not a defense to a civil cause of action under this section that the respondent did not know the victim or commit the abuse depicted in any image of child sexual abuse material ~~pornography~~.

Section 14. Subsections (2), (3), and (4) of section 847.0137, Florida Statutes, are amended to read:

847.0137 Transmission of child sexual abuse material ~~pornography~~ by electronic device or equipment prohibited; penalties.—

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child sexual abuse material ~~pornography~~, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child sexual abuse material ~~pornography~~, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not be construed to preclude prosecution of a person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child sexual abuse material ~~pornography~~, as defined in s. 847.001, to any person in this state.

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 15. Section 847.0139, Florida Statutes, is amended to read:

847.0139 Immunity from civil liability for reporting child sexual abuse material ~~pornography~~, transmission of child sexual

abuse material ~~pornography~~, or any image, information, or data harmful to minors to a minor in this state.—Any person who reports to a law enforcement officer what the person reasonably believes to be child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or any image, information, or data that is harmful to minors to a minor in this state may not be held civilly liable for such reporting. For purposes of this section, such reporting may include furnishing the law enforcement officer with any image, information, or data that the person reasonably believes to be evidence of child sexual abuse material ~~pornography~~, transmission of child sexual abuse material ~~pornography~~, or an image, information, or data that is harmful to minors to a minor in this state.

Section 16. Paragraph (g) of subsection (6) of section 903.011, Florida Statutes, is amended 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:

(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 sexual abuse material ~~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 17. Paragraphs (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop;

		leaving scene.
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)(a)2.	3rd	Vessel accidents involving personal injuries other than serious bodily injury; leaving scene.
365.172 (14)(b)2.	2nd	Misuse of emergency communications system resulting in death.

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379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more

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

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		undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.

790.01(3)	3rd	Unlawful carrying of a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.

800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
810.145(4)	3rd	Commercial digital voyeurism dissemination.
810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of

		age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value

		$20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or

		related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or

		death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of child sexual abuse material ~~pornography~~ by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to

		join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

		drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.

893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.

499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.

784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code

		inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
787.025(2)(a)	3rd	Luring or enticing a child.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings,

		vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

810.145(8)(b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.

825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child sexual abuse material ~~pornography~~.

828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.

944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer

		who is in a patrol vehicle with siren and lights activated.
327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily

		injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.

466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total

		money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other

		registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

		homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.

784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling;

		unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.

812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective

		equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability,

		or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child sexual abuse material ~~pornography~~.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.

838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a

			criminal gang; second or subsequent offense.
874.10		1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.		1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.		1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.,

			within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)		1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.		1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.		1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.		1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.		1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135		1st	Trafficking in hydrocodone, 50

(1)(c)2.b.		grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28

		grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or

		more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to

		submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure

		to respond to address verification; providing false registration information.

Section 18. Paragraph (c) of subsection (8) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(8)

(c) For purposes of this section, the term "qualifying offense" means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious

conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

7. Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under s. 825.1025.

8. Sexual performance by a child or attempted sexual performance by a child under s. 827.071.

9. Computer pornography under s. 847.0135(2) or (3), transmission of child sexual abuse material ~~pornography~~ under s. 847.0137, or selling or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.

11. Abuse of a dead human body under s. 872.06.

12. Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under s. 810.02(2) or (3).

13. Arson or attempted arson under s. 806.01(1).

14. Aggravated assault under s. 784.021.

15. Aggravated stalking under s. 784.048(3), (4), (5), or (7).

16. Aircraft piracy under s. 860.16.

17. Unlawful throwing, placing, or discharging of a destructive device or bomb under s. 790.161(2), (3), or (4).

18. Treason under s. 876.32.

19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

Section 19. Paragraph (e) of subsection (3) and subsection (10) of section 960.03, Florida Statutes, are amended to read:

960.03 Definitions; ss. 960.01-960.28.—As used in ss. 960.01-960.28, unless the context otherwise requires, the term:

(3) "Crime" means:

(e) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, related to online sexual exploitation and child sexual abuse material ~~pornography~~.

(10) "Identified victim of child sexual abuse material ~~pornography~~" means any person who, while under the age of 18, is depicted in any image or movie of child sexual abuse material ~~pornography~~ and who is identified through a report generated by a law enforcement agency and provided to the National Center for Missing and Exploited Children's Child Victim Identification Program.

Section 20. Paragraph (b) of subsection (1) of section 960.197, Florida Statutes, is amended to read:

960.197 Assistance to victims of online sexual

exploitation and child sexual abuse material ~~pornography~~.—

(1) Notwithstanding the criteria set forth in s. 960.13 for crime victim compensation awards, the department may award compensation for counseling and other mental health services to treat psychological injury or trauma to:

(b) Any person who, while younger than age 18, was depicted in any image or movie, regardless of length, of child sexual abuse material ~~pornography~~ as defined in s. 847.001, who has been identified by a law enforcement agency or the National Center for Missing and Exploited Children as an identified victim of child sexual abuse material ~~pornography~~, who suffers psychiatric or psychological injury as a direct result of the crime, and who does not otherwise sustain a personal injury or death.

Section 21. 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 23, 2026

I respectfully request that **House Bill #245**, relating to Child Pornography Terminology, 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

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/HB 363
INTRODUCER:	Health & Human Services Committee and Representatives Chaney and Salzman
SUBJECT:	Dental Therapy
DATE:	February 28, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Smith	Kruse	RC	**Pre-meeting**

I. Summary:

CS/HB 363 creates a new licensed and regulated profession, dental therapy. Under the bill, dental therapists are mid-level dental care providers who provide services under the supervision of a licensed dentist. The bill establishes a framework for the licensure and regulation of dental therapists, including eligibility, scope of practice, practice requirements, and disciplinary authority.

The bill provides that a dental therapist may only provide dental therapy services under the supervision of a Florida-licensed dentist and pursuant to the terms of a written collaborative management agreement with the supervising dentist. The bill allows dental therapists to provide a broad scope of services under the general supervision of a dentist in all practice settings to the extent authorized under the written collaborative management agreement.

To be eligible for licensure, a person must have graduated from a dental therapy school or college accredited by the American Dental Association Commission on Dental Accreditation (CODA), pass the ADEX exam within three attempts, and pass a written exam on Florida Laws and Rules relating to dental therapy.

The bill requires dental therapists to complete at least 24 hours and up to 36 hours of continuing education biennially in order to maintain licensure, pursuant to Board of Dentistry (Board) rule. The bill creates a new Council on Dental Therapy to make recommendations to the Board.

The bill requires the Department of Health (DOH), in consultation with the Board and the Agency for Health Care Administration (AHCA), to submit a progress report to the President of the Senate and the Speaker of the House of Representatives by July 1, 2029, and a final report four years after the first dental therapy license is issued in order to monitor the development of this new licensed profession and its impact on dental care in Florida.

The bill also expands the conditions under which Florida Medicaid is allowed to provide reimbursement for dental services provided in a mobile dental unit.

The bill will have a negative fiscal impact on the DOH and an indeterminate impact to the Florida Medicaid program. See Section V of this analysis.

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

II. Present Situation:

Regulation of Dental Practice in Florida

The Board of Dentistry ("the Board") regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants, under the Dental Practice Act.[1] A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.[2] A dental hygienist provides education, preventive, and delegated therapeutic dental services.[3] A dental assistant is not licensed and provides a narrow scope of services authorized and supervised by a licensed dentist.[4]

Any person wishing to practice dentistry in this state must apply to the DOH and meet specified requirements. Section 466.006, F.S., requires dentistry licensure applicants to sit for a national exam, a state exam, and a practicum exam. To qualify to take the Florida dental licensure examination, an applicant must be 18 years of age or older, be a graduate of a dental school accredited by the American Dental Association Commission on Dental Accreditation (CODA) or be a student in the final year of a program at an accredited institution, and have successfully completed the National Board of Dental Examiners (NBDE) dental examination.

Dentists must maintain professional liability insurance or provide proof of professional responsibility. If the dentist obtains professional liability insurance, the coverage must be at least $100,000 per claim, with a minimum annual aggregate of at least $300,000.[5] Alternatively, a dentist may maintain an unexpired, irrevocable letter of credit in the amount of $100,000 per claim, with a minimum aggregate availability of credit of at least $300,000.[6] The professional liability insurance must provide coverage for the actions of any dental hygienist supervised by the dentist.[7]

Levels of Supervision under the Dental Practice Act

Dental care teams generally include dentists and allied professionals including dental hygienists and dental assistants who are trained to provide specific oral health care services under the supervision of a dentist. There are three levels of supervision performed by a dentist based on the service being provided:

- "Direct supervision" means supervision whereby a dentist diagnoses the condition to be treated, a dentist authorizes the procedure to be performed, a dentist remains on the premises

[1] Section 466.004, F.S.
[2] Section 466.003(3), F.S.
[3] Section 466.003(4)-(5), F.S.
[4] Section 466.003(6), F.S.
[5] Rule 64B5-17.011(1), F.A.C.
[6] Rule 64B5-17.011(2), F.A.C.
[7] Rule 64B5-17.011(4), F.A.C.

while the procedures are performed, and a dentist approves the work performed before dismissal of the patient.[8]

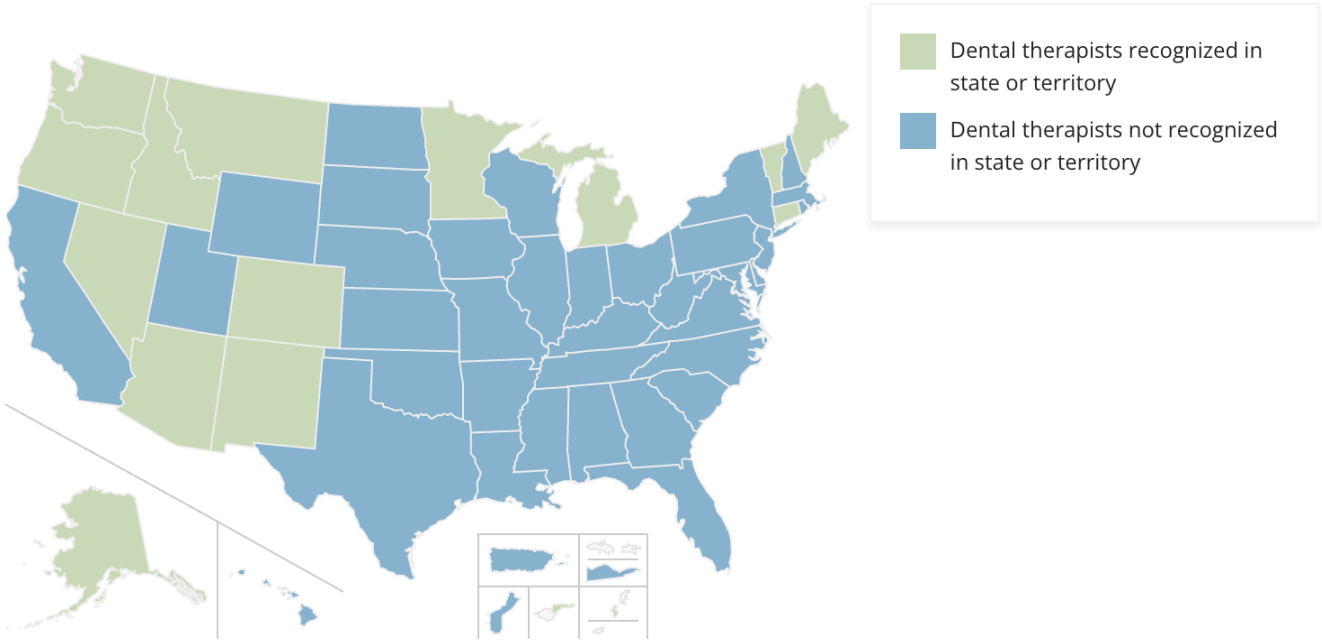
- "Indirect supervision" means supervision whereby a dentist authorizes the procedure and a dentist is on the premises while the procedures are performed.[9]
- "General supervision" means supervision whereby a dentist authorizes the procedures which are being carried out but need not be present when the authorized procedures are being performed. The authorized procedures may also be performed at a place other than the dentist's usual place of practice. The issuance of a written work authorization to a commercial dental laboratory by a dentist does not constitute general supervision.[10]

Dental Therapy

As licensed and regulated in some U.S. states, dental therapists are mid-level dental providers, similar to physician assistants in medicine. Dental therapists may provide preventive and routine restorative care, such as filling cavities, placing temporary crowns, and extracting badly diseased or loose teeth.[11]

Dental Therapy in Other States

Currently, 15 states authorize the practice of dental therapy. (See chart below.) Licensure, scope of practice, supervision, and practice setting requirements for dental therapists vary significantly between those states.[12] Florida does not currently license dental therapists.



[8] Section 466.003(9), F.S.
[9] Section 466.003(10), F.S.
[10] Section 466.003(11), F.S.
[11] The Pew Charitable Trusts, *"What Are Dental Therapists?"* (Oct. 9, 2019), available at: https://www.pew.org/en/research-and-analysis/articles/2019/10/09/what-are-dental-therapists (last visited Mar. 1, 2026).
[12] *Id.*

National Conference of State Legislatures: Dental Therapists[13]

There are currently three fully-operational dental therapy education programs in the U.S. that are accredited by the Commission on Dental Accreditation (CODA), and they are located in Minnesota, Alaska, and Washington state.[14] Schools in Oregon, Michigan, Wisconsin, and Vermont are in the process of developing dental therapy education programs.[15]

Professional Regulation and the Florida Sunrise Act

Section 11.62, F.S., "The Sunrise Act," sets forth legislative policy and minimum requirements for legislative review of bills proposing regulation of an unregulated occupation. In general, the Sunrise Act states that the regulation of an occupation or profession should not occur unless it is:

- Necessary to protect the public health, safety, or welfare from significant and discernible harm or damage;
- Exercised only to the extent necessary to prevent the harm; and
- Limited so as not to unnecessarily restrict entry into the practice of the occupation or profession or adversely affect public access to the professional services.

The Sunrise Act directs the Legislature to consider the following factors when determining whether to regulate a profession:

- Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare;
- Whether the potential for harm is recognizable and not remote;
- Whether the practice of the profession or occupation requires specialized skill or training;
- Whether the skill or training is readily measurable or quantifiable so that an examination, or training requirements, would reasonably assure initial and continuing professional or occupational ability;
- Whether the regulation will place an unreasonable burden on job creation or job retention in the state; or
- Whether unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;
- Whether the public is or can be effectively protected by other means; and
- Whether the overall cost-effectiveness and economic impact of the proposed regulation, including indirect costs to consumers, will be favorable.

The Sunrise Act also requires the proponents of the legislation to provide detailed information regarding the need and potential impact of the regulation. The Sunrise Questionnaire is used for

[13] National Conference of State Legislatures, "Dental Therapists," Scope of Practice Policy, available at: https://www.ncsl.org/scope-of-practice-policy/practitioners/oral-health-professionals/dental-therapy (last visited Mar. 1, 2026).
[14] Commission on Dental Accreditation (CODA), American Dental Association, *"Search for Dental Programs"* (filtered to Program Type: Dental Therapy), available at: https://coda.ada.org/find-a-program/search-dental-programs (last visited Mar. 1, 2026).
[15] Oral Health Workforce Research Center (OHWRC), Center for Health Workforce Studies, University at Albany, State University of New York, *"Authorization Status of Dental Therapists By State"* (last updated Apr. 2024), available at: https://oralhealthworkforce.org/infographics/authorization-status-of-dental-therapists-by-state/ (last visited Mar. 1, 2026).

that purpose. The Sunrise Act requires the governmental agency that will be responsible for its implementation to also assess the cost of implementation, the technical sufficiency of the proposal, and whether alternatives to regulation exist.

In determining whether to recommend regulation, the legislative committee reviewing the proposal is directed to assess whether the proposed regulation is:

- Justified based on the statutory criteria and the information provided by both the proponents of regulation and the agency responsible for its implementation;
- The least restrictive and most cost-effective regulatory scheme necessary to protect the public; and
- Technically sufficient and consistent with the regulation of other professions under existing law.

