

Agenda Order

Tab 1	CS/SB 56 by EN, Garcia (CO-INTRODUCERS) Leek ; Similar to H 00477 Geoengineering and Weather Modification Activities
Tab 2	CS/SB 86 by CJ, Burgess (CO-INTRODUCERS) Collins ; Identical to CS/H 00421 Peer Support for First Responders
Tab 3	CS/SB 92 by CM, Gruters (CO-INTRODUCERS) Grall ; Similar to H 00807 Motor Vehicle Repair Work 523716 D S RCS AEG, Gruters Delete everything after 03/18 03:53 PM
Tab 4	CS/SB 164 by EN, Rodriguez ; Similar to H 01149 Vessel Accountability
Tab 5	CS/SB 344 by RI, Rodriguez (CO-INTRODUCERS) Berman ; Similar to H 00435 Telecommunications Access System Act of 1991 317048 A S RCS AEG, Rodriguez Delete L.120 - 310: 03/18 03:53 PM
Tab 6	SB 388 by Rodriguez ; Similar to H 00843 Trust Funds for Wildlife Management
Tab 7	SB 1320 by Rodriguez ; Similar to CS/H 01313 Resilient Florida Trust Fund/Department of Environmental Protection 230002 D S RCS AEG, Rodriguez Delete everything after 03/18 03:53 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
 ENVIRONMENT, AND GENERAL GOVERNMENT**
Senator Brodeur, Chair
Senator Berman, Vice Chair

MEETING DATE: Tuesday, March 18, 2025
TIME: 1:00—3:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Arrington, Burton, Collins, DiCeglie, Fine, Grall, McClain, Pizzo, Rodriguez, Sharief, and Truenow

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 56 Environment and Natural Resources / Garcia (Similar H 477)	Geoengineering and Weather Modification Activities; Repealing provisions relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state, etc. EN 02/11/2025 Fav/CS AEG 03/05/2025 Temporarily Postponed AEG 03/18/2025 Favorable RC	Favorable Yeas 10 Nays 2
2	CS/SB 86 Criminal Justice / Burgess (Identical CS/H 421, Compare H 1211, S 1554)	Peer Support for First Responders; Revising the definition of the term "first responder" to include specified support personnel for the provision of peer support, etc. CJ 03/04/2025 Fav/CS AEG 03/18/2025 Favorable RC	Favorable Yeas 12 Nays 0
3	CS/SB 92 Commerce and Tourism / Gruters (Similar H 807)	Motor Vehicle Repair Work; Citing this act as the "Lilly Glaubach Act"; requiring a motor vehicle repair shop to request a written crash report from a customer under certain circumstances; requiring a motor vehicle repair shop to prepare a transaction form under certain circumstances; authorizing the appropriate law enforcement agency to request an original transaction form from a motor vehicle repair shop under certain circumstances; providing criminal penalties, etc. CM 03/03/2025 Fav/CS AEG 03/18/2025 Fav/CS FP	Fav/CS Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
 Tuesday, March 18, 2025, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 164 Environment and Natural Resources / Rodriguez (Similar H 1149)	Vessel Accountability; Defining the term "vessel owner"; providing a penalty for a person anchoring, mooring, or allowing certain vessels to occupy the waters of this state if an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency finds that specified conditions exist; requiring the commission to issue, at no cost, a permit for the long-term anchoring of a vessel which includes specified information; requiring the commission to use an electronic application and permitting system; requiring that a vessel subject to a specified number of violations within a 24-month period which result in certain dispositions be declared a public nuisance, etc. EN 03/03/2025 Fav/CS AEG 03/18/2025 Favorable FP	Favorable Yeas 12 Nays 0
5	CS/SB 344 Regulated Industries / Rodriguez (Similar H 435)	Telecommunications Access System Act of 1991; Revising the powers and duties of the Florida Public Service Commission in overseeing the administration of the telecommunications access system; revising the duties of the system's administrator; revising the procedures required for the distribution of specialized telecommunications devices; revising the composition of the advisory committee appointed to assist the commission with implementing the act, etc. RI 02/18/2025 Fav/CS AEG 03/18/2025 Fav/CS FP	Fav/CS Yeas 12 Nays 0
6	SB 388 Rodriguez (Similar H 843)	Trust Funds for Wildlife Management; Authorizing the Fish and Wildlife Conservation Commission to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund; revising the purposes for which the commission may spend money from the Florida Panther Research and Management Trust Fund; deleting the requirement that the commission designate an identifiable unit to administer the Nongame Wildlife Trust Fund, etc. EN 03/03/2025 Favorable AEG 03/18/2025 Favorable AP	Favorable Yeas 12 Nays 0
7	SB 1320 Rodriguez (Similar CS/H 1313)	Resilient Florida Trust Fund/Department of Environmental Protection; Re-creating the Resilient Florida Trust Fund within the Department of Environmental Protection; abrogating provisions relating to the termination of the trust fund, etc. AEG 03/18/2025 Fav/CS AP	Fav/CS Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, March 18, 2025, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 56

INTRODUCER: Environment and Natural Resources Committee and Senator Garcia and others

SUBJECT: Geoengineering and Weather Modification Activities

DATE: March 4, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 56 prohibits geoengineering and weather modification activities. Specifically, the bill prohibits the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, weather, climate, or intensity of sunlight. The bill increases the fine for any person who conducts a weather modification operation from \$500 to \$100,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund. The bill also directs the Department of Environmental Protection (DEP) to establish a dedicated e-mail address and online form to allow people to report suspected geoengineering and weather modification activities. The bill authorizes the DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate. The bill repeals all other existing weather modification statutes.

The bill also removes the DEP's authority to conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

The bill has an indeterminate negative fiscal impact on the DEP relating to creating an online form to report suspected geoengineering and weather modification activities. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2025.

II. Present Situation:

Geoengineering and Weather Modification

Geoengineering and weather modification are a range of techniques aimed at manipulating Earth's climate systems to modify precipitation or mitigate the impacts of rising global temperatures. Weather modification, such as cloud seeding, involves altering local or regional atmospheric conditions to increase precipitation or reduce hailstorms. Geoengineering, such as solar radiation modification, focuses on larger-scale actions to reduce the amount of sunlight reaching Earth.

Solar Radiation Modification (SRM)

SRM refers to deliberate, large-scale actions intended to decrease global average surface temperatures by increasing the reflection of sunlight away from the Earth.¹ Extensive research efforts are underway to gain a comprehensive understanding of SRM technologies. This research focuses on developing and studying a range of potential future scenarios that combine SRM methods with emissions reductions and carbon dioxide removal technologies, to varying degrees and over varying timescales.²

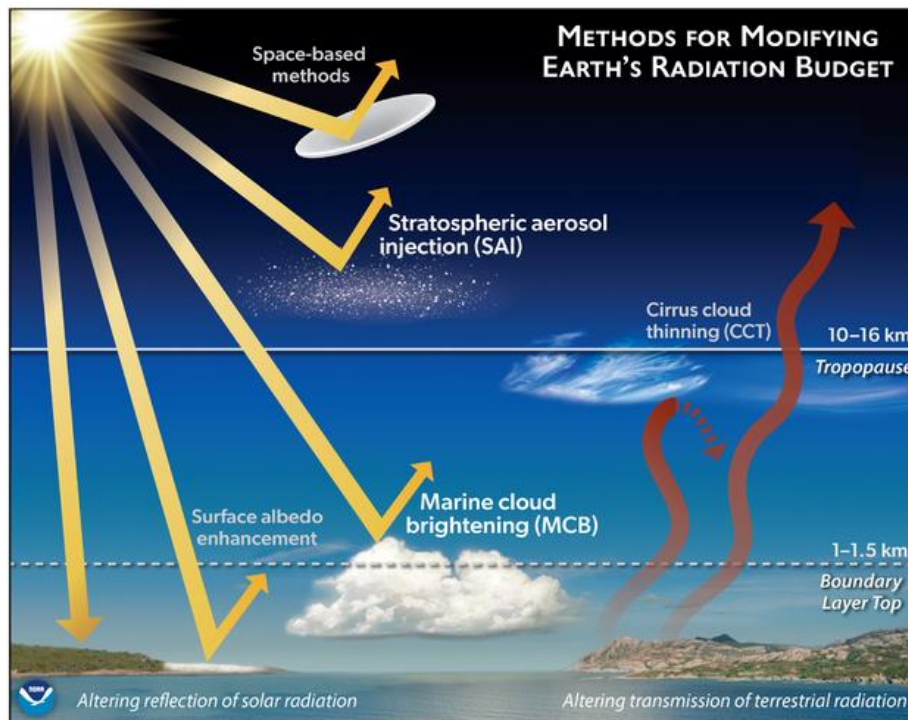
Several SRM methods and technologies are being researched:

- Stratospheric aerosol injection (SAI): a strategy that involves injecting small reflective aerosols such as sulfate into the stratosphere to increase the reflection of incoming sunlight.
- Marine cloud brightening (MCB): a strategy for adding aerosol to the lower atmosphere over ocean regions to increase the reflectivity of low-lying marine clouds.
- Cirrus cloud thinning: a strategy for modifying the properties of high-altitude ice clouds to increase the transmission of outgoing terrestrial radiation to space.
- Surface albedo enhancement: increasing the reflectivity of surfaces through, for example, white roofs or land-cover changes.
- Space-based methods: proposed methods have primarily considered large “mirrors” in space to reflect sunlight.³

¹ NOAA, *Solar radiation modification: NOAA State of the Science factsheet*, <https://www.climate.gov/news-features/understanding-climate/solar-radiation-modification-noaa-state-science-factsheet> (last visited Feb. 6, 2025).

² *Id.*

³ *Id.* The SAI method is based on the observation that past volcanic eruptions that emitted large quantities of sulfates led to a reduction in the amount of incoming solar energy, resulting in a short-term cooling effect. U.S. Congressional Service, *Solar Geoengineering and Climate Change*, 5 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R47551>.



SAI and MCB have been the subject of the most research due to their projected feasibility and estimated cost.⁴ Most of the current understanding of these technologies come from theoretical and modeling studies, not field experimentation. However, the risks and benefits of SAI and MCB are still poorly understood, including their technical feasibility, efficacy, and potential regional and global effects on the climate, agriculture, and ecosystems.⁵

In 2023, the federal government issued a report outlining a research plan and governance framework for investigating SRM as a potential climate intervention tool, focusing on SAI and MCB methods.⁶ The report emphasizes the need to better understand SRM's scientific, societal, and geopolitical implications. The plan aims to balance the exploration of SRM's benefits—such as temperature control and reduced climate risks—with its potential ecological, health, and ethical challenges. It also stresses the importance of transparency, international cooperation, and rigorous oversight in SRM research to build trust and inform decision-making. The report does