Summary of the Florida Sunrise Act Questionnaire Responses

The Sunrise Questionnaire for dental therapy was completed on behalf of several national and Florida-based organizations seeking to advance the practice act for dental therapy. They include: The National Partnership for Dental Therapy, the National Coalition of Dentists for Health Equity, the American Dental Therapy Association, and Floridians for Dental Access.[16]

The submitted questionnaire indicates that the licensure and regulation of dental therapists is being sought to address oral health access challenges. Per the questionnaire, ch. 466, F.S., regulating the practice of dentistry in Florida, prohibits anyone, other than dentists, from performing certain procedures that would be within the scope of practice for a dental therapist, thus prohibiting the practice of dental therapy. The bill would authorize a dental therapist to practice dental therapy in Florida without violating the dental practice act. This would allow a mid-level practitioner to provide some dental services that currently may be provided only by a dentist.

The public is already protected from the unlicensed practice of dental procedures by the existing dental practice act. Even so, the bill's proponents purport that by licensing dental therapists, the bill will exclude unqualified practitioners from providing services, in addition to giving official recognition to the field's scope of practice, extending professional opportunities for dental care professionals, and expanding access to dental care.[17]

Health Access Licenses

A health access license allows dentists licensed out-of-state, who meet certain criteria, to practice in a health access setting without the supervision of a Florida licensed dentist.[18] A health access setting is a program or institution of the Department of Children and Families, the DOH, the Department of Juvenile Justice, a nonprofit health center, a Head Start center, a federally-

[16] *Sunrise Questionnaire* (Jan. 22, 2024) (on file with Senate Committee on Health Policy).
[17] *Id*.
[18] Section 466.0067, F.S

qualified health center (FQHC) or FQHC look-alike, a school-based prevention program, or a clinic operated by an accredited dental school or accredited dental hygiene program.[19]

A holder of a health access dental license must apply for renewal of the license each biennium and provide a signed statement that she or he has complied will all continuing education requirements of an active dentist. The health access dental license will be renewed if the applicant:

- Submits documentation from the employer in the health access setting that the licensee has at all times pertinent remained an employee;
- Has not been convicted or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Has paid the appropriate renewal fee;
- Has not failed the Florida examination requirements since initially receiving the health access dental license or since the last renewal; and
- Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank.

A health access dental license will be revoked upon the termination of the licensee's employment from a qualifying health access setting, final agency action determining that a licensee has violated disciplinary grounds as provided in s. 466.028, F.S., or failure of the Florida dental licensure examination.

It is considered the unlicensed practice of dentistry if the holder of a health access dental license fails to limit his or her practice to a health access setting.[20]

III. Effect of Proposed Changes:

Section 1 amends s. 409.906, F.S.; to expand the circumstances under which Florida Medicaid may reimburse for dental services provided in a mobile dental unit by allowing reimbursement when the mobile unit is owned by, operated by, or has a contractual relationship with a health access setting (or a similar program serving underserved populations).

Section 2 amends s. 466.001, F.S.; to expand the legislative purpose and intent of ch. 466, F.S., to expressly include dental therapists alongside dentists and dental hygienists, and to clarify that provisions relating to the practice of dentistry, dental therapy, and dental hygiene must be liberally construed to carry out the chapter's purpose and intent.

Section 3 amends s. 466.002, F.S.; to exempt students and certain instructors in Florida schools of dental therapy, alongside schools of dentistry and dental hygiene or dental assistant educational programs, from chapter 466 while performing their assigned work or duties.

Section 4 amends s. 466.003, F.S.; to incorporate "dental therapists" and "dental therapy" within the definitions for ch. 466, F.S. The bill specifies that "dental therapy" means the rendering of

[19] Section 466.003(14), F.S. Such institutions or programs must report violations of the Dental Practice Act or standards of care to the Board of Dentistry.
[20] Section 466.00672(2), F.S.

services pursuant to s. 466.0227, F.S., as created in Section 14 of the bill, and any related extraoral services or procedures required in the performance of such services.

Section 5 amends s. 466.004, F.S., to revise provisions relating to the Board of Dentistry and to create an advisory structure for dental therapy by establishing a Council on Dental Therapy to advise the Board on matters relating to dental therapy regulation. The bill requires the Chair of the Board to appoint members 28 months after the first dental therapy license is granted and provides membership composition and meeting requirements. The bill requires the Board to consider rule and policy recommendations of the Council at the Board's next regularly scheduled meeting.

Section 6 amends s. 466.006, F.S., to conform provisions to changes made by the bill, including full-time practice as a faculty member employed by a dental therapy school.

Section 7 amends s. 466.009, F.S., to establish reexamination provisions for dental therapy applicants. For an applicant who fails only one part or procedure of the examination, he or she may be required to retake only that part or procedure to pass the examination. For an applicant who fails more than one part or procedure, he or she must retake the entire examination.

Section 8 amends s. 466.011, F.S., to require the Board to certify applicants who meet qualifications for licensure as dental therapists.

Section 9 creates s. 466.0136, F.S., to require licensed dental therapists to complete biennial continuing education (at least 24 hours and up to 36 hours, as established by Board rule), to allow two hours of dual-credit continuing education for individuals also licensed as dental hygienists, and to authorize the Board to excuse compliance due to unusual circumstance, emergency, or hardship.

Section 10 amends s. 466.016, F.S., to require a practitioner of dental therapy to post and display his or her license in each office where he or she practices.

Section 11 amends s. 466.017, F.S., to require the Board to revise existing rules to account for dental therapists and to address anesthesia administration and supervision issues. The bill authorizes a dental therapist to become certified to administer local anesthesia under general supervision if he or she completes the same training required for a dental hygienist to administer local anesthesia under direct supervision[21] and presents evidence of current certification in basic or advanced cardiac life support.

This section also authorizes a dental therapist who is authorized by his or her supervising dentist to operate an X-ray machine, expose dental X-ray films, and interpret or read such films.
The bill requires dental therapists to report adverse incidents to the Board within 48 hours after any adverse incident related to or resulting from the administration of local anesthesia. A complete written report must be filed with the Board within 30 days of death or other incident.

[21] Section 466.017(5), F.S.

Section 12 amends s. 466.018, F.S., to provide that a dentist of record remains primarily responsible for the dental treatment of a patient, regardless of whether the treatment is provided by a dental therapist, and to require that the name or initials of a dental therapist who renders treatment be placed in the patient record.

Section 13 creates s. 466.0225, F.S., to establish dental therapist licensure eligibility and requirements. To be eligible for licensure as a dental therapist, a person must apply to the DOH and meet the following requirements:

- Be at least 18 years of age;
- Have graduated from a dental therapy school or college accredited by CODA or by any other dental therapy accrediting entity that may eventually be recognized by the U.S. Department of Education;
- Successfully complete a dental therapy practical or clinical exam produced by the American Board of Dental Examiners (ADEX) within three attempts;
- Not have been disciplined by the Board with the exception of minor violations or citations;
- Not have been convicted, or pled nolo contendere to, a misdemeanor or felony related to the practice of dental therapy; and
- Pass a written exam on Florida laws and rules regulating the practice of dental therapy.

Section 14 creates s. 466.0227, F.S., to establish the scope of practice and supervision requirements for dental therapists by:

- Requiring a written collaborative management agreement with a supervising Florida-licensed dentist;
- Authorizing performance of specified dental therapy services under general supervision, as permitted by the agreement;
- Requiring the agreement to address items such as practice settings and populations served, scope limitations, supervision criteria, emergency planning, recordkeeping, quality assurance, referral/clinical resources beyond the therapist's capabilities, and protocols for limited circumstances where services may be provided before the dentist examines the patient; and
- Authorizing the Board to expand the dental therapist scope of practice by rule beyond the scope provided by the bill.

The bill specifies that supervision may be conducted via telehealth. The collaborative management agreement must include a plan to manage medical emergencies in each practice setting where the dental therapist provides care.

Under the bill, the scope of practice authorizes a dental therapist to perform the following services:

- Oral exams and treatment planning – Check the mouth for signs of dental disease and create a personalized care plan.
- Identifying and referring health issues – Recognize oral or general health problems that need a dentist, physician, or other provider, and arrange referrals.
- Detailed charting – Record a complete map of the teeth and mouth.
- Patient education – Teach patients about oral health, disease prevention, nutrition, and diet.
- X-rays – Take and interpret dental radiographs.

- Dental prophylaxis – Professional cleaning, including scaling below the gumline and polishing.
- Medication administration – Give non-narcotic pain relievers, anti-inflammatory drugs, and antibiotics by mouth or topically, as prescribed by a licensed health care provider.
- Preventive treatments – Apply fluoride varnish, sealants, antimicrobial agents, or other cavity-preventing materials.
- Pulp testing – Check the health of tooth pulp with vitality tests.
- Desensitizing treatments – Apply medications or resins to reduce tooth sensitivity.
- Mouth guards – Make sports guards and soft bite guards.
- Periodontal dressings – Place or replace dressings used after gum treatments.
- Local anesthesia and nitrous oxide – Administer numbing injections and laughing gas.
- Primary tooth extraction – Remove baby teeth that have fully erupted.
- Certain permanent tooth extractions – Remove very loose, diseased permanent teeth when allowed by agreement, but not impacted, unerupted, fractured, or sectioned teeth.
- Emergency palliative treatment for dental pain – Provide procedures within this scope of practice for urgent pain relief.
- Tooth fillings – Prepare and place direct restorations (fillings) in both baby and adult teeth.
- Temporary crowns – Make and place single-tooth temporary crowns.
- Crowns on baby teeth – Prepare and place pre-made crowns on primary teeth.
- Direct and indirect pulp capping (permanent teeth) – Place materials over exposed pulp ("direct") or nearly exposed ("indirect") pulp to protect it.
- Pulp capping (baby teeth) – Place protective material near pulp in primary teeth.
- Stitches – Place and remove sutures inside the mouth.
- Denture adjustments – Make minor repairs or adjustments to removable dentures.
- Space maintainers – Place and remove devices that hold space for future teeth.
- Pulpotomy (baby teeth) – Partially remove infected pulp tissue in primary teeth and seal the chamber.
- Tooth reimplantation – Reinsert and stabilize a tooth that has been knocked out.
- Recementing crowns – Reattach a loose permanent crown.
- Additional services, treatments, or procedures as the Board deems appropriate by rule.

Section 15 amends s. 466.026, F.S., to provide criminal penalties relating to dental therapy, including making the unlicensed practice of dental therapy a felony offense and prohibiting fraudulent use of the "dental therapist" title or the initials "D.T."

Section 16 amends s. 466.028, F.S., to revise grounds for denial of a license or disciplinary action by the Board to include the practice of dental therapy.

Section 17 amends s. 466.0285, F.S., to prohibit persons other than licensed dentists from employing a dental therapist in the operation of a dental office and from controlling the use of dental equipment or materials in specified circumstances, and to require that certain lease or rental arrangements include a provision ensuring the dentist maintains complete care, custody, and control of the equipment or practice.

Section 18 amends s. 921.0022, F.S., to conform the Criminal Punishment Code offense severity ranking chart to reflect the bill's new or revised criminal penalties.

Section 19 requires the DOH, in consultation with the Board and the AHCA, to submit a progress report by July 1, 2029, and a final report four years after the first dental therapy license is issued, to monitor implementation and impacts on dental care in Florida.

Section 20 of the bill 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.

D. State Tax or Fee Increases:

Current law requires that all costs for regulating a health care profession and practitioners be borne by licensees and licensure applicants.[22] A separate fee bill, which must pass by a supermajority vote, is required to establish or raise a licensure fee.[23] As of this writing, a fee bill has not been filed for the costs associated with regulating the practice of dental therapy. Therefore, if this bill were to become law, fees paid by other types of health care practitioners would fund the costs of licensing and regulating dental therapists.

E. Other Constitutional Issues:

Section 6 of Article III of the State Constitution requires every law to "embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." The subject as expressed in the title circumscribes the one subject to which the act must relate. CS/HB 363 is titled "An act relating to dental therapy." However, Section 1 of the bill amends s. 409.906, F.S., to expand conditions under which Florida Medicaid is allowed to provide reimbursement for dental services provided in a mobile dental unit. Such services are not restricted solely to dental therapists; therefore, this section of the bill affects the Medicaid program's overall dental benefit, outside of services specific to dental therapy. It is unclear whether a court would find that this section of the bill is "properly connected therewith" an Act relating to dental therapy.

[22] Section 456.025, F.S.
[23] Fla. Const. Art. VII, Sec. 19.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH will incur a negative fiscal impact related to the licensure and regulation of a new profession.[24] The DOH anticipates the need for one additional full-time employee (FTE) in order to accommodate the increase in workload.

The DOH estimates that the cost of licensing and regulating dental therapists to be approximately $240,634 ($123,105 recurring/$117,240 non-recurring) in the following categories:

- Expense category: $26,062 (recurring)/$5,937 (non-recurring)
- Contracted Services category: $18,340 (recurring)/$111,240 (non-recurring)
- Other Personal Services (OPS) category: $1,000 (recurring)
- Salaries and Benefits: $77,703 (recurring)
- Human Resources: $352 (non-recurring)

The DOH estimates that the costs associated with regulating dental therapists can be absorbed within current resources based on an estimate in which only 702 persons become licensed as dental therapists.[25]

According to the DOH, as of the end of State Fiscal Year 2024-2025, the Board had a total negative cash balance of ($3,340,779). Current law requires all practitioner regulatory boards ensure that licensure fees are adequate to cover all anticipated costs to maintain a reasonable cash balance and establishes measures to be taken by the DOH if a board is operating with a negative cash balance. Specifically, current law authorizes the DOH to set licensure fees on behalf of a board if the board has failed to act sufficiently to remedy the negative cash balance. The DOH may advance funds to a board in such circumstances for up to two years. The board in question must pay interest on any such funds.

The bill will have an indeterminate negative fiscal impact to the Florida Medicaid program. The bill expands the ownership criteria for mobile dental units that can receive reimbursement under the program. This increase in access to care will increase utilization and costs within Medicaid's dental component. The exact fiscal impact cannot be determined at this time because the number of mobile units that will meet the new criteria

[24] Department of Health, *Legislative Bill Analysis: House Bill 363* (Nov. 12, 2025) (on file with Senate Committee on Health Policy).
[25] *Id*.

and the number of Medicaid recipients they serve is unknown. When sufficient experience data has been collected, any increases in costs would be built into future prepaid dental managed care capitation rates and addressed at a future Social Service Estimate Conference.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 409.906, 466.001, 466.002, 466.003, 466.004, 466.006, 466.009, 466.011, 466.016, 466.017, 466.018, 466.026, 466.028, 466.0285, and 921.0022.

This bill creates the following sections of the Florida Statutes: 466.0136, 466.0225, and 466.0227.

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.

A bill to be entitled

An act relating to dental therapy; amending s. 409.906, F.S.; authorizing Medicaid to reimburse for dental services provided in a mobile dental unit that is owned by, operated by, or contracted with a health access setting or another similar setting or program; amending s. 466.001, F.S.; revising legislative purpose and intent; amending s. 466.002, F.S.; providing applicability; amending s. 466.003, F.S.; defining the terms "dental therapist" and "dental therapy"; amending s. 466.004, F.S.; requiring the chair of the Board of Dentistry to appoint a Council on Dental Therapy, effective after a specified timeframe; providing for membership, meetings, and the purpose of the council; amending s. 466.006, F.S.; revising the definitions of the terms "full-time practice" to include full-time faculty members of certain dental therapy schools; amending s. 466.009, F.S.; requiring the Department of Health to allow any person who fails the dental therapy examination to retake the examination; providing that a person who fails a practical or clinical examination to practice dental therapy and who has failed one part or procedure of the examination may be required to retake only that part or procedure to pass the examination;

amending s. 466.011, F.S.; requiring the board to certify an applicant for licensure as a dental therapist; creating s. 466.0136, F.S.; requiring the board to require each licensed dental therapist to complete a specified number of hours of continuing education; requiring the board to adopt rules and guidelines; authorizing the board to excuse licensees from continuing education requirements in certain circumstances; amending s. 466.016, F.S.; requiring a practitioner of dental therapy to post and display her or his license in each office where she or he practices; amending s. 466.017, F.S.; requiring the board to adopt certain rules relating to dental therapists; authorizing a dental therapist under the general supervision of a dentist to perform certain duties if specified requirements are met; authorizing a dental therapist providing services in a mobile dental unit under the general supervision of a dentist to perform certain duties if specified requirements are met; requiring a dental therapist to notify the board in writing within a specified timeframe after specified adverse incidents; requiring a complete written report to be filed with the board within a specified timeframe; providing for disciplinary action of a dental therapist; amending s. 466.018, F.S.;

providing that a dentist of record remains primarily responsible for the dental treatment of a patient regardless of whether the treatment is provided by a dental therapist; requiring that the initials of a dental therapist who renders treatment to a patient be placed in the record of the patient; creating s. 466.0225, F.S.; providing application requirements and examination and licensure qualifications for dental therapists; creating s. 466.0227, F.S.; authorizing a dental therapist to perform specified services under the general supervision of a dentist under certain conditions; requiring that a collaborative management agreement be signed by a supervising dentist and a dental therapist and to include certain information; requiring the supervising dentist to determine the number of hours of practice that a dental therapist must complete before performing certain authorized services; authorizing a supervising dentist to restrict or limit the dental therapist's practice in a collaborative management agreement; providing that a supervising dentist may authorize a dental therapist to provide dental therapy services to a patient before the dentist examines or diagnoses the patient under certain conditions; requiring a supervising dentist to be licensed and practicing in this state; specifying

that the supervising dentist is responsible for certain services; amending s. 466.026, F.S.; providing criminal penalties; amending s. 466.028, F.S.; revising grounds for denial of a license or disciplinary action to include the practice of dental therapy; amending s. 466.0285, F.S.; prohibiting persons other than licensed dentists from employing a dental therapist in the operation of a dental office and from controlling the use of any dental equipment or material in certain circumstances; amending s. 921.0022, F.S.; conforming a provision to changes made by the act; requiring the department, in consultation with the board and the Agency for Health Care Administration, to provide reports to the Legislature by specified dates; requiring that certain information and recommendations be included in the reports; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 409.906, Florida Statutes, is amended, and paragraph (e) is added to subsection (6) of that section, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which

are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.—

(c) However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:

1. Owned by, operated by, or having a contractual

agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.

2. Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.

3. Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.

4. Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

5. Owned by, operated by, or having a contractual agreement with a health access setting as defined in s. 466.003(13) or a similar setting or program.

(6) CHILDREN'S DENTAL SERVICES.—The agency may pay for diagnostic, preventive, or corrective procedures, including orthodontia in severe cases, provided to a recipient under age 21, by or under the supervision of a licensed dentist. The agency may also reimburse a health access setting as defined in s. 466.003 for the remediable tasks that a licensed dental hygienist is authorized to perform under s. 466.024(2). Services provided under this program include treatment of the teeth and associated structures of the oral cavity, as well as treatment of disease, injury, or impairment that may affect the oral or

general health of the individual. However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:

(e) Owned by, operated by, or having a contractual agreement with a health access setting as defined in s. 466.003(13) or a similar setting or program.

Section 2. Section 466.001, Florida Statutes, is amended to read:

466.001 Legislative purpose and intent.—The legislative purpose for enacting this chapter is to ensure that every dentist, dental therapist, or dental hygienist practicing in this state meets minimum requirements for safe practice without undue clinical interference by persons not licensed under this chapter. It is the legislative intent that dental services be provided only in accordance with ~~the provisions of~~ this chapter and not be delegated to unauthorized individuals. It is the further legislative intent that dentists, dental therapists, and dental hygienists who fall below minimum competency or who otherwise present a danger to the public ~~shall~~ be prohibited from practicing in this state. All provisions of this chapter relating to the practice of dentistry, dental therapy, and dental hygiene shall be liberally construed to carry out such purpose and intent.

Section 3. Subsections (5) and (6) of section 466.002, Florida Statutes, are amended to read:

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466.002 Persons exempt from operation of chapter.—Nothing in this chapter shall apply to the following practices, acts, and operations:

(5) Students in Florida schools of dentistry, dental therapy, and dental hygiene or dental assistant educational programs, while performing regularly assigned work under the curriculum of such schools or programs.

(6) Instructors in Florida schools of dentistry, instructors in dental programs that prepare persons holding D.D.S. or D.M.D. degrees for certification by a specialty board and that are accredited in the United States by January 1, 2005, in the same manner as the board recognizes accreditation for Florida schools of dentistry that are not otherwise affiliated with a Florida school of dentistry, or instructors in Florida schools of dental hygiene, dental therapy, or dental assistant educational programs, while performing regularly assigned instructional duties under the curriculum of such schools or programs. A full-time dental instructor at a dental school or dental program approved by the board may be allowed to practice dentistry at the teaching facilities of such school or program, upon receiving a teaching permit issued by the board, in strict compliance with such rules as are adopted by the board pertaining to the teaching permit and with the established rules and procedures of the dental school or program as recognized in this section.

Section 4. Section 466.003, Florida Statutes, is reordered and amended to read:

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

(1) "Board" means the Board of Dentistry.

(2) ~~(6)~~ "Dental assistant" means a person, other than a dental hygienist, who, under the supervision and authorization of a dentist, provides dental care services directly to a patient. This term does ~~shall~~ not include a certified registered nurse anesthetist licensed under part I of chapter 464.

(3) ~~(4)~~ "Dental hygiene" means the rendering of educational, preventive, and therapeutic dental services pursuant to ss. 466.023 and 466.024 and any related extra-oral procedure required in the performance of such services.

(4) ~~(5)~~ "Dental hygienist" means a person licensed to practice dental hygiene pursuant to this chapter.

(5) "Dental therapist" means a person licensed to practice dental therapy pursuant to s. 466.0225.

(6) "Dental therapy" means the rendering of services pursuant to s. 466.0227 and any related extraoral services or procedures required in the performance of such services.

(7) ~~(2)~~ "Dentist" means a person licensed to practice dentistry pursuant to this chapter.

(8) ~~(3)~~ "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning, and care of conditions within the human oral cavity and its

adjacent tissues and structures. It includes the performance or attempted performance of any dental operation, or oral or oral-maxillofacial surgery and any procedures adjunct thereto, including physical evaluation directly related to such operation or surgery pursuant to hospital rules and regulations. It also includes dental service of any kind gratuitously or for any remuneration paid, or to be paid, directly or indirectly, to any person or agency. The term "dentistry" ~~shall~~ also includes ~~include~~ the following:

(a) ~~The~~ Taking ~~of~~ an impression of the human tooth, teeth, or jaws directly or indirectly and by any means or method.

(b) Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth except on the written work order of a duly licensed dentist.

(c) ~~The~~ Placing ~~of~~ an appliance or structure in the human mouth or the adjusting or attempting to adjust the same.

(d) Delivering the same to any person other than the dentist upon whose work order the work was performed.

(e) Professing to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure designed to be worn in the human mouth.

(f) Diagnosing, prescribing, or treating or professing to

diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region.

(g) Extracting or attempting to extract human teeth.

(h) Correcting or attempting to correct malformations of teeth or of jaws.

(i) Repairing or attempting to repair cavities in the human teeth.

(9) ~~(7)~~ "Department" means the Department of Health.

(10) ~~(8)~~ "Digital scanning" means the use of digital technology that creates a computer-generated replica of the hard and soft tissue of the oral cavity using enhanced digital photography, lasers, or other optical scanning devices.

(11) ~~(9)~~ "Direct supervision" means supervision whereby a dentist diagnoses the condition to be treated, a dentist authorizes the procedure to be performed, a dentist remains on the premises while the procedures are performed, and a dentist approves the work performed before dismissal of the patient.

(12) ~~(11)~~ "General supervision" means supervision whereby a dentist authorizes the procedures which are being carried out but need not be present when the authorized procedures are being performed. The authorized procedures may also be performed at a place other than the dentist's usual place of practice. The issuance of a written work authorization to a commercial dental laboratory by a dentist does not constitute general supervision.

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(13) ~~(15)~~ "Health access setting" means a program or an institution of the Department of Children and Families, the Department of Health, the Department of Juvenile Justice, a nonprofit community health center, a Head Start center, a federally qualified health center or look-alike as defined by federal law, a school-based prevention program, a clinic operated by an accredited college of dentistry, or an accredited dental hygiene program in this state if such community service program or institution immediately reports to the Board of Dentistry all violations of s. 466.027, s. 466.028, or other practice act or standard of care violations related to the actions or inactions of a dentist, dental hygienist, or dental assistant engaged in the delivery of dental care in such setting.

(14) ~~(10)~~ "Indirect supervision" means supervision whereby a dentist authorizes the procedure and a dentist is on the premises while the procedures are performed.

(15) ~~(12)~~ "Irremediable tasks" are those intraoral treatment tasks which, when performed, are irreversible and create unalterable changes within the oral cavity or the contiguous structures or which cause an increased risk to the patient. The administration of anesthetics other than topical anesthesia is considered to be an "irremediable task" for purposes of this chapter.

(16) ~~(14)~~ "Oral and maxillofacial surgery" means the

specialty of dentistry involving diagnosis, surgery, and adjunctive treatment of diseases, injuries, and defects involving the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial regions. This term may not be construed to apply to any individual exempt under s. 466.002(1).

(17) ~~(13)~~ "Remediable tasks" are those intraoral treatment tasks which are reversible and do not create unalterable changes within the oral cavity or the contiguous structures and which do not cause an increased risk to the patient.

(18) ~~(16)~~ "School-based prevention program" means preventive oral health services offered at a school by one of the entities described ~~defined~~ in subsection (13) ~~(15)~~ or by a nonprofit organization that is exempt from federal income taxation under s. 501(a) of the Internal Revenue Code, and described in s. 501(c)(3) of the Internal Revenue Code.

Section 5. Subsection (2) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.—

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a)-(d) ~~(a), (b), and (c)~~. The department shall provide administrative support to the councils and shall provide public notice of meetings and agendas ~~agenda~~ of the councils. Councils must ~~shall~~ include at least one board member, who shall

serve as chair, ~~the council~~ and must ~~shall~~ include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members are ~~shall be~~ eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. In making the appointments, the chair shall consider recommendations from the Florida Dental Hygiene Association. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair; however, the council must meet at least three times a year. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, which the board shall consider, on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education. Rule and policy recommendations of the council must ~~shall~~ be considered by the board at its next regularly scheduled meeting in the same manner in which it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy

proposed by the board pertaining to the specified part of dentistry identified ~~defined~~ by this subsection must ~~shall~~ be referred to the council for a recommendation before final action by the board. The board may take final action on rules pertaining to the specified part of dentistry identified ~~defined~~ by this subsection without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.

(b) A Council on Dental Assisting shall be appointed by the board chair and shall include one board member who shall chair the council and three dental assistants who are actively engaged in dental assisting in this state. The council shall meet at the request of the board chair or a majority of the members of the board. The council shall meet for the purpose of developing recommendations to the board on matters pertaining to that part of dentistry related to dental assisting.

(c) Effective 28 months after the first dental therapy license is granted by the board, the board chair shall appoint a Council on Dental Therapy, which must include one board member who shall chair the council and three dental therapists who are actively engaged in the practice of dental therapy in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair; however, the council shall meet at least three times per year. The council is charged with the responsibility of, and shall

meet for the purpose of, developing rules and policies for recommendation to the board on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental therapy services; dental therapy licensure, discipline, or regulation; and dental therapy education. Rule and policy recommendations of the council must be considered by the board at its next regularly scheduled meeting in the same manner in which it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry identified by this subsection must be referred to the council for a recommendation before final action by the board. The board may take final action on rules pertaining to the specified part of dentistry identified by this subsection without a council recommendation if the council fails to submit a recommendation in a timely fashion as prescribed by the board.

(d) ~~(c)~~ With the concurrence of the State Surgeon General, the board chair may create and abolish other advisory councils relating to dental subjects, including, but not limited to: examinations, access to dental care, indigent care, nursing home and institutional care, public health, disciplinary guidelines, and other subjects as appropriate. Such councils shall be appointed by the board chair and shall include at least one board member who shall serve as chair.

Section 6. Paragraph (b) of subsection (4) of section

466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(4) Notwithstanding any other provision of law in chapter 456 pertaining to the clinical dental licensure examination or national examinations, to be licensed as a dentist in this state, an applicant must successfully complete both of the following:

(b) A practical or clinical examination, which must be the American Dental Licensing Examination produced by the American Board of Dental Examiners, Inc., or its successor entity, if any, which is administered in this state, provided that the board has attained, and continues to maintain thereafter, representation on the board of directors of the American Board of Dental Examiners, the examination development committee of the American Board of Dental Examiners, and such other committees of the American Board of Dental Examiners as the board deems appropriate by rule to assure that the standards established herein are maintained organizationally.

1. As an alternative to such practical or clinical examination, an applicant may submit scores from an American Dental Licensing Examination previously administered in a jurisdiction other than this state after October 1, 2011, and such examination results are recognized as valid for the purpose of licensure in this state. A passing score on the American Dental Licensing Examination administered out of state is the

same as the passing score for the American Dental Licensing Examination administered in this state. The applicant must have completed the examination after October 1, 2011. This subparagraph may not be given retroactive application.

2. If the date of an applicant's passing American Dental Licensing Examination scores from an examination previously administered in a jurisdiction other than this state under subparagraph 1. is older than 365 days, such scores are nevertheless valid for the purpose of licensure in this state, but only if the applicant demonstrates that all of the following additional standards have been met:

a. The applicant completed the American Dental Licensing Examination after October 1, 2011. This sub-subparagraph may not be given retroactive application.

b. The applicant graduated from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor entity, if any, or any other dental accrediting organization recognized by the United States Department of Education. Provided, however, if the applicant did not graduate from such a dental school, the applicant may submit proof of having successfully completed a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation of at least 2 consecutive academic years at such accredited sponsoring institution. Such program must provide didactic and clinical

education at the level of a D.D.S. or D.M.D. program accredited by the American Dental Association Commission on Dental Accreditation. For purposes of this sub-subparagraph, a supplemental general dentistry program does not include an advanced education program in a dental specialty.

c. The applicant currently possesses a valid and active dental license in good standing, with no restriction, which has never been revoked, suspended, restricted, or otherwise disciplined, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

d. The applicant must disclose to the board during the application process if he or she has been reported to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, or the American Association of Dental Boards Clearinghouse. This sub-subparagraph does not apply if the applicant successfully appealed to have his or her name removed from the data banks of these agencies.

e.(I)(A) The applicant submits proof of having been consecutively engaged in the full-time practice of dentistry in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico in the 5 years immediately preceding the date of application for licensure in this state; or

(B) If the applicant has been licensed in another state or

territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico for less than 5 years, the applicant submits proof of having been engaged in the full-time practice of dentistry since the date of his or her initial licensure.

(II) As used in this section, "full-time practice" is defined as a minimum of 1,200 hours per year for each year in the consecutive 5-year period or, when applicable, the period since initial licensure, and must include any combination of the following:

(A) Active clinical practice of dentistry providing direct patient care.

(B) Full-time practice as a faculty member employed by a dental, dental therapy, or dental hygiene school approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(C) Full-time practice as a student at a postgraduate dental education program approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(III) The board shall develop rules to determine what type of proof of full-time practice is required and to recoup the cost to the board of verifying full-time practice under this section. Such proof must, at a minimum, be:

(A) Admissible as evidence in an administrative proceeding;

(B) Submitted in writing;

(C) Further documented by an applicant's annual income tax return filed with the Internal Revenue Service for each year in the preceding 5-year period or, if the applicant has been practicing for less than 5 years, the period since initial licensure; and

(D) Specifically found by the board to be both credible and admissible.

(IV) The board may excuse applicants from the 1,200-hour requirement in the event of hardship, as defined by the board.

f. The applicant submits documentation that he or she has completed, or will complete before he or she is licensed in this state, continuing education equivalent to this state's requirements for the last full reporting biennium.

g. The applicant proves that he or she has never been convicted of, or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession in any jurisdiction.

h. The applicant has successfully passed a written examination on the laws and rules of this state regulating the practice of dentistry and the computer-based diagnostic skills examination.

i. The applicant submits documentation that he or she has successfully completed the applicable examination administered by the Joint Commission on National Dental Examinations or its

successor organization.

Section 7. Subsection (1) of section 466.009, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

466.009 Reexamination.—

(1) Any person who fails an examination that is required under s. 466.006, ~~or~~ s. 466.007, or s. 466.0225 may retake the examination.

(4) If an applicant for a license to practice dental therapy fails the practical or clinical examination and she or he has failed only one part or procedure of such examination, she or he may be required to retake only that part or procedure to pass such examination. However, if any such applicant fails more than one part or procedure of any such examination, she or he must be required to retake the entire examination.

Section 8. Section 466.011, Florida Statutes, is amended to read:

466.011 Licensure.—The board shall certify for licensure by the department any applicant who satisfies the requirements of s. 466.006, s. 466.0067, ~~or~~ s. 466.007, or s. 466.0225. The board may refuse to certify an applicant who has violated ~~any of the provisions of~~ s. 466.026 or s. 466.028.