⁴ *Id.*

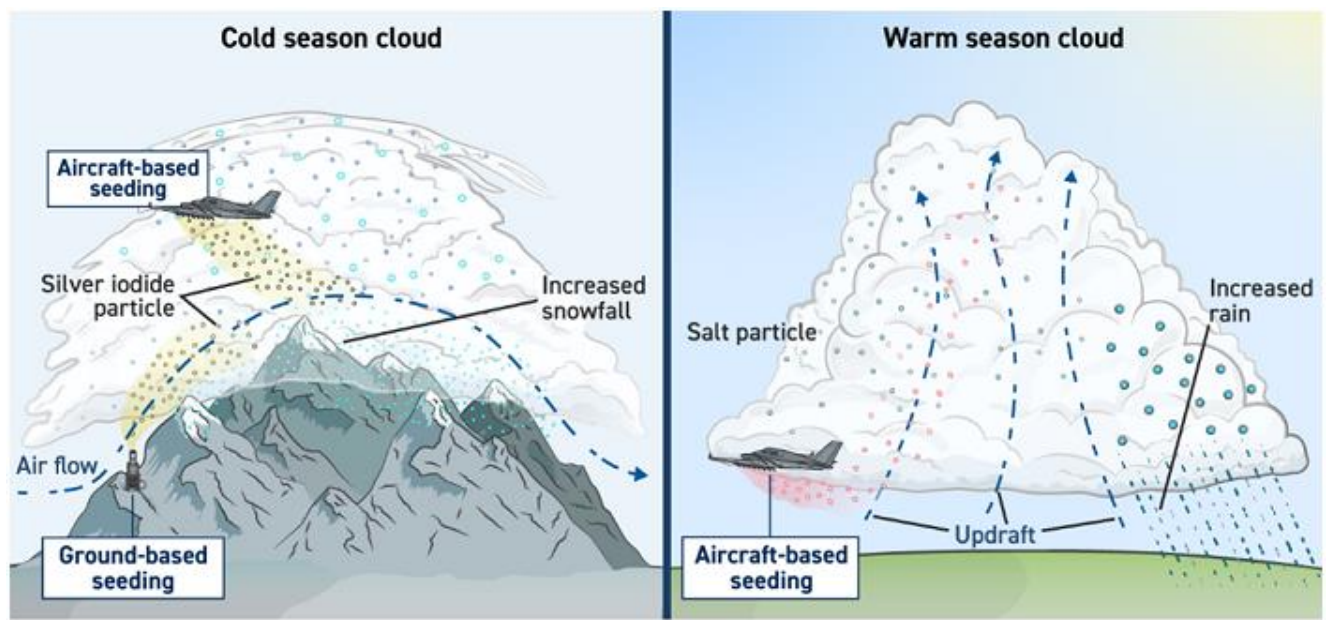
⁵ See U.S. Congressional Service, *Solar Geoengineering and Climate Change* at 10, available at <https://crsreports.congress.gov/product/pdf/R/R47551>; Samantha M. Tracy et al., *Stratospheric aerosol injection may impact global systems and human health outcomes*, *Elementa: Science of the Anthropocene*, vol. 1, 13-14 (2022), available at <https://online.ucpress.edu/elementa/article/10/1/00047/195026/Stratospheric-aerosol-injection-may-impact-global>. See generally Jessica S. Wan et al., *Diminished efficacy of regional marine cloud brightening in a warmer world*, *Nature Climate Change*, vol. 14 (2024), available at <https://www.nature.com/articles/s41558-024-02046-7>; Robert Monroe, *Scripps Institution of Oceanography at the University of California San Diego, Artificial Climate Controls Might Become Ineffective—Because of Climate Change* (2024), <https://scripps.ucsd.edu/news/artificial-climate-controls-might-become-ineffective-because-climate-change>; Katharine Ricke et al., *Hydrological Consequences of Solar Geoengineering*, *Annual Review of Earth and Planetary Sciences*, vol. 51 (2023), available at <https://www.annualreviews.org/content/journals/10.1146/annurev-earth-031920-083456>.

⁶ See White House Office of Science and Technology Policy, *Congressionally Mandated Research Plan and an Initial Research Governance Framework Related to Solar Radiation Modification*, 5 (2023), on file with the Committee on Environment and Natural Resources.

not endorse SRM deployment but highlights the urgency of preparation in case of independent implementation by other actors, ensuring readiness through robust governance and coordinated research efforts.⁷

Cloud Seeding

Cloud seeding is the most common method of weather modification and focuses on producing short-term changes in precipitation, primarily to enhance rain or snowfall, or to suppress hail.⁸ The most frequently used cloud seeding approaches rely on the introduction of tiny particles, usually silver iodide, into certain cloud types to trigger the formation of ice crystals or rain droplets from water already within the cloud.⁹ Clouds amenable to these methods include “cold season clouds” associated with mountainous terrain and “warm season clouds” associated with convective systems, including thunderstorms.¹⁰ While cold season cloud seeding is reasonably well understood, substantial uncertainties remain regarding warm season cloud seeding.¹¹



Cloud seeding operations can be conducted from the ground or the air. Ground-based operations involve strategically positioning cloud seeding generators at higher elevations, usually on the

⁷ See *id.*

⁸ U.S. Government Accountability Office (GAO), *Technology Assessment: Cloud Seeding Technology*, 3, 5 (2024), available at <https://www.gao.gov/assets/gao-25-107328.pdf>. The use of cloud seeding technology for marine cloud brightening is also being researched. See C. C. Chen et al., *Climate Impact of Marine Cloud Brightening Solar Climate Intervention Under a Susceptibility-Based Strategy Simulated by CESM2*, *Journal of Geophysical Research: Atmospheres*, vol. 130, 2 (2025), available at <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2024JD041245?af=R>.

⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 5. Silver iodide is a preferred seeding agent because its crystalline structure is nearly identical to natural ice crystals. Texas Dep’t of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

¹⁰ GAO, *Technology Assessment: Cloud Seeding Technology* at 3, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

¹¹ *Id.* at 5. See also GAO, *Cloud Seeding Technology: Assessing Effectiveness and Other Challenges*, <https://www.gao.gov/products/gao-25-107328> (depicting graphic of cold and warm season cloud seeding).

windward side of mountains.¹² These generators, operated either manually or remotely, release silver iodide particles into the air; wind then transports the particles upward into the clouds where they facilitate the freezing of water molecules.¹³ This process is typically used to increase snowfall over targeted mountain areas.¹⁴ In airborne operations, aircraft disperse the seeding agent into or above the clouds using pyrotechnic flares.¹⁵



Wing-Mounted Burn-In-Place Flares¹⁶



Ejectable Flares¹⁷

Other cloud seeding approaches remain emergent or under development, including the use of balloons, drones, or plane-mounted electrostatic nozzles.¹⁸ In the latter technique, the nozzles charge water particles which are then carried up into the clouds and distributed by updrafts.¹⁹ The particles, which have the opposite electrical charge of the water in the clouds, act as cloud condensation nuclei and trigger the natural rainmaking process.²⁰

If successfully deployed, cloud seeding can potentially replenish reservoirs and aquifers, reduce air pollution and the risk of wildfires, prevent erosion, increase soil moisture, and improve

¹² See Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrb/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025); Santa Ana Watershed Project Authority, *Cloud Seeding Pilot Program in the Santa Ana Watershed*, <https://sawpa.gov/santa-ana-river-watershed-cloud-seeding/> (last visited Feb. 6, 2025).

¹³ See *id.*

¹⁴ See *id.*

¹⁵ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; Texas Dep't of Licensing & Regulation, *Weather Modification: Frequently Asked Questions*, <https://www.tdlr.texas.gov/weather/weatherfaq.htm#3> (last visited Feb. 6, 2025).

¹⁶ Burn-In-Place wing mounted flares emit a fine silver iodide smoke directly into the cloud during flight. The flares are released directly in the cloud when the plane flies through the cloud, for as long as conditions remain suitable for the aircraft safety and for seeding to occur. Idaho Dep't of Water Resources, *Science Behind Cloud Seeding*, <https://idwr.idaho.gov/iwrb/programs/cloud-seeding-program/science-behind-cloud-seeding/> (last visited Feb. 6, 2025).

¹⁷ Ejectable, belly mounted flares are released into the cloud when the plane flies above the cloud; the aircraft drops seeding material into the cloud system by ejecting it from the belly of the plane. This technique is used when the conditions in the cloud are too hazardous for the aircraft and its crew. *Id.*

¹⁸ See GAO, *Technology Assessment: Cloud Seeding Technology* at 8, available at <https://www.gao.gov/assets/gao-25-107328.pdf>; R. Giles Harrison et al., *Providing charge emission for cloud seeding aircraft*, AIP Advances, vol. 14, 3-4 (2024), available at <https://pubs.aip.org/aip/adv/article/14/9/095307/3312161/Providing-charge-emission-for-cloud-seeding>.

¹⁹ Agricultural Research Service, U.S. Dep't of Agriculture (USDA), *Seeding the Skies, Harvesting Rain*, <https://www.ars.usda.gov/oc/dof/seeding-the-skies-harvesting-rain/> (last visited Feb. 6, 2025).

²⁰ *Id.*

agricultural productivity.²¹ However, several challenges hinder the development and effective implementation of cloud seeding, including limited scientific understanding, uncertain environmental impacts, and inadequate data collection.²² For example, while recent studies suggest that silver iodide does not pose an environmental or health concern at current levels, it is not known whether more widespread use would have an effect on public health or be a risk to the environment.²³ Further research is also needed to assess whether cloud seeding can affect precipitation outside the intended target area.²⁴ Moreover, estimates of how much additional rainfall cloud seeding can produce vary widely, from 0 to 20 percent for cold season cloud seeding.²⁵

According to the U.S. Government Accountability Office, cloud seeding activities in the U.S. are primarily funded at the state level or below.²⁶ As of July 2024, cloud seeding programs were active in at least nine states: California, Colorado, Idaho, Nevada, New Mexico, North Dakota, Texas, Utah, and Wyoming.²⁷ Several other states have laws that address weather modification in some way. In 2024, Tennessee became the first state to ban cloud seeding and other weather modification operations in the state.²⁸ Similar bills have been introduced in at least eight other state legislatures between January 2023 and December 2024, including Illinois, Kentucky, Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Dakota, and Texas.²⁹

Florida Weather Modification Regulations

Since 1957, Florida law has required a license for weather modification activities.³⁰ Applications must be submitted to the Department of Environmental Protection (DEP) and include:

- The name and post office address of the applicant or the person on whose behalf the weather modification operation is to be conducted if other than the applicant.
- The education, experience, and qualifications of the applicant.
- The nature, object, and general description of the proposed weather modification operation.
- The method, equipment, and materials the applicant proposes to use.³¹

Each application must be accompanied by a \$1,000 filing fee.³² Applicants must also provide proof of financial responsibility, namely, a certificate of insurance or a bond to prove their ability to pay damages for accidents arising out of their weather modification operations in the amount of:

²¹ GAO, *Technology Assessment: Cloud Seeding Technology* at 11.

²² *Id.* at 16.

²³ *Id.* at 18.

²⁴ *Id.* at 18-19.

²⁵ *Id.* at 13. Estimates for warm season cloud seeding are not provided.

²⁶ GAO, *Technology Assessment: Cloud Seeding Technology* at 6, available at <https://www.gao.gov/assets/gao-25-107328.pdf>.

²⁷ *Id.*

²⁸ Tenn. Code. Ann. § 68-201-122 (2024).

²⁹ GAO, *Technology Assessment: Cloud Seeding Technology* at 9.

³⁰ Ch. 57-128, Laws of Fla.; section 403.301, F.S.

³¹ Section 403.311(1), F.S. DEP may also require the applicant to submit other pertinent information. *Id.*

³² Section 403.311(2), F.S.

- \$10,000 for bodily injury to or death of one person resulting from any one incident, and subject to said limit for one person,
- \$100,000 for bodily injury to or death of two or more persons resulting from any one incident, and
- \$100,000 for injury to or destruction of property of others resulting from any one incident.³³

Prior to beginning operations, the licensee must file with the DEP a notice of intention to operate that includes the licensee's information and the area and approximate time of operations.³⁴ The notice must be published in a newspaper within the county or counties of operation, and proof of publication must be filed with the DEP.³⁵

Licensees are required to maintain a record of all operations conducted pursuant to the license, including the method employed, the type and composition of materials used, the times and places of operation, and the name and post office address of each person participating or assisting in the operation other than licensee.³⁶ Such records must be made available to the public.³⁷

Any person in violation of these requirements is guilty of a second-degree misdemeanor and subject to penalties including imprisonment of up to 60 days and a \$500 fine.³⁸

Each license entitles the licensee to conduct the operation described in the application for the calendar year for which the license is issued unless the license is revoked or suspended.³⁹ The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license. The license may be renewed annually by payment of a \$50 filing fee.⁴⁰ A weather modification license may be revoked or suspended if the DEP finds that the licensee has failed or refused to comply with any of the provisions of the weather modification act.⁴¹

The DEP may grant an emergency license and waive notice requirements if the operation appears to the DEP to be necessary or desirable in aid of the extinguishment of fire, dispersal of fog, or other emergency.⁴²

There have been no applications for weather modification licenses in the past 10 years.⁴³

³³ Sections 403.321(1) and (2), F.S.