Section 9. Section 466.0136, Florida Statutes, is created to read:

466.0136 Continuing education; dental therapists.—In

addition to any other requirements for relicensure for dental therapists specified in this chapter, the board shall require each licensed dental therapist to complete at least 24 hours, but not more than 36 hours, biennially of continuing education in dental subjects in programs approved by the board or in equivalent programs of continuing education. Programs of continuing education approved by the board must be programs of learning which, in the opinion of the board, contribute directly to the dental education of the dental therapist. An individual who is licensed as both a dental therapist and a dental hygienist may use 2 hours of continuing education that is approved for both dental therapy and dental hygiene education to satisfy both dental therapy and dental hygiene continuing education requirements. The board shall adopt rules and guidelines to administer and enforce this section. The dental therapist shall retain in her or his records any receipts, vouchers, or certificates necessary to document completion of the continuing education. Compliance with the continuing education requirements is mandatory for issuance of the renewal certificate. The board may excuse licensees, as a group or as individuals, from all or part of the continuing education requirements if an unusual circumstance, emergency, or hardship prevents compliance with this section.

Section 10. Subsection (1) of section 466.016, Florida Statutes, is amended to read:

466.016 License to be displayed.—

(1) Every practitioner of dentistry, dental therapy, or dental hygiene within the meaning of this chapter shall post and keep conspicuously displayed her or his license in the office where ~~wherein~~ she or he practices, in plain sight of the practitioner's patients. Any dentist, dental therapist, or dental hygienist who practices at more than one location must display a copy of her or his license in each office where she or he practices.

Section 11. Section 466.017, Florida Statutes, is amended, to read:

466.017 Prescription of drugs; anesthesia.—

(1) A dentist shall have the right to prescribe drugs or medicine, subject to limitations imposed by law; perform surgical operations within the scope of her or his practice and training; administer general or local anesthesia or sedation, subject to limitations imposed by law; and use such appliances as may be necessary to the proper practice of dentistry.

(2) Pharmacists licensed pursuant to chapter 465 may fill prescriptions of legally licensed dentists in this state for any drugs necessary for the practice of dentistry.

(3) The board shall adopt rules which:

(a) Define general anesthesia.

(b) Specify which methods of general or local anesthesia or sedation, if any, are limited or prohibited for use by

dentists.

(c) Establish minimal training, education, experience, or certification for a dentist to use general anesthesia or sedation, which rules may exclude, in the board's discretion, those dentists using general anesthesia or sedation in a competent and effective manner as of the effective date of the rules.

(d) Establish further requirements relating to the use of general anesthesia or sedation, including, but not limited to, office equipment and the training of dental assistants, dental therapists, or dental hygienists who work with dentists using general anesthesia or sedation.

(e) Establish an administrative mechanism enabling the board to verify compliance with training, education, experience, equipment, or certification requirements of dentists, dental therapists, dental hygienists, and dental assistants adopted pursuant to this subsection. The board may charge a fee to defray the cost of verifying compliance with requirements adopted pursuant to this paragraph.

(4) A dentist, dental therapist, or dental hygienist who administers or employs the use of any form of anesthesia must possess a certification in either basic cardiopulmonary resuscitation for health professionals or advanced cardiac life support approved by the American Heart Association or the American Red Cross or an equivalent agency-sponsored course with

recertification every 2 years. Each dental office that ~~which~~ uses any form of anesthesia must have immediately available and in good working order such resuscitative equipment, oxygen, and other resuscitative drugs as are specified by rule of the board in order to manage possible adverse reactions.

(5) A dental hygienist under the direct supervision of a dentist may administer local anesthesia, including intraoral block anesthesia, soft tissue infiltration anesthesia, or both, to a nonsedated patient who is 18 years of age or older, if the following criteria are met:

(a) The dental hygienist has successfully completed a course in the administration of local anesthesia which is offered by a dental or dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association or approved by the board. The course must include a minimum of 30 hours of didactic instruction and 30 hours of clinical experience, and instruction in:

1. Theory of pain control.
2. Selection-of-pain-control modalities.
3. Anatomy.
4. Neurophysiology.
5. Pharmacology of local anesthetics.
6. Pharmacology of vasoconstrictors.
7. Psychological aspects of pain control.
8. Systematic complications.

9. Techniques of maxillary anesthesia.

10. Techniques of mandibular anesthesia.

11. Infection control.

12. Medical emergencies involving local anesthesia.

(b) The dental hygienist presents evidence of current certification in basic or advanced cardiac life support.

(c) The dental hygienist possesses a valid certificate issued under subsection (7) ~~(6)~~.

(6) A dental therapist, under the general supervision of a dentist may administer local anesthesia, including intraoral block anesthesia, soft tissue infiltration anesthesia, or both, if the following criteria are met:

(a) The dental therapist has successfully completed a course in the administration of local anesthesia that meets the requirements described in paragraph (5)(a).

(b) The dental therapist presents evidence of current certification in basic or advanced cardiac life support.

(c) The dental therapist possesses a valid certificate issued under subsection (7).

(7)~~(6)~~ Any dental therapist or dental hygienist seeking a certificate to administer local anesthesia must apply to the department, remit an application fee, and submit proof of successful completion of a course in the administration of local anesthesia pursuant to subsection (5). The board shall certify, and the department shall issue a certificate to, any dental

therapist who fulfills the qualifications of subsection (6) or dental hygienist who fulfills the qualifications of subsection (5). The board shall establish a one-time application fee not to exceed $35. The certificate is not subject to renewal but is part of the dental therapist's or dental hygienist's permanent record and must be prominently displayed at the location where the dental therapist or dental hygienist is authorized to administer local anesthesia. The board shall adopt rules necessary to administer subsections ~~subsection~~ (5) and (6) and this subsection.

(8)~~(7)~~ A licensed dentist, or a dental therapist who is authorized by her or his supervising dentist, may operate ~~utilize~~ an X-ray machine, expose dental X-ray films, and interpret or read such films. Notwithstanding ~~The provisions of~~ part IV of chapter 468 ~~to the contrary notwithstanding~~, a licensed dentist, or a dental therapist who is authorized by her or his supervising dentist, may authorize or direct a dental assistant to operate such equipment and expose such films under her or his direction and supervision, pursuant to rules adopted by the board in accordance with s. 466.024 which ensure that the ~~said~~ assistant is competent by reason of training and experience to operate the X-ray ~~said~~ equipment in a safe and efficient manner. The board may charge a fee not to exceed $35 to defray the cost of verifying compliance with requirements adopted pursuant to this section.

(9) ~~(8)~~ Notwithstanding ~~The provisions of~~ s. 465.0276 ~~notwithstanding~~, a dentist need not register with the board or comply with the continuing education requirements of that section if the dentist confines her or his dispensing activity to the dispensing of fluorides and chlorhexidine ~~chlorohexidine~~ rinse solutions; provided that the dentist complies with and is subject to all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chapters 465, 499, and 893, and all applicable federal laws and regulations, when dispensing such products.

(10) ~~(9)~~ Any adverse incident that occurs in an office maintained by a dentist must be reported to the department. The required notification to the department must be submitted in writing by certified mail and postmarked within 48 hours after the incident occurs.

(11) ~~(10)~~ A dentist practicing in this state must notify the board in writing by certified mail within 48 hours after any adverse incident that occurs in the dentist's outpatient facility. A complete written report must be filed with the board within 30 days after the incident occurs.

(12) ~~(11)~~ Any certified registered dental hygienist administering local anesthesia must notify the board in writing by registered mail within 48 hours after any adverse incident that was related to or the result of the administration of local anesthesia. A complete written report must be filed with the

board within 30 days after the mortality or other adverse incident.

(13) A dental therapist must notify the board in writing by registered mail within 48 hours after any adverse incident related to or resulting from the administration of local anesthesia. A complete written report must be filed with the board within 30 days after the mortality or other adverse incident.

(14) ~~(12)~~ A failure by the dentist, dental therapist, or dental hygienist to timely and completely comply with all the reporting requirements in this section is the basis for disciplinary action by the board pursuant to s. 466.028(1).

(15) ~~(13)~~ The department shall review each adverse incident and determine whether it involved conduct by a health care professional subject to disciplinary action, in which case s. 456.073 applies. Disciplinary action, if any, shall be taken by the board under which the health care professional is licensed.

(16) ~~(14)~~ As used in subsections (10)-(15) ~~(9)-(13)~~, the term "adverse incident" means any mortality that occurs during or as the result of a dental procedure, or an incident that results in a temporary or permanent physical or mental injury that requires hospitalization or emergency room treatment of a dental patient which occurs during or as a direct result of the use of general anesthesia, deep sedation, moderate sedation, pediatric moderate sedation, oral sedation, minimal sedation

(anxiolysis), nitrous oxide, or local anesthesia.

(17)~~(15)~~ The board may adopt rules to administer this section.

Section 12. Subsection (1) of section 466.018, Florida Statutes, is amended to read:

466.018 Dentist of record; patient records.—

(1) Each patient must ~~shall~~ have a dentist of record. The dentist of record shall remain primarily responsible for all dental treatment on such patient regardless of whether the treatment is rendered by that ~~the~~ dentist or by another dentist, a dental therapist, a dental hygienist, or a dental assistant rendering such treatment in conjunction with, at the direction or request of, or under the supervision of such dentist of record. The dentist of record must ~~shall~~ be identified in the record of the patient. If treatment is rendered by a dentist other than the dentist of record or by a dental hygienist, dental therapist, or dental assistant, the name or initials of such person must ~~shall~~ be placed in the record of the patient. In any disciplinary proceeding brought pursuant to this chapter or chapter 456, it must ~~shall~~ be presumed as a matter of law that treatment was rendered by the dentist of record unless otherwise noted on the patient record pursuant to this section. The dentist of record and any other treating dentist are subject to discipline pursuant to this chapter or chapter 456 for treatment rendered to the patient and performed in violation of

such chapter. One of the purposes of this section is to ensure that the responsibility for each patient is assigned to one dentist in a multidentist practice of any nature and to assign primary responsibility to the dentist for treatment rendered by a dental hygienist, dental therapist, or dental assistant under her or his supervision. This section may ~~shall~~ not be construed to assign any responsibility to a dentist of record for treatment rendered pursuant to a proper referral to another dentist who does not ~~in~~ practice with the dentist of record or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist of record.

Section 13. Section 466.0225, Florida Statutes, is created to read:

466.0225 Examination of dental therapists; licensing.—

(1)(a) Any person desiring to be licensed as a dental therapist must apply to the department.

(b) Applicants for licensure must also submit to background screening in accordance with s. 456.0135.

(2) The department shall issue a license to an applicant who the board certifies meets all of the following criteria:

(a) Is 18 years of age or older.

(b) Is a graduate of a dental therapy college or school accredited by the American Dental Association Commission on Dental Accreditation or its successor entity, if any, or any other dental therapy accrediting entity recognized by the United

States Department of Education. For applicants applying for a dental therapy license before January 1, 2030, the board must approve the applicant's dental therapy education program if the program was administered by a college or school that operates an accredited dental or dental hygiene program and the college or school certifies to the board that the applicant's education substantially conformed to the education standards established by the American Dental Association Commission on Dental Accreditation or its successor entity.

(c) Has successfully completed a dental therapy practical or clinical examination produced by the American Board of Dental Examiners, Inc., or its successor entity, if any, if the board finds that the successor entity's examination meets or exceeds the requirements of this section. If an applicant fails to pass such an examination in three attempts, the applicant is not eligible to retake the examination unless the applicant completes additional education requirements as specified by the board.

(d) Has successfully completed a written examination on the laws and rules of this state regulating the practice of dental therapy.

(e) Has not been disciplined by a board, except for citation offenses or minor violations.

(f) Has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to

the practice of a health care profession.

(3) An applicant who meets the requirements of this section and who has successfully completed an examination identified in paragraph (2)(c) in a jurisdiction other than this state, or who has successfully completed a comparable examination administered or approved by the licensing authority in a jurisdiction other than this state, shall be licensed to practice dental therapy in this state if the board determines that the other jurisdiction's examination is substantially similar to those identified in paragraph (2)(c).

Section 14. Section 466.0227, Florida Statutes, is created to read:

466.0227 Dental therapists; scope and area of practice.—

(1) Except as otherwise provided in this chapter, a dental therapist may perform the dental therapy services specified in subsection (2) under the general supervision of a dentist in all service scenarios including mobile dental units to the extent authorized by the supervising dentist and provided within the terms of a written collaborative management agreement signed by the dental therapist and the supervising dentist which meets the requirements of subsection (3).

(2) The scope of practice of a dental therapist, subject to the terms of a written collaborative management agreement, includes all of the following:

(a) Oral evaluation and assessment of dental disease and

formulation of an individualized treatment plan.

(b) Identification of oral and systemic conditions requiring evaluation or treatment by dentists, physicians, or other health care providers and managing referrals.

(c) Comprehensive charting of the oral cavity.

(d) Oral health instruction and disease prevention education, including, but not limited to, nutritional counseling and dietary analysis.

(e) Exposure and evaluation of radiographic images.

(f) Dental prophylaxis, including, but not limited to, subgingival scaling and polishing procedures.

(g) Dispensing and administration via the oral or topical route of nonnarcotic analgesic, anti-inflammatory, and antibiotic medications as prescribed by a licensed health care provider.

(h) Application of topical preventive or prophylactic agents, including, but not limited to, fluoride varnish, antimicrobial agents, caries arresting medicaments, and pit and fissure sealants.

(i) Pulp vitality testing.

(j) Application of desensitizing medications or resins.

(k) Fabrication of athletic mouth guards and soft occlusal guards.

(l) Changing of periodontal dressings.

(m) Administration of local anesthetic and nitrous oxide.

(n) Simple extraction of erupted primary teeth.

(o) Nonsurgical extraction of periodontally diseased permanent teeth with tooth mobility of +3 to +4 to the extent authorized in the dental therapist's collaborative management agreement, except for the extraction of a tooth that is unerupted, impacted, or fractured or that needs to be sectioned for removal.

(p) Emergency palliative treatment of dental pain limited to the procedures in this subsection.

(q) Preparation and placement of direct restoration in primary and permanent teeth.

(r) Fabrication and placement of single-tooth temporary crowns.

(s) Preparation and placement of preformed crowns on primary teeth.

(t) Indirect and direct pulp capping on permanent teeth.

(u) Indirect pulp capping on primary teeth.

(v) Intraoral suture placement and removal.

(w) Minor adjustment and repair of removable prostheses.

(x) Placement and removal of space maintainers.

(y) Pulpotomy on primary teeth.

(z) Tooth reimplantation and stabilization.

(aa) Recementing of a permanent crown.

(bb) Additional services, treatments, or procedures as the board deems appropriate by rule.

(3) Before performing any of the services authorized in subsection (2), a dental therapist must enter into a written collaborative management agreement with a supervising dentist. The agreement must be signed by the dental therapist and the supervising dentist and must include all of the following information:

(a) Practice settings where services may be provided by the dental therapist and the populations to be served by the dental therapist.

(b) Any limitations on the services that may be provided by the dental therapist, including the level of supervision required by the supervising dentist. This may include telehealth.

(c) Age-specific and procedure-specific practice protocols for the dental therapist, including case selection criteria, assessment guidelines, and imaging frequency.

(d) A procedure for creating and maintaining dental records for the patients who are treated by the dental therapist.

(e) A plan to manage medical emergencies in each practice setting where the dental therapist provides care.

(f) A quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review.

(g) Protocols for the dental therapist to administer and

dispense medications, including the specific conditions and circumstances under which the medications are to be dispensed and administered.

(h) Criteria relating to the provision of care by the dental therapist to patients with specific medical conditions or complex medication histories, including requirements for consultation before the initiation of care.

(i) Supervision criteria of dental therapists.

(j) A plan for the provision of clinical resources and referrals in situations that are beyond the capabilities of the dental therapist.

(4) A supervising dentist shall determine the number of hours of practice that a dental therapist must complete under direct or indirect supervision of the supervising dentist before the dental therapist may perform any of the services authorized in subsection (2) under general supervision.

(5) A supervising dentist may restrict or limit the dental therapist's practice in the written collaborative management agreement to be less than the full scope of practice for dental therapists which is authorized in subsection (2).

(6) A supervising dentist may authorize a dental therapist to provide dental therapy services to a patient before the supervising dentist examines or diagnoses the patient if the authority, conditions, and protocols are established in a written collaborative management agreement and if the patient is

subsequently referred to a dentist for any needed additional services that exceed the dental therapist's scope of practice or authorization under the collaborative management agreement.

(7) A supervising dentist must be licensed and practicing in this state. The supervising dentist is responsible for all services authorized and performed by the dental therapist pursuant to the collaborative management agreement and for providing or arranging followup services to be provided by a dentist for any additional services that exceed the dental therapist's scope of practice or authorization under the collaborative management agreement.

Section 15. Section 466.026, Florida Statutes, is amended to read:

466.026 Prohibitions; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing dentistry, dental therapy, or dental hygiene unless the person has an appropriate, active license issued by the department pursuant to this chapter.

(b) Using or attempting to use a license issued pursuant to this chapter which license has been suspended or revoked.

(c) Knowingly employing any person to perform duties outside the scope allowed such person under this chapter or the rules of the board.

(d) Giving false or forged evidence to the department or board for the purpose of obtaining a license.

(e) Selling or offering to sell a diploma conferring a degree from a dental college, ~~or~~ dental hygiene school or college, or dental therapy school or college, or a license issued pursuant to this chapter, or procuring such diploma or license with intent that it will ~~shall~~ be used as evidence of that which the document stands for, by a person other than the one upon whom it was conferred or to whom it was granted.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Using the name or title "dentist," the letters "D.D.S." or "D.M.D.", or any other words, letters, title, or descriptive matter which in any way represents a person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or oral-maxillofacial region unless the person has an active dentist's license issued by the department pursuant to this chapter.

(b) Using the name "dental hygienist" or the initials "R.D.H." or otherwise holding herself or himself out as an actively licensed dental hygienist or implying to any patient or consumer that she or he is an actively licensed dental hygienist unless that person has an active dental hygienist's license

issued by the department pursuant to this chapter.

(c) Using the name "dental therapist" or the initials "D.T." or otherwise holding herself or himself out as an actively licensed dental therapist or implying to any patient or consumer that she or he is an actively licensed dental therapist unless that person has an active dental therapist's license issued by the department pursuant to this chapter.

(d) ~~(c)~~ Presenting as her or his own the license of another.

(e) ~~(d)~~ Knowingly concealing information relative to violations of this chapter.

(f) ~~(e)~~ Performing any services as a dental assistant as defined herein, except in the office of a licensed dentist, unless authorized by this chapter or by rule of the board.

Section 16. Paragraphs (b), (c), (g), (s), and (t) of subsection (1) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

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

(b) Having a license to practice dentistry, dental therapy, or dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

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(c) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of dentistry, dental therapy, or dental hygiene. A plea of nolo contendere creates ~~shall create~~ a rebuttable presumption of guilt to the underlying criminal charges.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice dentistry, dental therapy, or dental hygiene contrary to this chapter or to a rule of the department or the board.

(s) Being unable to practice her or his profession with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department ~~shall have~~, upon a finding of the State Surgeon General or her or his designee that probable cause exists to believe that the licensee is unable to practice dentistry, dental therapy, or dental hygiene because of the reasons stated in this paragraph, has the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition

is filed may ~~shall~~ not be named or identified by initials in any public court records or documents, and the proceedings must ~~shall~~ be closed to the public. The department is ~~shall be~~ entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph must ~~shall~~ at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of her or his profession with reasonable skill and safety to patients.

(t) Committing fraud, deceit, or misconduct in the practice of dentistry, dental therapy, or dental hygiene.

Section 17. Subsection (1) of section 466.0285, Florida Statutes, is amended to read:

466.0285 Proprietorship by nondentists.—

(1) A ~~No~~ person other than a dentist licensed pursuant to this chapter, or ~~nor~~ any entity other than a professional corporation or limited liability company composed of dentists, may not:

(a) Employ a dentist, a dental therapist, or a dental hygienist in the operation of a dental office.

(b) Control the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, whether those services are provided by a dentist, a dental therapist, a dental hygienist, or a dental assistant.

(c) Direct, control, or interfere with a dentist's

clinical judgment. To direct, control, or interfere with a dentist's clinical judgment may not be interpreted to mean dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

Any lease agreement, rental agreement, or other arrangement between a nondentist and a dentist whereby the nondentist provides the dentist with dental equipment or dental materials shall contain a provision whereby the dentist expressly maintains complete care, custody, and control of the equipment or practice.

Section 18. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death,

		failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(a)3.b.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.

409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.

462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry, dental therapy, or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.

483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments

		exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the

		perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other

		detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.025(2)(b)	2nd	Luring or enticing a child; second or subsequent offense.
787.025(2)(c)	2nd	Luring or enticing a child with a specified prior conviction.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided

		for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.

812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.

812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value

		$100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which

		includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.

847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child

		care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200

		grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.

893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.

896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 19. The Department of Health, in consultation with the Board of Dentistry and the Agency for Health Care Administration, shall submit a progress report to the President of the Senate and the Speaker of the House of Representatives by July 1, 2029, and a final report 4 years after the first dental therapy license is issued. The reports must include all of the following information and recommendations:

(1) The progress that has been made in this state to implement dental therapy training programs, licensing, and

Medicaid reimbursement.

(2) Data demonstrating the effects of dental therapy in this state on all of the following:

(a) Patient access to dental services.

(b) Costs to dental providers, patients, dental insurance carriers, and the state.

(c) The quality and safety of dental services.

(3) Specific recommendations for any necessary legislative, administrative, or regulatory reform relating to the practice of dental therapy.

(4) Any other information the department deems appropriate.

Section 20. This act shall take effect July 1, 2026.

Following appearance cards not read into the record

Bill was TP'd

The Florida Senate

APPEARANCE RECORD

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

3/3/26
Meeting Date

363 - Dental Therapy
Bill Number or Topic

RULES
Committee

Amendment Barcode (if applicable)

Name AARP-Karen Murillo

Phone 850-567-0414

Address 215 S. Monroe St., Ste. 603
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)

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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3/3/2026	HB 373
Meeting Date	Bill Number or Topic
Rules Committee	
Committee	Amendment Barcode (if applicable)

Name George Levesque

Phone 850-577-9090

Address 301 S. Bronough Street, Suite 600
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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:
Florida Society of Oral and Maxofacial Surgeons

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/3/26
Meeting Date

HB 363
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Dental Therapy

Name Joe Anne Hart

Job Title Chief Legislative Officer

Address 118 E. Jefferson St
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Tallahassee FL 32301
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Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Dental Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

3/3/26 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 363

Meeting Date *Bill Number (if applicable)*

Amendment Barcode (if applicable)

Topic Dental Therapy

Name Dr. Bert Hughes

Job Title Dentist

Address 316 SW 16th Ave Phone 3523783323

Street

Gainesville FL 32601 Email Berthughes@me.com

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information ~~Waive Speaking:~~ ☐ In Support ☒ ~~Against~~

(The Chair will read this information into the record.)

Representing Florida Dental Association

Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)

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/HB 1175
INTRODUCER:	Health Professions & Programs Subcommittee and Representative Redondo
SUBJECT:	Safety Design Standards for Office Surgery Suites
DATE:	March 2, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Kruse	RC	**Favorable**

I. Summary:

By January 1, 2027, the bill directs the Florida Building Commission to amend the Florida Building Code and the State Fire Marshal to amend the Florida Fire Prevention Code to include safety design standards for office surgical suites so that physicians can provide services or treatment simultaneously for up to six patients who, due to treatment, anesthesia, or illness or injury, are unable to take action for self-preservation during an emergency without the assistance of others.

The safety design standards must be an alternative to the safety design standards for ambulatory health care occupancies that are already found in the codes, which currently apply to office surgical suites that treat four or more immobile patients. The bill defines "office surgery suite" as that portion of a physician's office where surgery is performed.

The bill takes effect on July 1, 2026.

II. Present Situation:

Florida Building Code

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

[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. 27, 2026).

local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.[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 chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[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 (DBPR), 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 and adopts an updated Building Code every 3 years.[7]

Florida Fire Prevention Code

Chapter 633, F.S., Florida's fire prevention and control law, designates the state's Chief Financial Officer as the State Fire Marshal. The State Fire Marshal, through the Division of State Fire Marshal within the Department of Financial Services, is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to firesafety.[8] Local fire officials are authorized to enforce ch. 633, F.S. and all rules prescribed by the State Fire Marshal within their respective jurisdictions.[9]

The State Fire Marshal also adopts by rule the Florida Fire Prevention Code (Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities.[10]

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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 Jan. 14, 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. 27, 2026).
[7] Section 553.73(7)(a), F.S.
[8] Section 633.104, F.S.
[9] Section 633.118, F.S.
[10] Section 633.202, F.S.

The State Fire Marshal must adopt a new edition of the Fire Code every 3 years.[11] The current edition of the Fire Code is the eighth edition.[12]

The Fire Code is an occupancy-based code, meaning the classification of occupancy drives the requirements for different fire and life safety features.[13] The requirements reflect the expected characteristics of the anticipated occupants of each space, including capability of self-preservation, familiarity with the space, age, and alertness.[14] Improperly classifying a building or space risks over- or under-applying necessary code requirements, resulting in buildings lacking fire and life safety features, or containing additional fire and life safety features that are not required by the Fire Code.[15] Three occupancy classifications exist in the Fire Code that could apply to medical facilities: business occupancies, ambulatory health care occupancies, and health care occupancies.

The Fire Code defines a business occupancy as "an occupancy used for the transaction of business other than mercantile".[16] This occupancy type includes doctor's offices.

Ambulatory health care occupancy is defined as an occupancy "used to provide services or treatment simultaneously to four or more patients that provides, on an outpatient basis, one or more of the following:

1. Treatment for patients that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others;
2. Anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others
3. Treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others."[17]

Health care occupancy is defined as an occupancy "used to provide medical or other treatment or care simultaneously to four or more patients on an inpatient basis, where such patients are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control."[18]

[11] Section 633.202(1), F.S.
[12] FLA. DEPT. OF FIN. SERVICES, *Florida Fire Prevention Code (FFPC)*, https://www.myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code (last visited Feb. 27, 2026).
[13] NAT'L FIRE PROT. ASS'N, *Occupancy Classifications in Codes*, May 7, 2021, https://www.nfpa.org/news-blogs-and-articles/blogs/2021/05/07/occupancy-classifications-and-model-codes (last visited Feb. 27, 2026).
[14] *Id.*
[15] *Id.*
[16] *Florida Fire Prevention Code, 8th Edition: Life Safety Code*, s. 3.3.198.3 (2023), *available at* https://link.nfpa.org/free-access/publications/1and101/2023Florida (last visited Feb. 27, 2026).
[17] *Id.* at s. 3.3.198.1.
[18] *Id.* at s. 3.3.198.7.

Ambulatory Surgical Centers vs. Office-Based Surgeries

The Building Code regulates ambulatory surgery centers (ASCs) and office surgery suites separately,[19] and the Fire Code regulates health care occupancies, ambulatory care occupancies, and business occupancies separately.[20] Certain office surgery suites are required to meet the standards under the code for ambulatory surgical centers.

Outpatient surgery can occur in two primary settings: office-based surgeries (OBS) and ASCs.[21] OBS utilizes a dedicated suite within a doctor's office, offering a familiar patient environment.[22] ASCs, on the other hand, are freestanding facilities specifically designed for outpatient procedures.[23] An ASC is a facility that is not part of a hospital the primary purpose of which is to provide elective surgical care, in which the patient is admitted and discharged within 24 hours.[24] ASCs are licensed and regulated by the Agency for Health Care Administration under the same regulatory framework as hospitals.[25]

OBS offers procedures not in a hospital environment but within a dedicated suite in a doctor's office that is designed to meet surgical needs, and equipped with essential tools.[26] Surgery in an OBS is suitable for a range of less complex procedures, for example, mole removal, skin biopsies and some cosmetic procedures, like liposuction or, in some instances, cataract surgery, can be safely conducted within an OBS suite.[27] OBS provides a convenient and efficient option for various surgical needs, that may allow a patient to return home the same day.[28]

Office Surgeries, the Building Code, and Emergency Rules

The Board of Medicine and the Board of Osteopathic Medicine have authority to adopt rules to regulate the practice of medicine and osteopathic medicine, respectively.[29] The boards have authority to establish, by rule, standards of practice and standards of care for particular settings.[30] However, requirements related to occupancies and building standards are set in the Building Code and Fire Code.

If an office surgery suite provides services or treatment to four or more patients at the same time that either renders the patients incapable of taking action for self-preservation under emergency

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[19] *2023 Florida Building Code: Building, 8th Edition*, ss. 451 and 469 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P2/chapter-4-special-detailed-requirements-based-on-occupancy-and-use#FLBC2023P2_Ch04 (last visited Feb. 27 2026).
[20] *Florida Fire Prevention Code, 8th Edition: Life Safety Code*, chs. 18, 19, 20, 21, 37 and 38 (2023), https://link.nfpa.org/free-access/publications/1and101/2023Florida (last visited Feb. 27, 2026).
[21] Ambula Health, *Office based surgery vs Ambulatory surgical center*, https://www.ambula.io/office-based-surgery-vs-ambulatory-surgical-center/ (last visited Feb. 27, 2026).
[22] *Id.*
[23] *Id.*
[24] Section 395.002(3), F.S.
[25] *See* part I, ch. 395, F.S., and part II, ch. 408, F.S.
[26] *Ambula Health*, *supra* note 21.
[27] *Id.*
[28] *Id.*
[29] Chapter 458, F.S., regulates the practice of allopathic medicine and ch. 459, F.S., regulates the practice of osteopathic medicine.
[30] Sections 458.331(v), and 459.015(z), F.S.

conditions without the assistance from others or that requires general anesthesia must meet the requirements of ambulatory health care occupancies under the Building Code and Fire Code.[31] The Building Code defines "incapable of self-preservation" as persons who, because of age, physical limitations, mental limitations, chemical dependency or medical treatment, cannot respond as an individual to an emergency situation.[32]

Under the Building Code, ASCs must meet strict requirements, including special design details from "The Guidelines for Design and Construction of Outpatient Facilities (The Guidelines)."[33] For example, the Building Code has the following requirements for operating rooms:

	Ambulatory Surgical Center	**Office Surgery Suite**
Operating Room Size	At least one operating room with a minimum clear floor area of 270 square feet (25.08 m^2)[34]	Minimum clear floor area depends on the level of care: 255 sq ft (Level II) 270 sq ft (Level III with anesthesia machine) 400 sq ft (complex)[35]
Emergency Electrical Systems	Type I emergency electrical system (similar to hospitals)[36]	Minimum Type III nonportable, permanently installed emergency electrical system, but new Level III suites should provide a Type I system.[37]
Medical Gas	Category 1 piped oxygen and vacuum systems are required in each operating room, if required by The Guidelines[38]	Level III system or a double yoke system, unless an anesthesia ventilator is used for the procedure.[39]

[31] *2023 Florida Building Code: Building, 8th Edition*, s. 469.3.1 (2023), *available at* https://codes.iccsafe.org/content/FLBC2023P2/chapter-4-special-detailed-requirements-based-on-occupancy-and-use#FLBC2023P2_Ch04_Sec469.3.1 (last visited Feb. 28, 2026).
[32] *Id.* at s. 202.
[33] *See id.* at s. 451.2.2.
[34] *Id.* at s. 451.3.2.
[35] *Id.* at s. 469.4.3.2.
[36] *Id.* at s. 451.3.13.1 .
[37] *Id.* at s. 469.4.14.9.3.
[38] *Id.* at s. 451.3.15.
[39] *Id.* at s. 469.4.11.1.1.