³⁴ Section 403.351, F.S.

³⁵ Sections 403.361 and 403.371, F.S. The notice must be published at least once a week for two consecutive weeks in a newspaper having general circulation and published within any county or counties where the operation is to be conducted and in which the affected area is located. Section 403.361, F.S.

³⁶ Section 403.381(1), F.S.

³⁷ Section 403.381(2), F.S.

³⁸ Sections 403.411, 775.082(4)(b), and 775.083(1)(e), F.S.

³⁹ Section 403.331(2), F.S.

⁴⁰ Section 403.331(3), F.S.

⁴¹ Section 403.401, F.S.

⁴² Section 403.391, F.S.

⁴³ Email from DEP to Committee on Environment and Natural Resources (Jan. 28, 2025), on file with the Committee on Environment and Natural Resources.

In addition to regulating weather modification licenses, state law also authorizes the DEP to study, research, and experiment in the field of weather modification.⁴⁴ However, there is no indication that the DEP has been involved in such weather modification programs.

Federal Weather Modification Regulations

The Weather Modification Reporting Act of 1972 requires anyone who conducts weather modification activities within the United States to report such activities to the U.S. Secretary of Commerce at least 10 days prior to undertaking the activities.⁴⁵ The report must include, among other things, the project's purpose and location, as well as the modification agents used (e.g., carbon dioxide, sodium chloride, silver iodide).⁴⁶ Another report, which summarizes the project duration and total modification agents dispensed, is required within 45 days after completion of the project.⁴⁷ For ongoing projects, interim reports are required on January 1st of each year and must include the number of days weather modification activities took place, total hours of operation, and the amount of agent used.⁴⁸ Failure to adhere to these reporting requirements can result in fines of up to \$10,000.⁴⁹

Activities subject to these reporting requirements include:

- Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural development cycle of clouds or their environment;
- Using fires or heat sources to influence convective circulation or to evaporate fog;
- Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;
- Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;
- Releasing electrically charged or radioactive particles, or ions, into the atmosphere;
- Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;
- Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or
- Using lasers or other sources of electromagnetic radiation.⁵⁰

Reporting requirements do not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation.⁵¹ This exception is restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost

⁴⁴ Section 373.026(6), F.S.

⁴⁵ 15 U.S.C. § 330a; 15 CFR 908.4(a).

⁴⁶ 15 CFR 908.4(a).

⁴⁷ 15 CFR 908.6.

⁴⁸ 15 CFR 908.5.

⁴⁹ 15 U.S.C. § 330d; 15 CFR 908.10.

⁵⁰ 15 CFR § 908.3(a). While all these activities are subject to initial reporting, NOAA may waive the subsequent reporting requirements. The decision to waive certain reporting requirements is based on the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used. 15 CFR § 908.3(d).

⁵¹ 15 CFR § 908.3(c).

or freeze damage. Also exempt are religious activities or other ceremonies, rites and rituals intended to modify the weather.⁵²

According to the National Oceanic and Atmospheric Administration's (NOAA) website, the NOAA is not currently researching or conducting weather modification experiments and has no plans to do so in the future. However, the NOAA studies the stratosphere and marine boundary layer with instruments on balloons and aircraft to help fill important gaps in our knowledge and inform decisions about the potential risks and benefits of solar geoengineering.⁵³

III. Effect of Proposed Changes:

Section 1 repeals several sections of law related to weather modification, including ss. 403.281 (definitions), 403.291 (purpose), 403.301 (licensing requirements), 403.311 (application requirements), 403.321 (proof of financial responsibility requirements), 403.331 (license issuance and discipline provisions), 403.341 (filing and publication of notice of intention to operate requirements), 403.351 (required contents of notice of intention), 403.361 (publication of the notice of intention requirements), 403.371 (proof of publication requirements), 403.381 (records and reports of operations requirements), 403.391 (provision of emergency licenses), and 403.401 (suspension or revocation of licenses), F.S.

Section 2 amends s. 403.411, F.S., to expand the section's catchline from "penalty" to "Geoengineering and weather modification activities prohibited; penalty." The bill provides that the injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, the weather, climate, or the intensity of sunlight is prohibited.

Under current law, any person in violation of weather modification laws is guilty of a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days and a fine of up to \$500. The bill increases the fine to up to \$100,000. The bill provides that all moneys collected must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control.

The bill provides that any person who observes a geoengineering or weather modification activity may report the observed violation to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail. The bill directs the DEP to establish an e-mail address and an online form for persons to report such observed violations. The DEP must make the e-mail address and online form publicly accessible on its website. The bill authorizes the DEP to refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate.

The bill also authorizes the DEP to adopt rules necessary to implement the bill.

Section 3 makes conforming changes.

⁵² *Id.*

⁵³ NOAA, *Fact check: Debunking weather modification claims*, <https://www.noaa.gov/news/fact-check-debunking-weather-modification-claims> (last visited Feb. 6, 2025).

Section 4 amends s. 373.026, F.S., regarding the general powers and duties of the DEP. The bill removes the requirement that the DEP conduct programs of study, research, and experimentation and evaluation in the field of weather modification.

Sections 5 through 7 make conforming changes.

Section 8 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a negative, indeterminate fiscal impact on the Department of Environmental Protection (DEP) related to creating an online form to report suspected geoengineering and weather modification activities. However, the DEP can absorb such costs within existing resources.

The DEP may see an increase in revenues into the Air Pollution Trust Fund due to the fine increasing from \$500 to \$100,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.411, 253.002, 373.026, 373.1501, 373.4598, and 373.470.

This bill repeals the following sections of the Florida Statutes: 403.281, 403.291, 403.301, 403.311, 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381, 403.391, and 403.401.

IX. Additional Information:

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

CS by Environment and Natural Resources on February 11, 2025:

- Clarifies that the weather modification ban includes geoengineering activities and activities to affect the climate;
- Clarifies that the ban applies to public and private corporations;
- Increases the fine for conducting geoengineering and weather modification activities from \$10,000 to \$100,000;
- Provides that all funds collected from such fines must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control;
- Allows any person who observes a geoengineering or weather modification activity to report it to the Department of Environmental Protection (DEP) online or by telephone, mail, or e-mail;
- Requires DEP to establish an e-mail address and an online form for persons to report observed violations and make the e-mail address and online form publicly accessible on its website;
- Provides that DEP may refer reports of observed violations to the Department of Health or the Division of Emergency Management when appropriate;
- Permits DEP to adopt rules necessary to implement the reporting process; and
- Restores language providing that, at the Governor’s direction, state agencies charged with responsibilities related to weather modification must make studies of emergency-mitigation-related matters.

B. Amendments:

None.

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

By the Committee on Environment and Natural Resources; and
Senators Garcia and Leek

592-01940-25

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1 A bill to be entitled
2 An act relating to geoengineering and weather
3 modification activities; repealing ss. 403.281,
4 403.291, 403.301, 403.311, 403.321, 403.331, 403.341,
5 403.351, 403.361, 403.371, 403.381, 403.391, and
6 403.401, F.S., relating to the definitions, purpose,
7 licensing requirements, applications, proof of
8 financial responsibility requirements, license
9 issuance and discipline provisions, publication of
10 notice of intention to operate requirements, required
11 contents of the notice of intention, publication of
12 the notice of intention requirements, proof of
13 publication requirements, record and reports of
14 operations requirements, provision of emergency
15 licenses, and suspension or revocation of licenses,
16 respectively, of the weather modification law;
17 amending s. 403.411, F.S.; prohibiting certain acts
18 intended to affect the temperature, the weather, or
19 the intensity of sunlight within the atmosphere of
20 this state; increasing civil penalties for violations
21 of the geoengineering and weather modification law;
22 requiring that specified moneys be deposited in the
23 Air Pollution Control Trust Fund and used only for
24 specified purposes; authorizing a person who observes
25 a geoengineering or weather modification activity to
26 report such activity; providing construction;
27 authorizing the department to refer reports of such
28 observations to the Department of Health or the
29 Division of Emergency Management; authorizing the

Page 1 of 9

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

592-01940-25

202556c1

30 department to adopt rules; amending ss. 253.002,
31 373.026, 373.1501, 373.4598, and 373.470, F.S.;
32 conforming cross-references and provisions to changes
33 made by the act; making technical changes; providing
34 an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Sections 403.281, 403.291, 403.301, 403.311,
39 403.321, 403.331, 403.341, 403.351, 403.361, 403.371, 403.381,
40 403.391, and 403.401, Florida Statutes, are repealed.

41 Section 2. Section 403.411, Florida Statutes, is amended to
42 read:

43 403.411 Geoengineering and weather modification activities
44 prohibited; penalty.-

45 (1) The injection, release, or dispersion, by any means, of
46 a chemical, a chemical compound, a substance, or an apparatus
47 into the atmosphere within the borders of this state for the
48 express purpose of affecting the temperature, weather, climate,
49 or intensity of sunlight is prohibited.

50 (2) Any person, including any public or private
51 corporation, who conducts ~~conducting~~ a geoengineering or weather
52 modification ~~activity in violation of this section commits~~
53 operation ~~without first having procured a license, or who shall~~
54 make a false statement in his or her application for license, or
55 who shall fail to file any report or reports as required by this
56 act, or who shall conduct any weather modification operation
57 after revocation or suspension of his or her license, or who
58 shall violate any other provision of this act, shall be guilty

Page 2 of 9

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592-01940-25

202556c1

59 ~~of a misdemeanor of the second degree, punishable as provided in~~
 60 ~~s. 775.082 and by a fine not exceeding \$100,000, or s. 775.083,~~
 61 ~~and, if a corporation, the corporation commits shall be guilty~~
 62 ~~of a misdemeanor of the second degree, punishable by a fine not~~
 63 ~~exceeding \$100,000 as provided in s. 775.083.~~ Each such
 64 violation ~~is shall be~~ a separate offense.

65 (3) All moneys collected pursuant to this section must be
 66 deposited in the Air Pollution Control Trust Fund and used only
 67 for purposes of air pollution control pursuant to this chapter.

68 (4)(a) Any person who observes a geoengineering or weather
 69 modification activity conducted in violation of this section may
 70 report the observed violation to the department online or by
 71 telephone, mail, or e-mail.

72 (b) The department shall establish an e-mail address and an
 73 online form for persons to report observed violations pursuant
 74 to this subsection. The department shall make the e-mail address
 75 and online form publicly accessible on its website.

76 (c) The department may refer reports of observed violations
 77 made pursuant to this subsection to the Department of Health or
 78 the Division of Emergency Management when appropriate.

79 (d) The department may adopt rules necessary to implement
 80 this subsection.

81 Section 3. Subsection (1) of section 253.002, Florida
 82 Statutes, is amended to read:

83 253.002 Department of Environmental Protection, water
 84 management districts, Fish and Wildlife Conservation Commission,
 85 and Department of Agriculture and Consumer Services; duties with
 86 respect to state lands.-

87 (1) The Department of Environmental Protection shall

592-01940-25

202556c1

88 perform all staff duties and functions related to the
 89 acquisition, administration, and disposition of state lands,
 90 title to which is or will be vested in the Board of Trustees of
 91 the Internal Improvement Trust Fund. However, upon the effective
 92 date of rules adopted pursuant to s. 373.427, a water management
 93 district created under s. 373.069 shall perform the staff duties
 94 and functions related to the review of any application for
 95 authorization to use board of trustees-owned submerged lands
 96 necessary for an activity regulated under part IV of chapter 373
 97 for which the water management district has permitting
 98 responsibility as set forth in an operating agreement adopted
 99 pursuant to s. 373.046(4). The Department of Agriculture and
 100 Consumer Services shall perform the staff duties and functions
 101 related to the review of applications and compliance with
 102 conditions for use of board of trustees-owned submerged lands
 103 under authorizations or leases issued pursuant to ss. 253.67-
 104 253.75 and 597.010 and the acquisition, administration, and
 105 disposition of conservation easements pursuant to s. 570.71.
 106 Unless expressly prohibited by law, the board of trustees may
 107 delegate to the department any statutory duty or obligation
 108 relating to the acquisition, administration, or disposition of
 109 lands, title to which is or will be vested in the board of
 110 trustees. The board of trustees may also delegate to any water
 111 management district created under s. 373.069 the authority to
 112 take final agency action, without any action on behalf of the
 113 board, on applications for authorization to use board of
 114 trustees-owned submerged lands for any activity regulated under
 115 part IV of chapter 373 for which the water management district
 116 has permitting responsibility as set forth in an operating

592-01940-25

202556c1

117 agreement adopted pursuant to s. 373.046(4). This water
 118 management district responsibility under this subsection is
 119 ~~shall be~~ subject to the department's general supervisory
 120 authority pursuant to s. 373.026(6) ~~s. 373.026(7)~~. The board of
 121 trustees may also delegate to the Department of Agriculture and
 122 Consumer Services the authority to take final agency action on
 123 behalf of the board on applications to use board of trustees-
 124 owned submerged lands for any activity for which that department
 125 has responsibility pursuant to ss. 253.67-253.75, 369.25,
 126 369.251, and 597.010. However, the board of trustees shall
 127 retain the authority to take final agency action on establishing
 128 any areas for leasing, new leases, expanding existing lease
 129 areas, or changing the type of lease activity in existing
 130 leases. Upon issuance of an aquaculture lease or other real
 131 property transaction relating to aquaculture, the Department of
 132 Agriculture and Consumer Services must send a copy of the
 133 document and the accompanying survey to the Department of
 134 Environmental Protection. The board of trustees may also
 135 delegate to the Fish and Wildlife Conservation Commission the
 136 authority to take final agency action, without any action on
 137 behalf of the board, on applications for authorization to use
 138 board of trustees-owned submerged lands for any activity
 139 regulated under ss. 369.20 and 369.22.

140 Section 4. Subsection (6) of section 373.026, Florida
 141 Statutes, is amended to read:

142 373.026 General powers and duties of the department.—The
 143 department, or its successor agency, shall be responsible for
 144 the administration of this chapter at the state level. However,
 145 it is the policy of the state that, to the greatest extent

592-01940-25

202556c1

146 possible, the department may enter into interagency or
 147 interlocal agreements with any other state agency, any water
 148 management district, or any local government conducting programs
 149 related to or materially affecting the water resources of the
 150 state. All such agreements shall be subject to the provisions of
 151 s. 373.046. In addition to its other powers and duties, the
 152 department shall, to the greatest extent possible:

153 ~~(6) Conduct, either independently or in cooperation with~~
 154 ~~any person or governmental agency, a program of study, research,~~
 155 ~~and experimentation and evaluation in the field of weather~~
 156 ~~modification.~~

157 Section 5. Subsections (1) and (9) of section 373.1501,
 158 Florida Statutes, are amended to read:

159 373.1501 South Florida Water Management District as local
 160 sponsor.—

161 (1) As used in this section and s. 373.026(7) ~~s.~~
 162 ~~373.026(8)~~, the term:

163 (a) "C-111 Project" means the project identified in the
 164 Central and Southern Florida Flood Control Project, Real Estate
 165 Design Memorandum, Canal 111, South Miami-Dade County, Florida.

166 (b) "Department" means the Department of Environmental
 167 Protection.

168 (c) "District" means the South Florida Water Management
 169 District.

170 (d) "Kissimmee River Restoration Project" means the project
 171 identified in the Project Cooperation Agreement between the
 172 United States Department of the Army and the South Florida Water
 173 Management District dated March 22, 1994.

174 (e) "Pal-Mar Project" means the Pal-Mar (West Jupiter

592-01940-25

202556c1

175 Wetlands) lands identified in the Save Our Rivers 2000 Land
176 Acquisition and Management Plan approved by the South Florida
177 Water Management District on September 9, 1999 (Resolution 99-
178 94).

179 (f) "Project" means the Central and Southern Florida
180 Project.

181 (g) "Project component" means any structural or operational
182 change, resulting from the restudy, to the Central and Southern
183 Florida Project as it existed and was operated as of January 1,
184 1999.

185 (h) "Restudy" means the Comprehensive Review Study of the
186 Central and Southern Florida Project, for which federal
187 participation was authorized by the federal Water Resources
188 Development Acts of 1992 and 1996 together with related
189 congressional resolutions and for which participation by the
190 South Florida Water Management District is authorized by this
191 section. The term includes all actions undertaken pursuant to
192 the aforementioned authorizations which will result in
193 recommendations for modifications or additions to the Central
194 and Southern Florida Project.

195 (i) "Southern Corkscrew Regional Ecosystem Watershed
196 Project" means the area described in the Critical Restoration
197 Project Contract C-9906 Southern Corkscrew Regional Ecosystem
198 Watershed Project Addition/Imperial River Flowway and approved
199 by the South Florida Water Management District on August 12,
200 1999.

201 (j) "Water Preserve Areas" means those areas located only
202 within Palm Beach and Broward counties that are designated as
203 Water Preserve Areas, as approved by the South Florida Water

592-01940-25

202556c1

204 Management District Governing Board on September 11, 1997, and
205 shall also include all of those lands within Cell II of the East
206 Coast Buffer in Broward County as delineated in the boundary
207 survey prepared by Stoner and Associates, Inc., dated January
208 31, 2000, SWFWMD #10953.

209 (k) "Ten Mile Creek Project" means the Ten Mile Creek Water
210 Preserve Area identified in the Central and Southern Florida
211 Ecosystem Critical Project Letter Report dated April 13, 1998.

212 (9) Final agency action with regard to any project
213 component subject to s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ shall be
214 taken by the department. Actions taken by the district pursuant
215 to subsection (5) may ~~shall~~ not be considered final agency
216 action. A ~~Any~~ petition for formal proceedings filed pursuant to
217 ss. 120.569 and 120.57 requires ~~shall require~~ a hearing under
218 the summary hearing provisions of s. 120.574, which is ~~shall be~~
219 mandatory. The final hearing under this section must ~~shall~~ be
220 held within 30 days after receipt of the petition by the
221 Division of Administrative Hearings.

222 Section 6. Paragraph (c) of subsection (10) of section
223 373.4598, Florida Statutes, is amended to read:

224 373.4598 Water storage reservoirs.—

225 (10) FUNDING.—

226 (c) Notwithstanding s. 373.026(7)(b) ~~s. 373.026(8)(b)~~ or
227 any other provision of law, the use of state funds is authorized
228 for the EAA reservoir project.

229 Section 7. Paragraph (a) of subsection (6) of section
230 373.470, Florida Statutes, is amended to read:

231 373.470 Everglades restoration.—

232 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—

592-01940-25

202556c1

233 (a) Except as provided in paragraphs (d) and (e) and for
234 funds appropriated for debt service, the department shall
235 distribute funds in the Save Our Everglades Trust Fund to the
236 district in accordance with a legislative appropriation and s.
237 373.026(7)(b) ~~s. 373.026(8)(b)~~. Distribution of funds to the
238 district from the Save Our Everglades Trust Fund shall be
239 equally matched by the cumulative contributions from the
240 district by fiscal year 2019-2020 by providing funding or
241 credits toward project components. The dollar value of in-kind
242 project design and construction work by the district in
243 furtherance of the comprehensive plan and existing interest in
244 public lands needed for a project component are credits towards
245 the district's contributions.

246 Section 8. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 13, 2025

I respectfully request that **Senate Bill # 56**, relating to **Geoengineering and Weather Modification Activities**; Repealing provisions relating to the definitions, purpose, licensing requirements, applications, proof of financial responsibility requirements, license issuance and discipline provisions, publication of notice of intention to operate requirements, required contents of the notice of intention, publication of the notice of intention requirements, proof of publication requirements, record and reports of operations requirements, provision of emergency licenses, and suspension or revocation of licenses, respectively, of the weather modification law; prohibiting certain acts intended to affect the temperature, the weather, or the intensity of sunlight within the atmosphere of this state, etc., be placed on the:

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

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

Senator Ileana Garcia
Florida Senate, District 36

The Florida Senate

APPEARANCE RECORD

3/18/2024

Meeting Date

SB056

Bill Number or Topic

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

Agriculture, Env & G

Committee

Amendment Barcode (if applicable)

Name Augustus Doricho

Phone 203-273-3579

Address 231 Sierra St

Email augustus@makerrain.com

El Segundo

City

CA

State

90245

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

The Florida Senate

APPEARANCE RECORD

CS/SB 56

3-18-25

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Renee Cummings

Phone

850-491-9190

Address

1260 Turkey Roost Ct.

Email

rencummi@gmail.com

Street

Tallahassee FL 32317

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

CS/SB 560

Bill Number or Topic

3-18-25

Meeting Date

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App. Aggr + ENV

Committed

Amendment Barcode (if applicable)

Name

Bradford Thomas

Phone

(850) 321-7639

Address

768 Tides End Dr

Email

Menendez21565@gmail.com

Street

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:

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

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3/18/25
Meeting Date

The Florida Senate APPEARANCE RECORD

SB 56
Bill Number or Topic

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

Committee
Name Lynda Bell

Amendment Barcode (if applicable)
Phone 786-208-3292

Address 19690 Crow Lane
Street

Email LyndaFortiFe@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:

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 86

INTRODUCER: Criminal Justice Committee and Senator Burgess

SUBJECT: Peer Support for First Responders

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughn</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 86 amends s. 111.09, F.S., to expand the definition of “first responder” to include support personnel as defined in s. 943.10(11), F.S.,¹ who are involved in investigating a crime scene or collecting or processing evidence. Section 111.09, F.S., ensures first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications.

The bill is not expected to have a fiscal impact on state or local governments. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2025.

II. Present Situation:

First Responders

First responders frequently face challenging and traumatic experiences in their daily duties. They routinely witness fatalities, injuries, and suffering that can take a toll on their emotional wellbeing. Critical circumstances surrounding their duties often lead to the onset of conditions

¹ Section 943.10(11), F.S., defines “support personnel” as any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system.

such as Post-Traumatic Stress Disorder (PTSD), Secondary PTSD, compression fatigue, and vicarious trauma.²

A “first responder”³ is a law enforcement officer,⁴ a correctional officer,⁵ a correctional probation officer,⁶ a firefighter,⁷ or an emergency medical technician⁸ or paramedic,⁹ employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

Peer Support for First Responders

Peer support is based on the notion that those who have overcome the impact of stressful and traumatic events are uniquely qualified to assist others dealing with similar experiences through increased awareness and vigilance, empathic responses, and personal validation.¹⁰ Peer support programs can assist individuals facing post-traumatic stress disorder, sleep deprivation, suicide ideations, substance abuse, and depression. Statistics show nearly 30 percent of first responders will develop a behavioral health condition, including but not limited to depression and post-traumatic stress disorder, during the course of their career.¹¹

² The Effects of Trauma on First Responders, <https://www.w-z.com/2024/03/26/the-effects-of-trauma-on-first-responders/> (last visited February 24, 2025).

³ Section 112.1815, F.S.

⁴ Section 943.10(1), F.S., defines “law enforcement officer” as any person any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S.

⁵ Section 943.10(2), F.S., defines “correctional officer” as any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

⁶ Section 943.10(3), F.S., defines “correctional probation officer” as any person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controlees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level.