The requirements under the Fire Code for ASCs are similarly more stringent than those for office surgery suites. Examples of differences between ASC requirements from the Fire Code compared to Office Surgery Suites:

	Ambulatory Surgical Center	**Office Surgery Suite**
Occupancy Classifications	"Ambulatory health care occupancy" since it is used to treat 4 or more patients on an outpatient basis[40]	"Business" occupancy (lower risk), unless it hits the 4-patient threshold, which upgrades it to "Ambulatory health care".[41]
Smoke Compartments	Required if the facility is large (usually over 10,000 sq ft, or 5,000 sq ft without sprinklers) to allow for safe patient movement.[42]	Generally, not required for standard business occupancies.[43]
Sprinklers & Separation	Strict 1-hour fire resistance ratings, and if in an un-sprinklered building, they must be separated by specific fire barriers.[44]	Requires 1-hour fire separation, similar to business occupancies, but stricter if it is classified as ambulatory care due to the level of sedation/anesthesia used.[45]

Standard of Care Requirements and Recent Events Related to Office Surgeries

Prior to performing any office surgery, a physician must evaluate the risk of anesthesia and of the surgical procedure to be performed.[46] A physician must maintain a complete record of each surgical procedure, including the anesthesia record, if applicable, and written informed consent.[47] The written consent must reflect the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists.[48] There are additional specific requirements for liposuction procedures.[49]

Certain outpatient surgeries carry a higher risk of complications to patients. The rate of fatal complications from gluteal fat grafting is higher than any other cosmetic procedure.[50] South

[40] *Florida Fire Prevention Code, 8th Edition: Life Safety Code*, s. 3.3.198.1 (2023), *available at* https://link.nfpa.org/free-access/publications/1and101/2023Florida (last visited Feb. 27, 2026).
[41] *See id.*
[42] *Id.* at 20.3.7.2.
[43] *Id.* at 38.3.7.
[44] *Id.* at 20.3.7
[45] *Id.*
[46] Fla. Admin. Code Rs. 64B8-9.009(2), and 64B15-14.007(2).
[47] Fla. Admin. Code Rs. 64B8-9.009(2), and 64B15-14.007(2).
[48] Fla. Admin. Code Rs. 64B8-9.009(2), and 64B15-14.007(2).
[49] Fla. Admin. Code Rs. 64B8-9.009(2), and 64B15-14.007(2).
[50] Pat Pazmiño & Onelio Garcia, *Brazilian Butt Lift–Associated Mortality: The South Florida Experience*, 43 AESTHETIC SURGERY JOURNAL 2, 162, (2023) *available at* https://doi.org/10.1093/asj/sjac224 (last visited Feb. 28, 2026). Gluteal fat grafting, commonly known as a "Brazilian butt lift" or BBL, is the fastest-growing plastic surgery procedure in the U.S. *Id.* The procedure involves liposuction in areas where fat removal will improve the contour of the body. Stanford Medicine, Buttock Augmentation, https://med.stanford.edu/cosmeticsurgery/aestheticservices/body/buttock-augmentation.html (last visited Feb. 28, 2026). Typically, fat is harvested from two or more regions which may include the flanks (love handles), abdomen, or back. *Id.* The harvested fat is purified to optimize the viability of fat cells and stem cells before it is injected into the subcutaneous layer (below the skin, but above the muscle) of the buttocks. *Id.*

Florida carries the highest mortality rate by far in the nation with 25 deaths occurring between 2010 and 2022 related to gluteal fat grafting procedures.[51] According to a study on the deaths that occurred in South Florida, the surgical setting and the short surgical times for these cases were the most significant contributing factors to the deaths.[52] Of the 25 deaths, 23 of the surgeries were performed at high-volume, low budget clinics.[53] These clinics employ a practice model based on high-volume and minimal-patient-interaction.[54] All of the deaths resulted from pulmonary fat embolism, which occurs when a vein wall is injured during the injection process allowing fat to enter the pulmonary vessels.[55]

Because of these risks, Florida law has established specific standards and best practices for such office surgeries. For example, in 2022, the Florida Board of Medicine Board adopted an emergency rule based on statistics that indicated gluteal fat grafting patients were experiencing abnormally high levels of complications and that fatalities from fat embolisms were occurring with disturbing frequency.[56] Among the requirements that were passed was the limitation on gluteal fat grafting procedures to three per day.[57] A number of medical societies and associations supported these rules, including the American Society of Plastic Surgeons who called such measures "patient safety measures" they believed were likely to "save lives and reduce morbidity."[58]

Based on these same concerns, Florida passed a bill in 2024 that increased regulation and fines on physicians who perform office surgeries that do not follow proper procedures related to liposuction and gluteal fat grafting.[59] The law now requires physicians to register with the Department of Health (DOH) any offices that perform liposuction procedures in which more than 1,000 cubic centimeters of supernatant fat is removed, temporarily or permanently.[60] Each office registered must designate a physician who is responsible for the office's compliance with the office health and safety requirements.[61] The offices are inspected by the DOH at least annually, including a review of patient records, to ensure that the office is in compliance.[62]

An office in which a physician performs gluteal fat grafting procedures must at all times maintain a ratio of one physician to one patient during all phases of the procedure, beginning with the administration of anesthesia to the patient and concluding with the extubation of the patient.[63] After a physician has commenced, and while he or she is engaged in, a gluteal fat

[51] *Id.* at 169.
[52] *Id.* at 171.
[53] *Id.*
[54] *Id.* at 174.
[55] *Id.* at 171.
[56] *See* FLA. DEPT. OF HEALTH, Notice of Emergency Rule 64B8ER22-3, Jun. 15, 2022, *available at* https://flboardofmedicine.gov/pdfs/64B8ER22-3-emergency-rule.pdf (last visited Feb. 28, 2026).
[57] *Id.*
[58] AMERICAN SOCIETY OF PLASTIC SURGEONS, *Gluteal Fat Grafting: A joint safety statement*, Aug. 18, 2022, https://www.plasticsurgery.org/for-medical-professionals/publications/psn-extra/news/gluteal-fat-grafting-a-joint-safety-statement (last visited Feb. 28, 2026).
[59] CS/HB 1561 (2024).
[60] Sections 458.328(1) and 459.0138(1), F.S.
[61] Sections 458.328(1)(b) and 459.0138(1)(b), F.S.
[62] Sections 458.328(1)(e) and 459.0138(1)(e), F.S.
[63] Sections 458.328(2)(c)5. and 459.0138(2)(c)5., F.S.

grafting procedure, the physician may not commence or engage in another gluteal fat grafting procedure or any other procedure with another patient at the same time.[64]

III. Effect of Proposed Changes:

By January 1, 2027, the bill directs the Florida Building Commission to amend the Florida Building Code and the State Fire Marshal to amend the Florida Fire Prevention Code to include safety design standards for office surgical suites so that physicians can treat or provide certain services for up to six patients on an outpatient basis.

Specifically, the services allowed under the bill for up to six patients in office surgery suites are treatment or anesthesia that renders a patient incapable of taking action for self-preservation under emergency conditions without the assistance of others and treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others.

Currently, an office surgery suite will fall under the definition of a "business" occupancy under the Fire Code and its accompanying less stringent structural and design requirements, unless the office surgery suite is used to treat four or more patients. Once the office surgery suite meets the four-patient threshold, it meets the definition for "ambulatory health care" under the Fire Code and must meet the strict design requirements for that facility type. The bill will revise this threshold and allow treatment for up to six patients before an office surgery suite will have to meet the strict ambulatory health care requirements.

Under the bill, the safety design standards must be an alternative to the safety design standards for ambulatory health care occupancies that are already found in the codes. The bill defines "office surgery suite" as that portion of a physician's office where surgery is performed.

The bill 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 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.

C. Trust Funds Restrictions:

None.

[64] Sections 458.328(2)(c)5. and 459.0138(2)(c)5., F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.884 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.

A bill to be entitled

An act relating to safety design standards for office surgery suites; creating s. 553.884, F.S.; requiring the Florida Building Commission and the State Fire Marshal to establish safety design standards for certain office surgical suites by a specified date; defining the term "office surgery suite"; providing an effective date.

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

Section 1. Section 553.884, Florida Statutes, is created to read:

553.884 Office surgery suites; safety design standards.—

(1) By January 1, 2027, the commission must establish within the Florida Building Code and the State Fire Marshal must establish within the Florida Fire Prevention Code, safety design standards that allow office surgery suites to provide the following services or treatment simultaneously for up to six patients on an outpatient basis:

(a) Treatment for patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others.

(b) Anesthesia that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others.

(c) Treatment for patients who, due to the nature of their injury or illness, are incapable of taking action for self-preservation under emergency conditions without the assistance of others.

(2) Such standards must be an alternative to the safety design standards for ambulatory health care occupancies. For purposes of this section, an "office surgery suite" is that portion of a physician's office where surgery is performed.

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/3/26
Meeting Date

Rules
Committee

1175
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Nuland

Phone 904-233-3051

Address 4427 Herschel St
Street

Email nulandlaw@aol.com

Jacksonville FL 32210
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 Society of Plastic Surgeons

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

To: Senator Kathleen Passidomo, Chair
Committee on Rules

Subject: Bill Presenter Request

Date: February 27, 2026

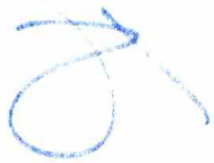
I respectfully request that **Senate Bill # 7044**, **Public Records/Custodians of Gold Coin and Silver Coin** be presented by Senator Rodriguez on Tuesday, March 3rd.

Joe Gruters

Senator Joe Gruters
Florida Senate, District 22

File signed original with committee office

S-020 (03/2004)



THE FLORIDA SENATE
Tallahassee, Florida 32399-1100

SENATOR BRYAN AVILA
39th District

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 23, 2026

The Honorable President Kathleen Passidomo
Committee on Rules
The Florida Senate
402 Senate Building
404 S. Monroe Street
Tallahassee, FL 32399

REF: Absence Excuse Request

Honorable President Passidomo,

Please excuse my absence from Committee on Rules on March 3^{d}, 2026. I have been scheduled to serve in the Florida Army National Guard during that time.

Please feel free to contact me with any questions.

Sincerely,

Bryan Avila

CC: Shasta W. Kruse, Staff Director
Cynthia Futch, Administrative Assistant
Ronnie Whitaker, Majority Office Director
Taylor Shaw, Majority Office Legislative Analyst

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR COREY SIMON
3rd District

COMMITTEES:
Education Pre-K -12, *Chair*
Agriculture
Appropriations Committee on Education
Appropriations Committee on Health and Human Services
Education Postsecondary
Fiscal Policy
Rules

JOINT COMMITTEE:
Joint Legislative Auditing Committee

March 3, 2026

The Honorable Kathleen Passidomo
Rules Committee
412 Knott Building
Monroe Street Tallahassee, FL 32399-1100

Dear Chair Passidomo ,

Senator Simon respectfully requests an excused absence from the March 3rd , meeting of the Rules Committee. I appreciate your consideration.

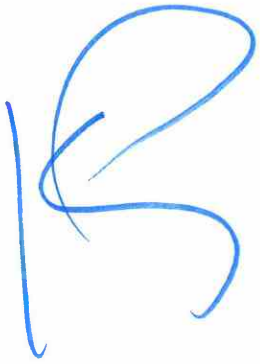
Sincerely,

LeAnn Bunton, Senior Legislative Aide

State Senator Corey Simon, District 03

303 Senate Office Building, The Capitol

O: 850-487-5003| C: 850-445-5272



Following appearance cards not read into the record

Received after bill was considered

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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March 3, 2026
Meeting Date

Rules
Committee

SB 354
Bill Number or Topic

Amendment Barcode (if applicable)

Name John S. Quarterman

Phone 850-290-2350

Address PO Box 88
Street

Email wwalsw.chesho@gmail.com

Ashburn GA 31632
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

Deliver both copies of this form to
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3-3-2026
Meeting Date

SB 1548
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Larry Downs Jr.

Phone 8504577615

Address 12156 Hawsmere Dr
Street

Pen FL 32506
City State Zip

Email

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

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Rules Committee **Judge:**

Started: 3/3/2026 9:06:11 AM
Ends: 3/3/2026 6:11:19 PM Length: 09:05:09

9:06:13 AM Chair Passidomo calls the meeting to order
9:06:24 AM Roll call
9:07:08 AM Quorum announced
9:07:15 AM Senator Avila and Simon are excused
9:07:27 AM CS/SB 363 and CS/CS/SB 36 are TP'd
9:07:41 AM Chair Passidomo with opening comments
9:08:25 AM Tab 2 CS/CS/SB 354 Blue Ribbon Projects by Senator McClain
9:08:33 AM Senator McClain explains the bill
9:10:00 AM Amendment Barcode 408320
9:10:05 AM Senator McClain explains the amendment
9:11:28 AM Chair Passidomo
9:11:53 AM No debate
9:11:56 AM Senator McClain waives close
9:11:58 AM Amendment is adopted
9:12:02 AM Back on the Bill
9:12:03 AM Questions
9:12:05 AM Senator Jones
9:12:30 AM Senator McClain
9:12:50 AM Senator Jones
9:12:58 AM Senator McClain
9:13:31 AM Senator Berman
9:13:58 AM Senator McClain
9:14:54 AM Senator Bradley
9:15:19 AM Senator McClain
9:15:51 AM Senator Bradley
9:16:18 AM Senator McClain
9:17:13 AM Senator Bradley
9:17:31 AM Senator McClain
9:17:36 AM Senator Bradley
9:17:45 AM Senator McClain
9:17:51 AM Senator Bradley
9:18:15 AM Senator McClain
9:19:12 AM Senator Bradley
9:20:04 AM Senator McClain
9:20:26 AM Senator Bradley
9:20:52 AM Senator McClain
9:21:14 AM Senator Bradley
9:21:32 AM Senator McClain
9:21:51 AM Senator Pizzo
9:22:04 AM Senator McClain
9:23:12 AM Senator Pizzo
9:23:28 AM Senator McClain
9:23:31 AM Senator Pizzo
9:24:30 AM Senator McClain
9:25:22 AM Senator Pizzo
9:26:03 AM Senator McClain
9:26:09 AM Senator Harrell
9:26:49 AM Senator McClain
9:28:17 AM Senator Harrell
9:28:23 AM Senator McClain
9:28:32 AM Senator Harrell
9:28:35 AM Senator McClain

9:28:59 AM Senator Harrell
9:29:05 AM Senator McClain
9:29:19 AM Senator Harrell
9:29:22 AM Senator McClain
9:29:25 AM Senator Harrell
9:29:30 AM Senator McClain
9:29:31 AM Senator Harrell
9:29:42 AM Senator McClain
9:29:53 AM Senator Harrell
9:30:02 AM Senator McClain
9:30:13 AM Appearance forms
9:30:30 AM Elizabeth Alvi, Audubon Florida, speaks
9:32:31 AM Chris Doolin, Small County Coalition, speaks
9:33:48 AM Senator Pizzo
9:33:56 AM Mr. Doolin
9:35:00 AM Martin Pyszczymuka speaks
9:37:51 AM Sarah Strohminger speaks
9:40:17 AM Betsy Condon speaks
9:42:53 AM Eric Yonce waives
9:43:01 AM Larry Downs Jr. speaks
9:44:23 AM Daniel Martinez, Americans for Prosperity, waives
9:44:24 AM Neil Fleckenstein, Tall Timbers, waives
9:44:30 AM Kim Dinkins, 1000 Friends of Florida, waives
9:44:42 AM Susan Arnold waives
9:44:46 AM Brendan Burke, Florida Home Builders Association, waives
9:44:52 AM Ko Robins waives
9:44:57 AM Debate
9:45:06 AM Senator Burgess
9:48:20 AM Senator Bradley
9:52:09 AM Senator Pizzo
9:54:50 AM Senator Gaetz
9:59:44 AM Chair Passidomo
10:06:05 AM Senator McClain closes
10:12:11 AM Roll call
10:13:09 AM CS/CS/CS/SB 354 is reported favorably
10:13:19 AM Tab 3 SB 620 Candidate Qualifying by Senator Mayfield
10:13:29 AM Senator Mayfield explains the bill
10:14:17 AM Amendment Barcode 521902
10:14:19 AM Senator Mayfield explains the amendment
10:14:47 AM No questions
10:14:49 AM No appearance forms
10:14:51 AM Amendment is adopted
10:14:57 AM Amendment Barcode 693374
10:14:59 AM Senator Mayfield explains the amendment
10:16:34 AM Questions
10:16:38 AM Senator Jones
10:16:53 AM Senator Mayfield
10:17:02 AM Senator Jones
10:17:06 AM Senator Mayfield
10:17:10 AM Senator Osgood
10:17:43 AM Senator Mayfield
10:18:08 AM Senator Osgood
10:18:12 AM Senator Mayfield
10:18:19 AM No appearance forms
10:18:21 AM No debate
10:18:25 AM Senator Mayfield waives close
10:18:27 AM Amendment is adopted
10:18:31 AM Back on the Bill
10:18:36 AM Appearance Form
10:18:51 AM Larry Downs, Jr. speaks
10:20:14 AM Debate
10:20:19 AM Senator Pizzo

10:21:58 AM Senator Mayfield closes
10:22:02 AM Roll call
10:22:40 AM CS/SB 620 is reported favorably
10:22:53 AM Tab 10 CS/CS/SB 1452 Department of Financial Services
10:23:13 AM Late-file Amendment Barcode 557824
10:23:15 AM Without objection introduced
10:23:23 AM Senator Truenow explains the amendment
10:25:07 AM Substitute Barcode 341966
10:25:16 AM Senator Truenow explains the amendment
10:25:41 AM No questions
10:25:44 AM Appearance Form
10:25:52 AM Karl Rasmussen, AMSCOT Financial, waives
10:25:56 AM No debate
10:25:58 AM Senator Truenow waives close
10:26:05 AM Amendment is adopted
10:26:09 AM Back on the Bill
10:26:15 AM Questions
10:26:19 AM Senator Davis
10:26:35 AM Senator Truenow
10:27:07 AM Senator Davis
10:27:48 AM Senator Truenow
10:28:05 AM Appearance Form
10:28:11 AM Hannah Christian, CFO Blaise Ingoglia/ DFS, waives
10:28:13 AM No debate
10:28:24 AM Senator Truenow closes
10:28:50 AM Roll call
10:29:32 AM CS/CS/CS/SB 1452 is reported favorably
10:29:43 AM Tab 17 CS/SB 1620 Public Education by Senator Leek
10:29:55 AM Senator Leek explains the bill
10:30:03 AM Amendment Barcode 534222
10:30:15 AM Substitute Amendment Barcode 290396
10:30:25 AM Senator Leek explains the Substitute Amendment
10:31:59 AM No questions
10:32:04 AM Appearance Forms
10:32:17 AM Brian Moore, Fla. Assoc. of District School Superintendents (FADSS), speaks
10:32:51 AM Donna Brosemer, Volusia School Board, speaks
10:33:38 AM No debate
10:33:40 AM Senator Leek waives close
10:33:43 AM Amendment is adopted
10:33:46 AM Back on the Bill
10:33:50 AM Questions
10:33:53 AM Senator Davis
10:34:17 AM Senator Leek
10:34:34 AM Senator Davis
10:34:57 AM Senator Leek
10:35:52 AM Appearance Form
10:36:02 AM Jesse Thompson waives
10:36:04 AM Debate
10:36:08 AM Senator Osgood
10:37:53 AM Senator Leek closes
10:38:45 AM Roll call
10:39:18 AM CS/CS/SB 1620 is reported favorably
10:39:31 AM Tab 22 CS/HB 245 Child Pornography Terminology by Representative Baker
10:39:37 AM Senator Leek explains the bill
10:40:08 AM No questions
10:40:11 AM No appearance forms
10:40:22 AM Debate
10:40:32 AM Senator Grall
10:44:18 AM Senator Leek closes
10:44:47 AM Roll call
10:45:24 AM CS/HB 245 is reported favorably
10:45:34 AM Tab 12 SB 1548 Affordable Housing by Senator Calatayud

10:45:40 AM Senator Calatayud explains the bill
10:46:28 AM No questions
10:46:31 AM Appearance Form
10:46:34 AM Karen Murillo. AARP Florida, waives
10:46:36 AM No debate
10:46:40 AM Senator Leek waives close
10:46:41 AM Roll call
10:47:17 AM SB 1548 is reported favorably
10:47:31 AM Tab 4 CS/SB 796 Veterinary Medicine by Senator Bradley
10:47:40 AM Senator Bradley explains the bill
10:49:24 AM Amendment Barcode 309020
10:49:33 AM Senator Bradley explains the amendment
10:49:55 AM No questions
10:49:57 AM No appearance forms
10:49:59 AM No debate
10:50:02 AM Senator Bradley waives close
10:50:04 AM Amendment is adopted
10:50:07 AM Back on the Bill
10:50:11 AM Questions
10:50:14 AM Appearance Forms
10:50:31 AM Larry Downs, Jr. speaks
10:52:06 AM Eleanor Green speaks
10:54:52 AM Stacy Anderson speaks
10:56:29 AM Emily Stewart speaks
10:57:40 AM Wayne Jensen, DVM waives
10:57:44 AM Travis Moore, Animal Legal Defense Fund, waives
10:57:48 AM Debate
10:57:54 AM Senator Harrell
10:58:48 AM Senator Jones
10:59:42 AM Senator Bradley closes
11:00:42 AM Roll call
11:01:15 AM CS/CS/SB 796 is reported favorably
11:01:51 AM Tab 6 CS/SB 1080 Transportation by Senator DiCeglie
11:02:06 AM Amendment Barcode 494040
11:02:14 AM Senator DiCeglie explains the amendment
11:04:45 AM No questions
11:04:52 AM Appearance Forms
11:04:57 AM Lucas Parsons, Municipal Parking Services Inc., waives
11:05:02 AM Jennifer Cook Pritt, The Florida Police Chiefs Association, waives
11:05:06 AM No debate
11:05:09 AM Senator DiCeglie waives close
11:05:11 AM Amendment is adopted
11:05:16 AM Back on the Bill
11:05:19 AM Questions
11:05:23 AM Senator Davis
11:05:47 AM Senator DiCeglie
11:06:17 AM Senator Davis
11:06:42 AM Senator DiCeglie
11:06:57 AM Senator Hooper
11:07:18 AM Senator DiCeglie
11:08:05 AM Senator Rouson
11:08:19 AM Senator DiCeglie
11:09:10 AM Senator Osgood
11:09:22 AM Senator DiCeglie
11:10:27 AM Senator Martin
11:11:31 AM Senator DiCeglie
11:11:35 AM Senator Martin
11:11:45 AM Senator DiCeglie
11:12:32 AM Appearance Forms
11:12:39 AM Captain Brandon Rogan, Orange County Sheriff's Office, waives
11:12:50 AM Senator Pizzo
11:12:59 AM Larry Downs, Jr., speaks

11:14:57 AM Debate
11:15:01 AM Senator Hooper
11:16:12 AM Senator DiCeglie closes
11:16:38 AM Roll call
11:17:12 AM CS/CS/SB 1080 is reported favorably
11:17:24 AM Tab 8 CS/CS/SB 1260 Services During a State of Emergency by Senator DiCeglie
11:17:31 AM Senator DiCeglie explains the bill
11:18:34 AM Questions
11:18:36 AM No appearance forms
11:18:39 AM No debate
11:18:43 AM Senator DiCeglie waives close
11:18:46 AM Roll call
11:19:24 AM CS/CS/SB 1260 is reported favorably
11:19:36 AM Tab 13 CS/CS/SB 1566 Local Government Spending by Senator DiCeglie
11:19:51 AM Late-filed Amendment Barcode 484786
11:19:53 AM Without objection, introduced
11:20:06 AM Senator DiCeglie explains the amendment
11:21:59 AM No questions
11:22:03 AM Appearance forms
11:22:09 AM Lucas Parsons, FL Home Builders Assn., waives
11:22:16 AM Louis Rotundo, City of Altamonte Springs, waives
11:22:20 AM Gary Hunter, Association of Florida Community Developers, waives
11:22:26 AM Jeff Scala, Florida Association of Counties, waives
11:22:31 AM Cameron Fink, Associated Industries of Florida, waives
11:22:35 AM No debate
11:22:38 AM Senator DiCeglie waives close
11:22:44 AM Amendment is adopted
11:22:50 AM Back on the Bill
11:22:53 AM Questions
11:23:02 AM Senator Osgood
11:23:51 AM Senator DiCeglie
11:25:13 AM Senator Davis
11:25:35 AM Senator DiCeglie
11:26:28 AM Senator Davis
11:26:50 AM Senator DiCeglie
11:27:09 AM Appearance Forms
11:27:21 AM Jeff Scala, Florida Association of Counties, speaks
11:27:58 AM Senator Pizzo
11:28:01 AM Mr. Scala
11:28:05 AM Senator Pizzo
11:28:13 AM Hannah Christian, CFO Blaise Ingoglia, waives
11:28:16 AM Daniel Martinez, Americans for Prosperity, waives
11:28:19 AM Debate
11:28:24 AM Senator Berman
11:28:49 AM Senator DiCeglie closes
11:29:09 AM Roll call
11:29:42 AM CS/CS/CS/SB 1566 is reported favorably
11:29:57 AM Tab 14 CS/CS/SB 1568 Florida Stablecoin Pilot Program by Senator DiCeglie
11:30:06 AM Senator DiCeglie explains the bill
11:31:35 AM No questions
11:31:39 AM Appearance Form
11:31:43 AM Hannah Christian, CFO Blaise Ingoglia, waives
11:31:47 AM No debate
11:31:51 AM Senator DiCeglie waives close
11:31:55 AM Roll call
11:32:33 AM CS/CS/SB 1568 is reported favorably
11:32:45 AM Tab 5 CS/SB 934 Areas of Critical State Concern by Senator Rodriguez
11:32:53 AM Senator Rodriguez explains the bill
11:33:33 AM No questions
11:33:35 AM No appearance forms
11:33:42 AM Senator Rodriguez waives close
11:33:50 AM Roll call

11:34:15 AM CS/SB 934 is reported favorably
11:34:25 AM Tab 16 SB 1588 Legal Tender by Senator Gruters
11:34:38 AM Amendment Barcode 542400
11:34:49 AM Senator Rodriguez explains the amendment
11:35:08 AM Appearance Form
11:35:15 AM Mike Carter waives
11:35:21 AM No debate
11:35:24 AM Senator Rodriguez waives close
11:35:25 AM Amendment is adopted
11:35:30 AM Back on the Bill
11:35:32 AM No questions
11:35:36 AM Appearance Forms
11:35:41 AM Mike Carter waives
11:35:48 AM Ko Robins waives
11:35:52 AM Susan A. Farris waives
11:35:58 AM Maija Hahn waives
11:36:02 AM Vanessa Ferguson waives
11:36:06 AM Cynthia Eames waives
11:36:13 AM Anthony Verdugo, Christian Family Coalition Florida, waives
11:36:22 AM No debate
11:36:27 AM Senator Rodriguez waives close
11:36:29 AM Roll call
11:37:08 AM CS/SB 1588 is reported favorably
11:37:18 AM Tab 20 SB 7034 Ratification of Rules of the Department of Environmental Protection by Environment and Natural Resources Committee
11:37:26 AM Senator Rodriguez explains the bill
11:38:05 AM No questions
11:38:10 AM Appearance Forms
11:38:37 AM John S. Quarterman speaks
11:41:44 AM Merrillee Malwitz-Jipson speaks
11:44:11 AM Brooks Garland speaks
11:45:09 AM Mace Bauer speaks
11:47:52 AM Hugh Thomas, Suwannee River Water Management District, speaks
11:49:27 AM Senator Davis
11:50:15 AM Mr. Thomas
11:53:32 AM Senator Davis
11:53:39 AM Mr. Thomas
11:54:17 AM Senator Bradley
11:55:22 AM Mr. Thomas
11:55:46 AM Mike Register, Executive Director, St. Johns River Water Management District, speaks
11:58:31 AM Jason Chandler speaks
12:01:01 PM Ray Hodge, United Dairy Farmers of Florida, speaks
12:02:21 PM Jim Spratt, The Roberts Company, waives
12:02:33 PM Rod Land speaks
12:04:35 PM De Broughton speaks
12:07:28 PM Laura Goss speaks
12:10:15 PM Adam Blalock, FL Department of Environmental Protection, speaks
12:11:12 PM Senator Jones
12:11:41 PM Mr. Blalock
12:13:06 PM Tripp Hunter, Florida Farm Bureau, waives
12:13:10 PM Debate
12:13:15 PM Senator Bradley
12:13:49 PM Senator Harrell
12:15:01 PM Senator Jones
12:16:07 PM Senator Osgood
12:16:54 PM Senator Davis
12:18:42 PM Senator Rodriguez closes
12:19:17 PM Roll call
12:19:52 PM SB 7034 is reported favorably
12:20:01 PM Tab 21 SB 7044 Public Records/Custodians of Gold Coin and Silver Coin by Banking and Insurance
12:20:09 PM Senator Rodriguez explains the bill
12:20:33 PM No questions

12:20:35 PM No appearance forms
12:20:40 PM No debate
12:20:43 PM Senator Rodriguez waives close
12:20:45 PM Roll call
12:21:41 PM SB 7044 is reported favorably
12:21:51 PM Tab 24 CS/HB 1175 Safety Design Standards for Office Surgery Suites by Representative Redondo
12:21:59 PM Senator Rodriguez explains the bill
12:23:24 PM Questions
12:23:29 PM Senator Jones
12:23:56 PM Senator Rodriguez
12:24:13 PM Senator Jones
12:24:42 PM Senator Rodriguez
12:25:29 PM Appearance Form
12:25:38 PM Chris Nuland, Florida Society of Plastic Surgeons, waives
12:26:02 PM No debate
12:26:07 PM Senator Rodriguez closes
12:26:43 PM CS/HB 1175 is reported favorably
12:27:02 PM Tab 7 SB 1096 Remedies for Violations of The Florida Civil Rights Act by Senator Burgess
12:27:09 PM Senator Burgess explains the bill
12:27:28 PM Amendment Barcode 556298
12:27:34 PM Senator Davis explains the amendment
12:28:16 PM No questions
12:28:17 PM No appearance forms
12:28:22 PM Debate
12:28:27 PM Senator Burgess
12:28:36 PM Senator Davis closes
12:28:56 PM Amendment is adopted
12:28:59 PM Back on the Bill
12:29:02 PM Questions
12:29:06 PM Senator Pizzo
12:29:24 PM Senator Burgess
12:30:01 PM Senator Gaetz
12:30:27 PM Appearance Form
12:30:38 PM Jahvin Gordon waives
12:30:40 PM Debate
12:30:46 PM Senator Pizzo
12:31:21 PM Senator Osgood
12:31:51 PM Senator Burgess closes
12:32:07 PM Roll call
12:32:40 PM CS/SB 1096 is reported favorably
12:32:52 PM Tab 9 SB 1366 Claims Against the Government by Senator Brodeur
12:33:04 PM Senator Brodeur explains the bill
12:33:41 PM Amendment Barcode 491330
12:33:48 PM Senator Brodeur explains the amendment
12:34:37 PM Questions
12:34:45 PM Senator Boyd
12:34:55 PM Senator Brodeur
12:35:13 PM Senator Boyd
12:35:32 PM Appearance Forms
12:35:44 PM Kyle Peddie, Superintendent of Liberty County Schools, speaks
12:38:02 PM Darryl Taylor, Superintendent of Schools Calhoun County, speaks
12:40:37 PM Senator Pizzo
12:40:47 PM Mr. Taylor
12:40:51 PM Senator Pizzo
12:40:56 PM Mr. Taylor
12:41:02 PM Senator Pizzo
12:41:08 PM Mr. Taylor
12:41:24 PM Thomas Register, Washington County School District, speaks
12:42:42 PM Senator Jones
12:43:08 PM Senator Brodeur
12:44:19 PM Bob Harris, Panhandle Area Educational Consortium, speaks
12:46:35 PM Senator Martin

12:46:50 PM Mr. Harris
12:46:54 PM Senator Martin
12:46:57 PM Mr. Harris
12:48:01 PM Senator Martin
12:48:07 PM Mr. Harris
12:48:27 PM Senator Martin
12:48:31 PM Mr. Harris
12:48:46 PM Senator Osgood
12:49:13 PM Mr. Harris
12:50:03 PM Senator Osgood
12:50:50 PM Mr. Harris
12:50:57 PM Senator Pizzo
12:52:40 PM Mr. Harris
12:54:06 PM Senator Rouson
12:54:36 PM Mr. Harris
12:56:41 PM Larry Downs, Jr. speaks
12:58:21 PM Joe McGehee, Florida School Boards Association, waives
12:58:24 PM Mark Delegal, Safety Net Hospital Alliance of FL, waives
12:58:28 PM Jeff Scala, Florida Association of Counties, waives
12:58:33 PM Kyle Newsome, Washington County, waives
12:58:39 PM Trey Peeples, Panhandle Area Educational Consortium, waives
12:58:47 PM John Selover, Panhandle Area Educational Consortium, waives
12:58:55 PM No debate
12:59:02 PM Senator Brodeur waives close
12:59:04 PM Amendment is adopted
12:59:07 PM Back on the Bill
12:59:09 PM No questions
12:59:12 PM Appearance Forms
12:59:25 PM Chris Doolin, Small County Coalition/Small School Districts Council Consortium, speaks
1:00:41 PM Jeff Scala, FL Association of Counties, speaks
1:01:26 PM Bob Harris, Panhandle Area Educational Consortium, waives
1:01:33 PM David Cruz, FL League of Cities, waives
1:01:36 PM Debate
1:01:40 PM Senator Osgood
1:05:28 PM Senator Rouson
1:06:26 PM Senator Hooper
1:07:59 PM Senator Martin
1:09:34 PM Senator Brodeur closes
1:10:39 PM Roll call
1:11:13 PM CS/SB 1366 is reported favorably
1:11:36 PM Chair
1:11:41 PM Recording Paused
2:07:04 PM Recording Resumed
2:07:07 PM Chair Passidomo calls meeting to order
2:07:30 PM Tab 15 CS/SB 1580 Illegal Gaming by Senator Martin
2:07:37 PM Senator Martin explains the bill
2:09:23 PM Amendment Barcode 498764
2:09:27 PM Senator Martin explains the amendment
2:09:50 PM No questions
2:09:55 PM Appearance Form
2:10:01 PM Mark Jeffries, Orange County, waives
2:10:04 PM No debate
2:10:06 PM Senator Martin waives close
2:10:08 PM Amendment is adopted
2:10:15 PM Late-filed Amendment Barcode 287656
2:10:17 PM Without objection introduced
2:10:27 PM Senator Pizzo withdraws the amendment
2:10:44 PM Late-filed Amendment Barcode 145382
2:10:45 PM Without objection, introduced
2:10:50 PM Senator Pizzo explains the amendment
2:11:10 PM No questions
2:11:12 PM Appearance Form