⁷ Section 633.102(9), F.S., defines “firefighter” as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.

⁸ Section 401.23(12), F.S., defines “emergency medical technician” as a person who is certified by the department to perform basic life support pursuant to this part.

⁹ Section 401.23(18), F.S., defines “paramedic” as a person who is certified by the department to perform basic and advanced life support pursuant to this part.

¹⁰ Journal of Mental Health, *A Review of the Literature on Peer Support in Mental Health Services*, Julie Repper and Tim Carter, (August 2011): 20, no. 4: 392-411, available at <https://pubmed.ncbi.nlm.nih.gov/21770786/> (last visited February 24, 2025).

¹¹ Substance Abuse and Mental Health Services Administration, Disaster Technical Assistance Center Supplemental Research Bulletin, *First Responders: Behavioral Health Concerns, Emergency Response, and Trauma* (May 2018), available at <https://www.samhsa.gov/sites/default/files/dtac/supplementalresearchbulletin-firstresponders-may2018.pdf> (last visited February 24, 2025).

The Orlando Firefighters Peer Support Team provides support and wellness to fellow firefighters and their families through the process of listening, providing referrals, and support. None of the members are professional counselors, but they receive extensive training to guide and support individuals through various situations.¹²

A first responder's employing agency or affiliated first responder organization may designate a first responder peer¹³ for the purpose of providing peer support. "Peer support"¹⁴ means the provision of physical, moral, or emotional support to a first responder¹⁵ by a first responder peer for the purpose of addressing physical or emotional conditions or other issues associated with being a first responder. A "first responder peer"¹⁶ is a person who:

- Is not a health care practitioner as defined in s. 456.001, F.S.
- Has experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment.
- Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

Peer support is generally confidential. Section 111.09, F.S., provides that the term "peer support communication" means electronic, oral, or written communication, made with a mutual expectation of confidentiality while a first responder peer is providing peer support in his or her official capacity. First responder peers are prohibited from divulging information from, or testifying about, a peer support communication in a civil, criminal, administrative, or disciplinary proceeding, unless:

- The first responder peer is a defendant in a civil, criminal, administrative, or disciplinary proceeding arising from a complaint filed by the first responder who was a party to the peer support communication, in which case such information may be divulged but is limited to the scope of the proceeding;¹⁷
 - The first responder who was a party to the peer support communication agrees, in writing, to allow the first responder peer to testify about or divulge information related to the peer support communications;¹⁸

¹² Orlando Professional Firefighters Local 1365, *Our Team*, available at <https://www.orlandolocal1365.org/peer-support-3/> (last visited February 24, 2025).

¹³ Section 111.09(1)(c), F.S., defines "peer support peer" as a person who is not a health care practitioner as defined in s. [456.001, F.S.](#); as experience working as or with a first responder, including active, volunteer, and retired first responders, regarding any physical or emotional conditions or issues associated with the first responder's employment; Has been designated by the first responder's employing agency or affiliated first responder organization to provide peer support as provided in this section and has received training for this purpose.

¹⁴ Section 111.09(1)(d), F.S.

¹⁵ Section 111.09(1)(b), F.S., defines "first responder" as having the same meaning as provided in s. [112.1815, F.S.](#) and includes 911 public safety telecommunicators as defined in s. [401.465, F.S.](#), correctional officers as defined in s. [943.10\(2\), F.S.](#), and correctional probation officers as defined in s. [943.10\(3\), F.S.](#)

¹⁶ Section 111.09(1)(b), F.S.

¹⁷ Section 111.09(2)(a), F.S.

¹⁸ Section 111.09(2)(b), F.S.

- Based on the peer support communications, the first responder peer suspects that the first responder who was a party to the peer support communications has committed a criminal act or intends to commit a criminal act; or¹⁹
- There are articulable facts or circumstances that would lead a reasonable, prudent person to fear for the safety of the first responder who was a party to the peer support communication, another person, or society, and the first responder peer communicates the information only to a potential victim and law enforcement or other appropriate authorities.²⁰

Section 111.09, F.S., does not prevent the disclosure, discovery, or admissibility of information, testimony, or evidence that is obtained by a first responder peer from a source other than a first responder through a peer support communication.

Current law provides this confidential peer support communication to first responders. However, support personnel are not included in the definition of first responder and are not entitled to the same peer support.

“Support personnel”²¹ is any person employed or appointed by an employing agency who is not an officer or, as specified by the commission, other professional employee in the criminal justice system. Support positions may include, but are not limited to forensic technicians, crime scene analysts, victim advocates and crime lab technicians. Support positions process traumatic investigations, including death, child abuse, disasters, and mass casualty incidents.²²

III. Effect of Proposed Changes:

The bill amends s. 111.09, F.S., to expand the definition of “first responder” to include “support personnel” as defined in s. 943.10(11), F.S. Section 111.09, F.S., ensures first responders receive the necessary emotional and moral support from peers who have relevant experience and training, while also protecting the privacy of these communications. Support personnel must be involved in investigating a crime scene or collecting or processing evidence, to be eligible for peer support.

This expansion affords support personnel the same protection for peer support communications, especially regarding the confidentiality of the communication between a first responder peer and fellow first responder.

The bill takes effect on July 1, 2025.

¹⁹ Section 111.09(2)(c), F.S.

²⁰ Section 111.09(2)(d), F.S.

²¹ Section 943.10(11), F.S.

²² Email from Chase Daniels, Pasco County Sheriff’s Office, (February 3, 2025) (on file with the Senate Committee on Criminal Justice).

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:

The bill is not expected to impact state or local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 111.09 of the Florida Statutes.

IX. Additional Information:

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

CS by Criminal Justice on March 4, 2025:

The amendment limits support personnel eligible for peer support to such personnel who are involved in investigating a crime scene or collecting or processing evidence.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senator Burgess

591-02122-25

202586c1

1 A bill to be entitled
2 An act relating to peer support for first responders;
3 amending s. 111.09, F.S.; revising the definition of
4 the term "first responder" to include specified
5 support personnel for the provision of peer support;
6 providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Paragraph (b) of subsection (1) of section
11 111.09, Florida Statutes, is amended to read:
12 111.09 Peer support for first responders.—
13 (1) For purposes of this section, the term:
14 (b) "First responder" has the same meaning as provided in
15 s. 112.1815 and includes 911 public safety telecommunicators as
16 defined in s. 401.465, correctional officers as defined in s.
17 943.10(2), ~~and~~ correctional probation officers as defined in s.
18 943.10(3), and support personnel as defined in s. 943.10(11),
19 who are involved in investigating a crime scene or collecting or
20 processing evidence.
21 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 12, 2025

I respectfully request that **Senate Bill #86**, relating to Peer Support for First Responders, be placed on the:

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

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 23

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

The Florida Senate

APPEARANCE RECORD

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

3/18/25

Meeting Date

SB 86

Bill Number or Topic

APPROPS AG, ENVIN,

Committee

Amendment Barcode (if applicable)

Name STEVEN SCELFO

Phone 754.233.9144

Address 1300 W. BROWNS

Street

Email sscelfo@fld.gov

FL LAWS

City

FL

State

33312

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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3118125

Meeting Date

General Government Appropriations

Committee

SB 86

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chase Daniels

Phone

727-272-6226

Address

8661 Citizens Dr

Street

Email

cdaniels@pasco sheriff.org

New Port Kizley FL

City

State

34654

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:

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

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March 18 2025

APPEARANCE RECORD

0086

Meeting Date

Approp Ag, Environment, and General Govt

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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The Florida Senate

APPEARANCE RECORD

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SB 86

Bill Number or Topic

Amendment Barcode (if applicable)

3/18/25

Meeting Date

Approps. Cmt. Ag, Envir. GG

Committee

Name

DAPHNEE SAINVIL

Phone

954-299-7806

Address

101 NE 3rd Ave

Email

dsainvil@fortlauderdale.gov

Street

Ft. Lauderdale

FL

33301

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 Fort Lauderdale

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

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

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

March 18, 2025

Meeting Date

Ag/Enviro/GG Approps

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate

APPEARANCE RECORD

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

86

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Fla. Smart Justice Alliance

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

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

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

5-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/CS/SB 92

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

SUBJECT: Motor Vehicle Repair Work

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Wiseheart</u>	<u>Betta</u>	<u>AEG</u>	<u>FAV/CS</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 92 creates the “Lilly Glaubach Act,” which requires a motor vehicle repair shop to request that a customer provide a written crash report after providing the customer with a written repair estimate when the accident or collision repair work requested is estimated to cost \$2,500 or more. However, if the customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must transmit a copy of the repair estimate, within three business days after finalizing the estimate, to a database to be established and maintained by the Department of Law Enforcement. If the Department of Agriculture and Consumer Services finds a motor vehicle repair shop in violation of the crash report or repair estimate requirements, it may revoke the repair shop's registration.

The bill adds “vehicle identification number” to the requirements that must be included in a written repair estimate.

The bill establishes that a license plate is required to be displayed on the rear and front of a vehicle, and provides that this provision of the bill is effective January 1, 2026.

The bill has a significant, negative impact to state revenues or expenditures, as well as, the private sector. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Motor Vehicle Repair

The Florida Motor Vehicle Repair Act¹ requires anyone who is paid to repair motor vehicles owned by other individuals to register with the DACS.² Registration applications are required to be accompanied by a registration fee calculated on a per-year basis.³ Additionally, each registration application must include the following:

- The name of the applicant;
- The name under which the applicant is doing business;
- The business address;
- Copies of all licenses, permits, and certifications; and
- The number of employees the applicant intends to employ or currently employs.⁴

For repairs costing more than \$150, motor vehicle repair shops are required to prepare a written repair estimate that includes the estimated cost of repair work, including diagnostic work, before beginning any diagnostic work or repair.⁵ Additionally, for repairs costing more than \$150, motor vehicle repair shops are required to provide a written disclosure statement to the customer.⁶ The written repair estimate must include the following:

- The name, address, and telephone number of the motor vehicle repair shop;
- The name, address, and telephone number of the customer;
- The date and time of the written repair estimate;
- The year, make, model, odometer reading, and license tag number of the motor vehicle;
- The proposed work completion date;
- A general description of the customer's problem or request for repair work or service relating to the motor vehicle;
- A statement as to whether the customer is being charged according to a flat rate or an hourly rate, or both;
- The estimated cost of repair which must include any charge for shop supplies or for hazardous or other waste removal;
- The charge for making a repair price estimate or, if the charge cannot be predetermined, the basis on which the charge will be calculated;
- The customer's intended method of payment;
- The name and telephone number of another person who may authorize repair work, if the customer desires to designate such person;
- A statement indicating what, if anything, is guaranteed in connection with the repair work and the time and mileage period for which the guarantee is effective;

¹ Section 559.901, F.S.

² Section 559.904(1), F.S.

³ Section 559.904(3)(a), F.S.

⁴ Section 559.904(1), F.S.

⁵ Section 559.905(1), F.S.

⁶ Section 559.905(2), F.S.

- A statement allowing the customer to indicate whether replaced parts should be saved for inspection or return; and
- A statement indicating the daily charge for storing the customer's motor vehicle after the customer has been notified that the repair work has been completed.⁷

If the customer leaves their motor vehicle at the motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, then there is an implied partial waiver of the written estimate. However, upon completion of diagnostic work necessary to estimate the cost of repair, the shop must properly notify the customer.⁸

In the following circumstances, the customer must be promptly notified by telephone, telegraph, mail, or other means of additional repair work and the estimated cost thereof:

- In the event that the written repair estimate contains only an estimate for diagnostic work necessary to estimate the cost of repair and such diagnostic work has been completed;
- If a determination is made by a motor vehicle repair shop that the actual charges for the repair work will exceed the written estimate by more than \$10 or ten percent, whichever is greater, but not to exceed \$50; or
- If an implied partial waiver exists for diagnostic work, and such diagnostic work has been completed.⁹

Written Crash Reports

A Florida Traffic Crash Report, Long Form must be completed and submitted to the Department of Highway Safety and Motor Vehicles (FLHSMV) within ten days after an investigation is completed by the law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

- Resulted in the death of, personal injury to, or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash;
- Involved a violation of s. 316.061(1), F.S., or s. 316.193, F.S.;¹⁰
- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the scene of the crash; or
- Involved a commercial motor vehicle.¹¹

The Florida Traffic Crash Report, Long Form must include the following:

- The date, time, and location of the crash;
- A description of the vehicles involved;

⁷ Section 559.905(1), F.S.

⁸ Section 559.905(5), F.S.

⁹ Section 559.909(1), F.S.

¹⁰ Section 316.061(1), F.S., provides that the driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person must immediately stop such vehicle at the scene of such crash or as close thereto as possible, and must forthwith return to, and in every event must remain at, the scene of the crash until he or she has fulfilled the requirements of s. 316.062, F.S. Section 316.193, F.S., provides regulations for a person driving under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under chapter 893, F.S., when affected to the extent that the person's normal faculties are impaired.

¹¹ Section 316.066(1)(a), F.S.

- The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger;
- The names and addresses of witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.¹²

In any crash where a Florida Traffic Crash Report, Long Form is not required and which occurs on the public roadways of Florida, the law enforcement officer must complete a Short Form Crash Report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.¹³

The driver of a vehicle that was involved in a crash resulting in damage to a vehicle or other property which does not require a law enforcement report must, within ten days after the crash, submit a written report of the crash to the FLHSMV. The report must be submitted on a form approved by the FLHSMV. Additionally, Long Form and Short Form Crash Reports prepared by law enforcement must be submitted to the FLHSMV and may be maintained by the law enforcement officer's agency.¹⁴

Crash reports may take up to ten days to become available and may be requested online through the FLHSMV Crash Portal.¹⁵ Alternatively, customers may receive a crash report by mail or in person if they complete a "Sworn Statement for Crash Report."¹⁶ Requests for ten or fewer crash records may be fulfilled at the Florida Highway Patrol Station nearest to where the crash occurred.¹⁷ Requests for more than ten records must include a request letter detailing the crash report that is being requesting and a "Sworn Statement for Crash Report," which must be mailed with payment to the FLHSMV "Crash Records" division.¹⁸

License Plates

Section 316.605, F.S., provides that at all times, while driven, stopped, or parked upon any highways, roads, or streets, every vehicle in Florida must be licensed in the name of the owner and display the license plate or both of the license plates assigned to it by Florida, one on the rear and, if two, the other on the front of the vehicle.¹⁹ No license plates other than those furnished by Florida can be used. However, if the vehicle is not required to be licensed in Florida, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United

¹² Section 316.066(1)(b), F.S.

¹³ Section 316.066(1)(c), F.S.

¹⁴ Section 316.066(1)(e), F.S.

¹⁵ Florida Highway Safety and Motor Vehicles, *Traffic Crash Reports*, available at <https://www.flhsmv.gov/traffic-crash-reports/> (last visited Feb. 28, 2024).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 316.605(1), F.S., provides an exception for front-end registration license plates on truck tractors, as well as exempts the display of license plates on described former military vehicles. *See also* ss. 320.0706 and 320.086, F.S.

States, or by a foreign country, must be considered as complying with ch. 316, F.S. A violation of this provision is a noncriminal traffic infraction.²⁰

III. Effect of Proposed Changes:

The bill amends ss. 316.605, 559.905, and 559.909, F.S., and may be cited as the “Lilly Glaubach Act.”

The bill requires a license plate to be displayed on the rear and front of a vehicle, and provides that this provision of the bill is effective January 1, 2026.

The bill requires a crash report or transaction form for certain accident or collision repair work. If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, and such work is estimated to cost \$2,500 or more, the motor vehicle repair shop must request that the customer provide a written crash report after preparing a written repair estimate.²¹

The bill provides that if the customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must, within three business days after finalizing the repair estimate, transmit a copy of the repair estimate to a database to be established and maintained by the Department of Law Enforcement. The DACS may revoke the motor vehicle repair shop’s registration if a motor vehicle repair shop violates the provisions relating to the crash report or repair estimate requirements.

Additionally, if the DACS finds a motor vehicle repair shop in violation of s. 559.905(1), F.S., it may revoke the motor vehicle repair shop’s registration under s. 559.904, F.S.

The bill adds “vehicle identification number” to the requirements that must be included in a written repair estimate.

The bill amends s. 559.909, F.S., to provide that a customer must be promptly notified by the motor vehicle repair shop if an implied partial waiver exists for diagnostic work, as described in s. 559.905(6), F.S.²²

The bill re-enacts ss. 316.2128, 316.545, 320.0655, 320.0659, 320.0706, and 559.907, F.S., for the purpose of incorporating the amendments made to s. 559.905, F.S.

The bill takes effect July 1, 2025.

²⁰ *Id.* See also ch. 318, F.S., which provides the framework for noncriminal

²¹ Section 316.066, F.S., provides the framework of a “written crash report.”

²² Section 559.905(5), F.S., which is redesignated to s. 559.905(6), F.S., in the bill, provides that if a customer leaves their motor vehicle at a motor vehicle repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the shop, there is an implied partial waiver of the written estimate. However, upon completion of diagnostic work necessary to estimate the cost of repair, the shop must notify the customer.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If a customer requests that a motor vehicle repair shop perform work to restore a motor vehicle damaged in an accident or collision, the motor vehicle repair shop will be required to obtain a crash report or within three business days after finalizing the repair estimate, transmit a copy of the repair estimate to a database to be established and maintained by the Department of Law Enforcement.

C. Government Sector Impact:

The bill requires a license plate to be displayed on the rear and front of a vehicle. The Florida Department of Highway Safety and Motor Vehicles (FLHSMV) estimates the annual cost of one plate per vehicle at \$13 million, which is good for 10 years. The initial cost for a second plate would be \$130 million with a recurring cost of \$13 million. Without a fee bill raising the fee covering the increased cost, this cost would have to be covered with General Revenue. Additionally, the Department of Law Enforcement will have Indeterminate costs associated with establishing and maintaining the database. .

VI. Technical Deficiencies:

None.

VII. Related Issues:**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 559.905 and 559.909.

This bill re-enacts the following sections of the Florida Statutes: 320.0655, 320.0659, 320.0706, and 559.907.

IX. Additional Information:

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

CS by Appropriations Committee on Agriculture, Environment, and General Government on March 18, 2025:

The committee substitute (CS) establishes that a license plate is required to be displayed on the rear and front of a motor vehicle, as well as provides that this provision is effective January 1, 2026.

The CS lowers the threshold for when a motor vehicle repair shop is required to request a written crash report from \$5,000 to \$2,500. The committee substitute removes the requirement that a repair shop prepare a transaction form if they are not provided with a written crash report. Additionally, the CS provides that if a customer does not provide a written crash report, the motor vehicle repair shop or the vendor that processes repair estimates for the motor vehicle repair shop must transmit a copy of the repair estimate, within three business days after finalizing the estimate, to a database to be established and maintained by the Department of Law Enforcement. If the Department of Agriculture and Consumer Services finds a repair shop in violation of the crash report or repair estimate requirements, it may revoke the repair shop's registration. The language establishing the process for a transaction form is removed, and it removes that a violation of s. 559.905(1), F.S., is a second degree misdemeanor.

CS by Commerce and Tourism on March 3, 2025:

The committee substitute changes the timeline for when a crash report must be requested from before the motor vehicle repair shop provides the customer with a written estimate to after the motor vehicle repair shop provides the customer with a written repair estimate. However, if the customer does not provide a written crash report, the motor vehicle repair shop must prepare an accident or collision repair work transaction form. The committee substitute changes the timeline for when the motor vehicle repair shop must prepare the transaction form before preparing the written estimate to after preparing the written estimate.

B. Amendments:

None.

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



523716

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Gruters) 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 "Lilly Glaubach Act."

Section 2. Effective January 1, 2026, subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or



523716

11 parked upon any highways, roads, or streets of this state, must
12 ~~shall~~ be licensed in the name of the owner thereof in accordance
13 with the laws of this state unless such vehicle is not required
14 by the laws of this state to be licensed in this state and must
15 ~~shall~~, except as otherwise provided in ~~s. 320.0706 for front-end~~
16 ~~registration license plates on truck tractors and s. 320.086(5)~~
17 which exempts display of license plates on described former
18 military vehicles, display a the license plate on the rear and
19 the front of the vehicle ~~or both of the license plates assigned~~
20 ~~to it by the state, one on the rear and, if two, the other on~~
21 ~~the front of the vehicle~~, each to be securely fastened to the
22 vehicle outside the main body of the vehicle not higher than 60
23 inches and not lower than 12 inches from the ground and no more
24 than 24 inches to the left or right of the centerline of the
25 vehicle, and in such manner as to prevent the plates from
26 swinging, and all letters, numerals, printing, writing, the
27 registration decal, and the alphanumeric designation must shall
28 be clear and distinct and free from defacement, mutilation,
29 grease, and other obscuring matter, so that they will be plainly
30 visible and legible at all times 100 feet from the rear or
31 front. Except as provided in s. 316.2085(3), vehicle license
32 plates must shall be affixed and displayed in such a manner that
33 the letters and numerals may shall be read from left to right
34 parallel to the ground. No vehicle license plate may be
35 displayed in an inverted or reversed position or in such a
36 manner that the letters and numbers and their proper sequence
37 are not readily identifiable. Nothing may shall be placed upon
38 the face of a Florida plate except as permitted by law or by
39 rule or regulation of a governmental agency. ~~No~~ License plates



523716

40 other than those furnished by the state may not ~~shall~~ be used.
41 However, if the vehicle is not required to be licensed in this
42 state, the license plates on such vehicle issued by another
43 state, by a territory, possession, or district of the United
44 States, or by a foreign country, substantially complying with
45 this section ~~the provisions hereof~~, shall be considered as
46 complying with this chapter. A violation of this subsection is a
47 noncriminal traffic infraction, punishable as a nonmoving
48 violation as provided in chapter 318.

49 Section 3. Section 559.905, Florida Statutes, is amended to
50 read:

51 559.905 Crash report required for accident or collision
52 repair work; written motor vehicle repair estimate; and
53 disclosure statement required.-

54 (1) (a) If a customer requests that a motor vehicle repair
55 shop perform work to restore a motor vehicle damaged in an
56 accident or a collision, and such work is estimated to cost
57 \$2,500 or more, the motor vehicle repair shop must, after
58 preparing the written repair estimate required by subsection
59 (2), request that the customer provide a written crash report as
60 specified under s. 316.066.

61 (b) If a customer does not provide a written crash report,
62 the motor vehicle repair shop or the vendor that processes
63 repair estimates for the motor vehicle repair shop must, within
64 3 business days after finalizing the repair estimate, transmit a
65 copy of the repair estimate to a database to be established and
66 maintained by the Department of Law Enforcement.

67 (c) If the department finds a motor vehicle repair shop in
68 violation of this subsection, it may revoke the motor vehicle



523716

69 repair shop's registration under s. 559.904.

70 (2) When any customer requests a motor vehicle repair shop
71 to perform repair work on a motor vehicle, the cost of which
72 repair work will exceed \$150 to the customer, the shop shall
73 prepare a written repair estimate, which is a form setting forth
74 the estimated cost of repair work, including diagnostic work,
75 before effecting any diagnostic work or repair. The written
76 repair estimate must also include all of the following items:

77 (a) The name, address, and telephone number of the motor
78 vehicle repair shop.

79 (b) The name, address, and telephone number of the
80 customer.

81 (c) The date and time of the written repair estimate.