2:11:17 PM Scott Dick, Casino Miami, waives
2:11:21 PM Debate
2:11:30 PM Senator Martin
2:11:33 PM Senator Pizzo waives close
2:11:35 PM Amendment is adopted
2:11:39 PM Back on the Bill
2:11:41 PM Questions
2:11:44 PM Appearance Forms
2:11:55 PM Jared Willis, The American Legion, speaks
2:14:42 PM Molly Hudson, Volusia Sheriff's Office, speaks
2:16:47 PM Alana Zimmer, Executive Director, waives
2:16:53 PM Libby Guzzo, Attorney General Office, waives
2:16:58 PM Aaron DiPietro, Florida Family Voice, waives
2:17:16 PM Jack Campbell speaks
2:19:02 PM Larry Downs, Jr., speaks
2:20:48 PM Debate
2:20:53 PM Senator Pizzo
2:21:07 PM Senator Davis
2:21:48 PM Senator Martin closes
2:22:29 PM Roll call
2:23:04 PM CS/CS/SB 1580 is reported favorably
2:23:17 PM Tab 11 SB 1536 Digital Voyeurism by Senator Pizzo
2:23:23 PM Senator Pizzo explains the bill
2:23:30 PM No questions
2:23:45 PM Appearance Form
2:23:55 PM Larry Downs, Jr. speaks
2:24:26 PM No debate
2:24:34 PM Senator Pizzo waives close
2:24:36 PM Roll call
2:25:10 PM SB 1536 is reported favorably
2:25:21 PM Tab 18 CS/SB 1668 Florida Birth-Related Neurological Injury Compensation Association by Senator Burton
2:25:34 PM Senator Burton explains the bill
2:29:12 PM Late-filed Amendment Barcode 799824
2:29:13 PM Without objection introduced
2:29:19 PM Senator Burton explains the amendment
2:30:35 PM Chair Passidomo
2:30:55 PM Late-filed Amendment to the Amendment Barcode 449888
2:30:57 PM Without objection introduced
2:31:02 PM Senator Martin explains the amendment to the amendment
2:34:59 PM Questions
2:35:09 PM Senator Gaetz
2:35:38 PM Senator Martin
2:37:25 PM Appearance Forms
2:37:34 PM David Mica, Jr., FL Hospital Association, speaks
2:38:43 PM Senator Pizzo
2:38:50 PM Mr. Mica
2:39:10 PM Senator Pizzo
2:39:19 PM Mr. Mica
2:39:36 PM Senator Pizzo
2:39:48 PM Mr. Mica
2:40:20 PM Senator Pizzo
2:40:28 PM Mr. Mica
2:41:15 PM Mark Delegal, Safety Net Hospital Alliance of FL, speaks
2:42:47 PM Senator Pizzo
2:43:32 PM Mr. Delegal
2:43:57 PM Senator Pizzo
2:44:20 PM Mr. Delegal
2:44:51 PM Senator Burgess
2:45:22 PM Mr. Delegal
2:45:29 PM Senator Burgess
2:46:27 PM Mr. Delegal

2:46:35 PM Senator Burgess
2:46:51 PM Mr. Delegal
2:47:54 PM Senator Burgess
2:48:05 PM Mr. Delegal
2:48:17 PM Debate
2:48:22 PM Senator Harrell
2:50:01 PM Senator Burton
2:51:33 PM Senator Martin closes
2:53:27 PM Amendment fails
2:53:32 PM Late-filed Amendment to the Amendment Barcode 438358
2:53:34 PM Without objection introduced
2:53:44 PM Senator Martin explains the amendment to the amendment
2:54:45 PM Questions
2:54:52 PM Senator Pizzo
2:55:24 PM Senator Martin
2:55:29 PM Senator Pizzo
2:55:34 PM Senator Martin
2:55:39 PM Senator Pizzo
2:56:01 PM Senator Martin
2:56:53 PM Senator Pizzo
2:57:14 PM Senator Martin
2:57:44 PM Senator Pizzo
2:58:15 PM Senator Martin
2:59:43 PM Senator Pizzo
2:59:47 PM Senator Martin
3:00:13 PM Senator Pizzo
3:00:27 PM Senator Martin
3:01:59 PM Senator Pizzo
3:02:14 PM Senator Martin
3:02:31 PM Senator Gaetz
3:03:24 PM Senator Martin
3:04:31 PM Senator Gaetz
3:05:03 PM Senator Martin
3:06:51 PM Senator Osgood
3:07:16 PM Senator Martin
3:07:23 PM Appearance Forms
3:07:31 PM David Mica, FL Hospital Association, speaks
3:08:54 PM Maiti Coley, Jackson Hospital, speaks
3:10:45 PM Senator Garcia
3:10:51 PM Ms. Coley
3:11:13 PM Laura Youmans speaks
3:13:42 PM Debate
3:13:47 PM Senator Harrell
3:15:39 PM Senator Pizzo
3:17:18 PM Senator Grall
3:21:11 PM Senator Burton
3:23:32 PM Senator Martin closes
3:26:51 PM Chair calls amendment
3:26:54 PM Roll call on amendment
3:28:16 PM Amendment to the amendment is adopted
3:28:22 PM Back on the main amendment Barcode 799824
3:28:25 PM No questions
3:28:29 PM Appearance Form
3:28:54 PM Mark Delegal waives
3:29:11 PM No debate
3:29:26 PM Senator Burton waives close
3:29:31 PM Amendment is adopted
3:29:35 PM Back on the Bill
3:29:37 PM Questions
3:29:44 PM Senator Davis
3:30:39 PM Senator Burton
3:33:45 PM Appearance Forms

3:34:09 PM Troy Weaver speaks
3:36:17 PM Laura Youmaus, Florida Justice Association, waives
3:36:37 PM Larry Downs, Jr. speaks
3:38:03 PM Melissa Jaacks, NICA, waives
3:38:10 PM Debate
3:38:15 PM Senator Pizzo
3:40:07 PM Senator Burton closes
3:41:49 PM Roll call
3:42:22 PM CS/CS/SB 1668 is reported favorably
3:42:35 PM Tab 19 CS/SB 1756 Medical Freedom by Senator Yarborough
3:42:57 PM Amendment Barcode 150652
3:43:04 PM Senator Yarborough explains the amendment
3:48:02 PM Amendment to the Amendment Barcode 103592
3:48:07 PM Senator Burton explains the Amendment to the Amendment
3:50:24 PM Questions
3:50:31 PM Senator Garcia
3:50:42 PM Senator Burton
3:51:11 PM Senator Osgood
3:52:12 PM Senator Burton
3:54:07 PM Appearance Forms
3:54:27 PM Susan Farris speaks
3:55:44 PM Vanessa Ferguson speaks
3:56:34 PM Larry Downs, Jr., speaks
3:59:24 PM Cynthia Eames speaks
4:00:49 PM Maija Hahn, Children's Health Defense Florida, speaks
4:02:55 PM Attorney Katherine Henry speaks
4:04:58 PM Aimee Villella McBride speaks
4:06:50 PM Hillary Earle speaks
4:08:09 PM Allison Euker speaks
4:10:14 PM Susan Sweetin speaks
4:12:34 PM Elyse Young speaks
4:14:03 PM Dr. Diane Gowski, MD speaks
4:16:02 PM Emma Henry waives
4:16:05 PM Bailey Kuykendoll waives
4:16:06 PM Lynda Bell waives
4:16:09 PM Joseph Harmon waives
4:16:12 PM End of Public Appearance
4:16:21 PM Debate
4:16:28 PM Senator Garcia
4:18:09 PM Senator Jones
4:19:49 PM Senator Harrell
4:21:13 PM Senator Osgood
4:23:20 PM Senator Yarborough
4:27:59 PM Senator Burton closes
4:30:07 PM Amendment fails
4:30:14 PM Back on the main amendment Barcode 150652
4:30:22 PM Questions
4:30:34 PM Senator Pizzo
4:30:48 PM Senator Yarborough
4:31:03 PM Senator Pizzo
4:31:12 PM Chair Passidomo
4:31:33 PM Senator Gaetz
4:31:44 PM Chair Passidomo
4:31:48 PM Senator Gaetz
4:31:56 PM Chair Passidomo
4:32:08 PM Appearance Forms
4:32:25 PM Senator Harrell
4:32:31 PM Chair Passidomo
4:33:09 PM Attorney Katherine Henry speaks
4:33:13 PM Chair Passidomo
4:33:30 PM Ms. Henry
4:33:35 PM Chair Passidomo

4:33:50 PM Ms. Henry
4:33:54 PM Chair Passidomo
4:34:11 PM Attorney Katherine Henry speaks
4:36:24 PM Vanessa Ferguson speaks
4:37:50 PM Cynthia Eames speaks
4:40:01 PM Maija Hahn, Children's Health Defense Florida, speaks
4:42:14 PM Dr. Diane Gowski, MD speaks
4:44:31 PM Larry Downs Jr., speaks
4:46:26 PM Emma Henry waives
4:46:27 PM Bailey Kuykendoll waives
4:46:31 PM Allison Euker waives
4:46:33 PM Aimee Villella McBride waives
4:46:37 PM Elyse Young waives
4:46:39 PM Susan Sweetin waives
4:46:43 PM Ko Robins waives
4:46:47 PM No debate
4:46:52 PM Senator Yarborough waives close
4:46:57 PM Amendment is adopted
4:47:03 PM Back on the Bill
4:47:11 PM Questions
4:47:33 PM Senator Jones
4:48:17 PM Senator Yarborough
4:49:02 PM Senator Jones
4:49:24 PM Senator Yarborough
4:50:41 PM Senator Jones
4:50:58 PM Senator Yarborough
4:51:52 PM Senator Jones
4:52:20 PM Senator Yarborough
4:53:17 PM Senator Jones
4:54:03 PM Senator Yarborough
4:54:40 PM Senator Jones
4:55:34 PM Senator Yarborough
4:56:28 PM Senator Jones
4:56:50 PM Senator Yarborough
4:57:53 PM Senator Berman
4:58:24 PM Senator Yarborough
4:59:34 PM Senator Berman
4:59:56 PM Senator Yarborough
5:00:43 PM Senator Berman
5:01:07 PM Senator Yarborough
5:01:25 PM Senator Berman
5:02:01 PM Senator Yarborough
5:03:53 PM Senator Berman
5:03:58 PM Senator Yarborough
5:04:22 PM Senator Osgood
5:04:42 PM Senator Yarborough
5:05:22 PM Senator Burton
5:05:41 PM Senator Yarborough
5:05:57 PM Senator Burton
5:06:20 PM Senator Yarborough
5:06:45 PM Senator Pizzo
5:07:35 PM Senator Yarborough
5:07:50 PM Senator Pizzo
5:08:25 PM Senator Yarborough
5:09:23 PM Senator Gaetz
5:11:01 PM Senator Yarborough
5:11:32 PM Senator Gaetz
5:12:14 PM Senator Yarborough
5:12:19 PM Senator Gaetz
5:13:04 PM Senator Yarborough
5:13:10 PM Senator Garcia
5:13:44 PM Senator Yarborough

5:14:17 PM Senator Burton
5:15:31 PM Senator Yarborough
5:16:33 PM Senator Harrell
5:17:51 PM Senator Yarborough
5:19:14 PM Senator Harrell
5:19:28 PM Senator Yarborough
5:20:30 PM Appearance Forms
5:21:10 PM Kas Miller speaks
5:22:43 PM Cathy Mayfield speaks
5:23:33 PM Susan Farris speaks
5:24:52 PM Elyse Young speaks
5:26:24 PM Sara Usher speaks
5:27:26 PM Emma Henry speaks
5:27:53 PM Hillary Earle speaks
5:29:06 PM Bailey Kuykendoll speaks
5:30:03 PM Lynda Bell speaks
5:30:08 PM Susan Harbin waives
5:30:19 PM Daniel Green speaks
5:31:45 PM Dr. Casey Mohrien speaks
5:33:01 PM Senator Pizzo
5:33:10 PM Dr. Mohrien
5:33:18 PM Senator Pizzo
5:33:27 PM Dr. Mohrien
5:33:51 PM Senator Pizzo
5:33:52 PM Dr. Mohrien
5:34:05 PM Tim Heber speaks
5:35:26 PM Thomas Baxter speaks
5:35:45 PM Senator Pizzo
5:35:54 PM Kyle Honeycutt, FL Family, speaks
5:37:10 PM Tracy Walker speaks
5:38:18 PM Anne Edwards speaks
5:39:13 PM Allison Euker speaks
5:40:17 PM Cynthia Eames speaks
5:41:30 PM Vanessa Ferguson waives
5:41:40 PM Aimee Villela McBride speaks
5:42:59 PM Chair Passidomo
5:43:04 PM Maija Hahn speaks
5:43:20 PM Chair Passidomo
5:43:42 PM Maya Hahn speaks
5:43:53 PM Chair Passidomo
5:43:54 PM Senator Boyd with motion
5:44:10 PM Larry Downs, Jr., waives
5:44:12 PM Attorney Katherine Henry
5:44:12 PM Jay Millson, Florida Academy of Family Physicians, waives
5:44:16 PM Chris Nuland, Florida Chapter, American College of Physicians, waives
5:44:19 PM John Labriola, Chirstian Family Coalition, waives
5:44:24 PM Susan Sweetin waives
5:44:29 PM Ashley Lyerly, American Lung Association, waives
5:44:35 PM Jason D. Winn, Florida Osteopathic Medical Association, waives
5:44:42 PM Aaron DiPietro, Florida Family Voice, waives
5:44:46 PM Anthony Verdugo, Christian Family Coalition Florida, waives
5:44:51 PM Tracy Walker waives
5:44:53 PM Ron Watson, Florida Voices for Health, waives
5:45:00 PM Joe Gabriel waives
5:45:02 PM Ko Robins waives
5:45:08 PM Michael Fischer waives
5:45:11 PM Joseph Harmon, FL Conference of Catholic Bishops, waives
5:45:27 PM No objection to Senator Boyd's motion
5:45:29 PM Debate
5:45:33 PM Senator Harrell
5:47:03 PM Senator Jones
5:49:56 PM Senator Berman

5:52:58 PM Senator Pizzo
5:54:53 PM Senator Burton
5:55:45 PM Senator Gaetz
5:57:19 PM Senator Davis
6:00:11 PM Senator Burgess
6:02:38 PM Senator Yarborough closes
6:07:28 PM Roll call
6:08:14 PM CS/CS/SB 1756 is reported favorably
6:08:28 PM Chair Passidomo
6:09:30 PM Motions
6:09:38 PM Senator Hooper
6:09:43 PM Senator Gaetz
6:09:48 PM Senator Jones
6:09:54 PM Senator Davis
6:10:07 PM Senator DiCeglie
6:10:14 PM Senator Burton
6:10:19 PM Senator Rodriguez
6:10:24 PM Senator Bradley
6:10:31 PM Senator Garcia
6:10:35 PM Senator Martin
6:10:37 PM Senator Boyd
6:10:47 PM Senator Burgess
6:10:59 PM Without objection, motions adopted
6:11:07 PM Senator Harrell moves to adjourn
6:11:11 PM Without objection, meeting adjourned