82 (d) The vehicle identification number, year, make, model,
83 odometer reading, and license tag number of the motor vehicle.

84 (e) The proposed work completion date.

85 (f) A general description of the customer's problem or
86 request for repair work or service relating to the motor
87 vehicle.

88 (g) A statement as to whether the customer is being charged
89 according to a flat rate or an hourly rate, or both.

90 (h) The estimated cost of repair which must include any
91 charge for shop supplies or for hazardous or other waste removal
92 and, if a charge is included, the estimate must include the
93 following statement:

94
95 "This charge represents costs and profits to the motor
96 vehicle repair facility for miscellaneous shop
97 supplies or waste disposal."



523716

98

99 If a charge is mandated by state or federal law, the estimate
100 must contain a statement identifying the law and the specific
101 amount charged under the law.

102 (i) The charge for making a repair price estimate or, if
103 the charge cannot be predetermined, the basis on which the
104 charge will be calculated.

105 (j) The customer's intended method of payment.

106 (k) The name and telephone number of another person who may
107 authorize repair work, if the customer desires to designate such
108 person.

109 (l) A statement indicating what, if anything, is guaranteed
110 in connection with the repair work and the time and mileage
111 period for which the guarantee is effective.

112 (m) A statement allowing the customer to indicate whether
113 replaced parts should be saved for inspection or return.

114 (n) A statement indicating the daily charge for storing the
115 customer's motor vehicle after the customer has been notified
116 that the repair work has been completed. However, storage
117 charges may not accrue or be due and payable for a period of 3
118 working days from the date after such notification.

119 ~~(3)~~(2) If the cost of repair work will exceed \$150, the
120 shop must present to the customer a written notice conspicuously
121 disclosing, in a separate, blocked section, only the following
122 statement, in capital letters of at least 12-point type:

123

124 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
125 SIGN:

126 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A



523716

127 WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$150.

128

129 I REQUEST A WRITTEN ESTIMATE.

130

131 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
132 REPAIR COSTS DO NOT EXCEED \$..... THE SHOP MAY NOT EXCEED THIS
133 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

134

135 I DO NOT REQUEST A WRITTEN ESTIMATE.

136

137 SIGNEDDATE

138

139 (4)~~(3)~~ The information required by paragraphs (2) (h) and
140 (i) ~~(1)~~ (h) and ~~(i)~~ need not be provided if the customer waives
141 in writing her or his right to receive a written estimate.

142 (5)~~(4)~~ Except as provided in subsection (6) ~~(5)~~, a copy of
143 the written repair estimate required by subsection (2) ~~(1)~~ and
144 the disclosure statement required by subsection (3) must ~~(2)~~
145 ~~shall~~ be given to the customer before repair work commences ~~is~~
146 ~~begun~~. The disclosure statement may be provided on the same form
147 as the written repair estimate.

148 (6)~~(5)~~ If the customer leaves her or his motor vehicle at a
149 motor vehicle repair shop during hours when the shop is not open
150 or if the customer permits the shop or another person to deliver
151 the motor vehicle to the shop, there is ~~shall be~~ an implied
152 partial waiver of the written estimate; however, upon completion
153 of diagnostic work necessary to estimate the cost of repair, the
154 shop shall notify the customer as required in s. 559.909(1).

155 (7)~~(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed



523716

156 to require a motor vehicle repair shop to give a written
157 estimated price if the motor vehicle repair shop does not agree
158 to perform the requested repair.

159 Section 4. Subsection (1) of section 559.909, Florida
160 Statutes, is amended to read:

161 559.909 Notification of charges in excess of repair
162 estimate; unlawful charges; refusal to return vehicle
163 prohibited; inspection of parts.—

164 (1) In the event that:

165 (a) The written repair estimate contains only an estimate
166 for diagnostic work necessary to estimate the cost of repair and
167 such diagnostic work has been completed;

168 (b) A determination is made by a motor vehicle repair shop
169 that the actual charges for the repair work will exceed the
170 written estimate by more than \$10 or 10 percent, whichever is
171 greater, but not to exceed \$50; or

172 (c) An implied partial waiver exists for diagnostic work,
173 as described in s. 559.905(6) ~~s. 559.905(5)~~, and such diagnostic
174 work has been completed, the customer must ~~shall~~ be promptly
175 notified by the motor vehicle repair shop by telephone,
176 telegraph, mail, or other means of the additional repair work
177 and estimated cost thereof. A customer so notified shall, orally
178 or in writing, authorize, modify, or cancel the order for
179 repair.

180 Section 5. For the purpose of incorporating the amendment
181 made by this act to section 316.605, Florida Statutes, in a
182 reference thereto, subsection (2) of section 316.2128, Florida
183 Statutes, is reenacted to read:

184 316.2128 Micromobility devices, motorized scooters, and



523716

185 miniature motorcycles; requirements.-

186 (2) A motorized scooter or micromobility device is not
187 required to satisfy the registration and insurance requirements
188 of s. 320.02 or the licensing requirements of s. 316.605.

189 Section 6. For the purpose of incorporating the amendment
190 made by this act to section 316.605, Florida Statutes, in a
191 reference thereto, paragraph (e) of subsection (3) of section
192 316.545, Florida Statutes, is reenacted to read:

193 316.545 Weight and load unlawful; special fuel and motor
194 fuel tax enforcement; inspection; penalty; review.-

195 (3)

196 (e) A vehicle operating on the highways of this state from
197 a nonmember International Registration Plan jurisdiction which
198 is not in compliance with s. 316.605 is subject to the penalties
199 provided in this section.

200 Section 7. For the purpose of incorporating the amendment
201 made by this act to section 316.605, Florida Statutes, in
202 references thereto, subsections (1) and (2) of section 320.0655,
203 Florida Statutes, are reenacted to read:

204 320.0655 Permanent license plates for governmental entities
205 and volunteer fire departments.-

206 (1) A permanent license plate shall be issued for any motor
207 vehicle owned or exclusively operated by the state or by any
208 county, municipality, or other governmental entity. All such
209 license plates shall be of a distinctive color, different from
210 that of plates issued under s. 320.06. Such plate shall be
211 displayed as required by s. 316.605 and shall be removed upon
212 the sale of the vehicle or when the vehicle otherwise becomes
213 ineligible for the permanent plate. If it has become lost,



523716

214 mutilated, or destroyed, the plate may be replaced as provided
215 by s. 320.0607. The use of such plate on any vehicle other than
216 one authorized in this subsection is prohibited, except as
217 approved by the department. However, such plate may be used on a
218 vehicle loaned, rented, or leased to a district school board for
219 the purpose of providing driver education training.

220 (2) A permanent license plate shall be issued for any motor
221 vehicle owned and exclusively operated by a volunteer fire
222 department, which plate shall be of a distinctive color. The
223 plate shall be displayed as required by s. 316.605 and shall be
224 removed upon sale of the vehicle or when the vehicle otherwise
225 becomes ineligible for the permanent plate. If it has become
226 lost, mutilated, or destroyed, the plate may be replaced as
227 provided by s. 320.0607. The use of such plate on any vehicle
228 other than one authorized in this subsection is prohibited,
229 except as approved by the department.

230 Section 8. For the purpose of incorporating the amendment
231 made by this act to section 316.605, Florida Statutes, in a
232 reference thereto, subsection (1) of section 320.0659, Florida
233 Statutes, is reenacted to read:

234 320.0659 Permanent registration of trailer for hire and
235 semitrailers.—

236 (1) A permanent license plate may be issued for any
237 semitrailer classified under s. 320.08(5)(a)2. All such license
238 plates shall be of a distinctive color, and shall be imprinted
239 with the words "Permanent Trl" at the bottom. Such plates shall
240 be displayed as required by s. 316.605 and shall be removed upon
241 the sale of the vehicle or upon the vehicle's being removed from
242 service. If the plate is lost, mutilated, or destroyed, the



523716

243 plate may be replaced as provided by s. 320.0607. The use of
244 such plate on any vehicle other than the one to which it is
245 issued is prohibited. No refunds shall be issued for this plate.

246 Section 9. For the purpose of incorporating the amendment
247 made by this act to section 316.605, Florida Statutes, in a
248 reference thereto, section 320.0706, Florida Statutes, is
249 reenacted to read:

250 320.0706 Display of license plates on trucks.—The owner of
251 any commercial truck of gross vehicle weight of 26,001 pounds or
252 more shall display the registration license plate on both the
253 front and rear of the truck in conformance with all the
254 requirements of s. 316.605 that do not conflict with this
255 section. The owner of a dump truck may place the rear license
256 plate on the gate no higher than 60 inches to allow for better
257 visibility. However, the owner of a truck tractor shall be
258 required to display the registration license plate only on the
259 front of such vehicle. A violation of this section is a
260 noncriminal traffic infraction, punishable as a moving violation
261 as provided in chapter 318.

262 Section 10. For the purpose of incorporating the amendment
263 made by this act to section 559.905, Florida Statutes, in a
264 reference thereto, paragraph (b) of subsection (1) of section
265 559.907, Florida Statutes, is reenacted to read:

266 559.907 Charges for motor vehicle repair estimate;
267 requirement of waiver of rights prohibited.—

268 (1) No motor vehicle repair shop shall charge for making a
269 repair price estimate unless, prior to making the price
270 estimate, the shop:

271 (b) Obtains authorization on the written repair estimate,



523716

272 in accordance with s. 559.905, to prepare an estimate. No motor
273 vehicle repair shop shall impose or threaten to impose any such
274 charge which is clearly excessive in relation to the work
275 involved in making the price estimate.

276 Section 11. Except as otherwise expressly provided in this
277 act, this act shall take effect July 1, 2025.

278

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

280 And the title is amended as follows:

281 Delete everything before the enacting clause
282 and insert:

283

A bill to be entitled

284

An act relating to motor vehicle safety; providing a
285 short title; amending s. 316.605, F.S.; requiring
286 every vehicle required to be licensed in this state to
287 display a license plate on the rear and the front of
288 the vehicle; amending s. 559.905, F.S.; requiring a
289 motor vehicle repair shop to request a written crash
290 report from a customer under certain circumstances; if
291 a customer does not provide a written crash report,
292 requiring a motor vehicle repair shop or the vendor
293 that processes repair estimates for the motor vehicle
294 repair shop to transmit a copy of the finalized repair
295 estimate within a specified timeframe to a database to
296 be established and maintained by the Department of Law
297 Enforcement; authorizing the department to revoke a
298 motor vehicle repair shop's registration under certain
299 circumstances; revising the items required in a
300 written repair estimate; making technical changes;



523716

301 amending s. 559.909, F.S.; conforming a cross-
302 reference; making technical changes; reenacting ss.
303 316.2128(2), 316.545(3)(e), 320.0655(1) and (2),
304 320.0659(1), and 320.0706, F.S., relating to
305 micromobility devices, motorized scooters, and
306 miniature motorcycles requirements; noncompliance of
307 vehicles from nonmember International Registration
308 Plan jurisdictions; permanent license plates for
309 governmental entities and volunteer fire departments;
310 permanent registration of trailers for hire and
311 semitrailers; and display of license plates on trucks,
312 respectively, to incorporate the amendment made to s.
313 316.605, F.S., in references thereto; reenacting s.
314 559.907(1)(b), F.S., relating to charges for motor
315 vehicle repair estimate and requirement of waiver of
316 rights prohibited, to incorporate the amendment made
317 to s. 559.905, F.S., in a reference thereto; providing
318 effective dates.

By the Committee on Commerce and Tourism; and Senator Gruters

577-02091-25

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1 A bill to be entitled
 2 An act relating to motor vehicle repair work;
 3 providing a short title; amending s. 559.905, F.S.;
 4 requiring a motor vehicle repair shop to request a
 5 written crash report from a customer under certain
 6 circumstances; requiring a motor vehicle repair shop
 7 to prepare a transaction form under certain
 8 circumstances; requiring the Department of Agriculture
 9 and Consumer Services to approve the design and format
 10 of the transaction form; specifying requirements for
 11 the transaction form; requiring a motor vehicle repair
 12 shop to record specified information on the
 13 transaction form; requiring a motor vehicle repair
 14 shop to maintain a copy of the transaction form for a
 15 specified timeframe; requiring a motor vehicle repair
 16 shop to deliver transaction forms to the appropriate
 17 law enforcement agency within a specified timeframe;
 18 providing an exception; authorizing a motor vehicle
 19 repair shop to use certain evidence in court under
 20 certain circumstances; requiring the electronic
 21 transfer of transaction forms to the appropriate law
 22 enforcement agency by a motor vehicle repair shop
 23 under certain circumstances; authorizing the
 24 appropriate law enforcement agency to provide certain
 25 equipment to a motor vehicle repair shop; specifying
 26 ownership and maintenance of such equipment;
 27 specifying that a motor vehicle repair shop is not
 28 required to deliver original or copies of transaction
 29 forms under certain circumstances; authorizing the

Page 1 of 9

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577-02091-25

202592c1

30 appropriate law enforcement agency to request an
 31 original transaction form from a motor vehicle repair
 32 shop under certain circumstances; requiring a motor
 33 vehicle repair shop to respond to such request within
 34 a certain timeframe; providing criminal penalties;
 35 authorizing the department to revoke a motor vehicle
 36 repair shop's registration under certain
 37 circumstances; revising the items required in a
 38 written repair estimate; making technical changes;
 39 amending s. 559.909, F.S.; conforming a cross-
 40 reference; making technical changes; reenacting s.
 41 559.907(1)(b), F.S., relating to charges for motor
 42 vehicle repair estimate and requirement of waiver of
 43 rights prohibited, to incorporate the amendment made
 44 to s. 559.905, F.S., in a reference thereto; providing
 45 an effective date.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. This act may be cited as the "Lilly Glaubach
 50 Act."

51 Section 2. Section 559.905, Florida Statutes, is amended to
 52 read:

53 559.905 Crash report or transaction form required for
 54 accident or collision repair work; written motor vehicle repair
 55 estimate; ~~and~~ disclosure statement required.-

56 (1)(a) If a customer requests that a motor vehicle repair
 57 shop perform work to restore a motor vehicle damaged in an
 58 accident or a collision, and such work is estimated to cost

Page 2 of 9

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577-02091-25

202592c1

59 \$5,000 or more, the motor vehicle repair shop must, after
 60 preparing the written repair estimate required by subsection
 61 (2), request that the customer provide a written crash report as
 62 specified under s. 316.066.

63 (b) If the customer does not provide a written crash
 64 report, the motor vehicle repair shop must prepare an accident
 65 or collision repair work transaction form after preparing the
 66 written repair estimate required by subsection (2). The
 67 Department of Agriculture and Consumer Services must approve the
 68 design and format of the transaction form, which must be 8 1/2
 69 inches by 11 inches in size and elicit the information required
 70 under this paragraph. In completing the transaction form, the
 71 motor vehicle repair shop shall record the following
 72 information, which must be typed or written indelibly and
 73 legibly in English:

- 74 1. The name and address of the motor vehicle repair shop.
- 75 2. The vehicle identification number, year, license tag
 76 number, make, model, and color of the damaged vehicle and the
 77 name, phone number, physical description, and address of the
 78 owner of the vehicle or the person in possession of the vehicle.
- 79 3. A detailed description of the damage to the vehicle.

80 (c) A motor vehicle repair shop shall maintain a copy of
 81 each completed transaction form on its premises for at least 1
 82 year after the date of the transaction. On or before the end of
 83 each business day, the motor vehicle repair shop shall deliver
 84 to the appropriate law enforcement agency the original
 85 transaction forms for each of the transactions occurring during
 86 the previous business day, unless other arrangements have been
 87 agreed upon between the motor vehicle repair shop and the

577-02091-25

202592c1

88 appropriate law enforcement agency. If the original transaction
 89 form is lost or destroyed by the appropriate law enforcement
 90 agency, a copy may be used by the motor vehicle repair shop as
 91 evidence in court.

92 (d) If the appropriate law enforcement agency supplies the
 93 necessary software and the motor vehicle repair shop has the
 94 computer capability, transaction forms must be electronically
 95 transferred. If a motor vehicle repair shop does not have the
 96 computer capability, the appropriate law enforcement agency may
 97 provide the motor vehicle repair shop with the necessary
 98 equipment for the purpose of electronically transferring
 99 accident or collision repair work transaction forms. The
 100 appropriate law enforcement agency shall retain ownership of the
 101 equipment, unless otherwise agreed upon. The motor vehicle
 102 repair shop shall maintain the equipment in good working order,
 103 ordinary wear and tear excepted. If a motor vehicle repair shop
 104 transfers accident or collision repair work transaction forms
 105 electronically, the motor vehicle repair shop is not required to
 106 also deliver to the appropriate law enforcement agency the
 107 original or copies of the transaction forms. The appropriate law
 108 enforcement agency may, for the purposes of a criminal
 109 investigation, request that the motor vehicle repair shop
 110 produce the original of a transaction form that has been
 111 electronically transferred. The motor vehicle repair shop shall
 112 deliver this form to the appropriate law enforcement agency
 113 within 24 hours after the request.

114 (e) A person who violates this subsection commits a
 115 misdemeanor of the second degree, punishable as provided in s.
 116 775.082 or s. 775.083. If the department finds a motor vehicle

577-02091-25

202592c1

117 repair shop in violation of this subsection, it may revoke the
 118 motor vehicle repair shop's registration under s. 559.904.

119 (2) When any customer requests a motor vehicle repair shop
 120 to perform repair work on a motor vehicle, the cost of which
 121 repair work will exceed \$150 to the customer, the shop shall
 122 prepare a written repair estimate, which is a form setting forth
 123 the estimated cost of repair work, including diagnostic work,
 124 before effecting any diagnostic work or repair. The written
 125 repair estimate must also include all of the following items:

126 (a) The name, address, and telephone number of the motor
 127 vehicle repair shop.

128 (b) The name, address, and telephone number of the
 129 customer.

130 (c) The date and time of the written repair estimate.

131 (d) The vehicle identification number, year, make, model,
 132 odometer reading, and license tag number of the motor vehicle.

133 (e) The proposed work completion date.

134 (f) A general description of the customer's problem or
 135 request for repair work or service relating to the motor
 136 vehicle.

137 (g) A statement as to whether the customer is being charged
 138 according to a flat rate or an hourly rate, or both.

139 (h) The estimated cost of repair which must include any
 140 charge for shop supplies or for hazardous or other waste removal
 141 and, if a charge is included, the estimate must include the
 142 following statement:

143
 144 [∞]This charge represents costs and profits to the motor
 145 vehicle repair facility for miscellaneous shop

Page 5 of 9

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577-02091-25

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146 supplies or waste disposal.[∞]

147
 148 If a charge is mandated by state or federal law, the estimate
 149 must contain a statement identifying the law and the specific
 150 amount charged under the law.

151 (i) The charge for making a repair price estimate or, if
 152 the charge cannot be predetermined, the basis on which the
 153 charge will be calculated.

154 (j) The customer's intended method of payment.

155 (k) The name and telephone number of another person who may
 156 authorize repair work, if the customer desires to designate such
 157 person.

158 (l) A statement indicating what, if anything, is guaranteed
 159 in connection with the repair work and the time and mileage
 160 period for which the guarantee is effective.

161 (m) A statement allowing the customer to indicate whether
 162 replaced parts should be saved for inspection or return.

163 (n) A statement indicating the daily charge for storing the
 164 customer's motor vehicle after the customer has been notified
 165 that the repair work has been completed. However, storage
 166 charges may not accrue or be due and payable for a period of 3
 167 working days from the date after such notification.

168 ~~(3)(2)~~ If the cost of repair work will exceed \$150, the
 169 shop must present to the customer a written notice conspicuously
 170 disclosing, in a separate, blocked section, only the following
 171 statement, in capital letters of at least 12-point type:

172
 173 PLEASE READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND
 174 SIGN:

Page 6 of 9

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577-02091-25

202592c1

175 I UNDERSTAND THAT, UNDER STATE LAW, I AM ENTITLED TO A
 176 WRITTEN ESTIMATE IF MY FINAL BILL WILL EXCEED \$150.

177
 178 I REQUEST A WRITTEN ESTIMATE.

179
 180 I DO NOT REQUEST A WRITTEN ESTIMATE AS LONG AS THE
 181 REPAIR COSTS DO NOT EXCEED \$.... THE SHOP MAY NOT EXCEED THIS
 182 AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

183
 184 I DO NOT REQUEST A WRITTEN ESTIMATE.

185
 186 SIGNEDDATE

187
 188 (4)(3) The information required by paragraphs (2)(h) and
 189 (i) ~~(1)(h)~~ and ~~(i)~~ need not be provided if the customer waives
 190 in writing her or his right to receive a written estimate.

191 (5)(4) Except as provided in subsection (6) ~~(5)~~, a copy of
 192 the written repair estimate required by subsection (2) ~~(1)~~ and
 193 the disclosure statement required by subsection (3) ~~must~~ ~~(2)~~
 194 ~~shall~~ be given to the customer before repair work commences ~~is~~
 195 ~~begun~~. The disclosure statement may be provided on the same form
 196 as the written repair estimate.

197 (6)(5) If the customer leaves her or his motor vehicle at a
 198 motor vehicle repair shop during hours when the shop is not open
 199 or if the customer permits the shop or another person to deliver
 200 the motor vehicle to the shop, there is ~~shall be~~ an implied
 201 partial waiver of the written estimate; however, upon completion
 202 of diagnostic work necessary to estimate the cost of repair, the
 203 shop shall notify the customer as required in s. 559.909(1).

577-02091-25

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204 ~~(7)(6)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
 205 to require a motor vehicle repair shop to give a written
 206 estimated price if the motor vehicle repair shop does not agree
 207 to perform the requested repair.

208 Section 3. Subsection (1) of section 559.909, Florida
 209 Statutes, is amended to read:

210 559.909 Notification of charges in excess of repair
 211 estimate; unlawful charges; refusal to return vehicle
 212 prohibited; inspection of parts.—

213 (1) In the event that:

214 (a) The written repair estimate contains only an estimate
 215 for diagnostic work necessary to estimate the cost of repair and
 216 such diagnostic work has been completed;

217 (b) A determination is made by a motor vehicle repair shop
 218 that the actual charges for the repair work will exceed the
 219 written estimate by more than \$10 or 10 percent, whichever is
 220 greater, but not to exceed \$50; or

221 (c) An implied partial waiver exists for diagnostic work,
 222 as described in s. 559.905(6) ~~s. 559.905(5)~~, and such diagnostic
 223 work has been completed,

224
 225 the customer must ~~shall~~ be promptly notified by the motor
 226 vehicle repair shop by telephone, telegraph, mail, or other
 227 means of the additional repair work and estimated cost thereof.
 228 A customer so notified shall, orally or in writing, authorize,
 229 modify, or cancel the order for repair.

230 Section 4. For the purpose of incorporating the amendment
 231 made by this act to section 559.905, Florida Statutes, in a
 232 reference thereto, paragraph (b) of subsection (1) of section

577-02091-25

202592c1

233 559.907, Florida Statutes, is reenacted to read:

234 559.907 Charges for motor vehicle repair estimate;
235 requirement of waiver of rights prohibited.-

236 (1) No motor vehicle repair shop shall charge for making a
237 repair price estimate unless, prior to making the price
238 estimate, the shop:

239 (b) Obtains authorization on the written repair estimate,
240 in accordance with s. 559.905, to prepare an estimate. No motor
241 vehicle repair shop shall impose or threaten to impose any such
242 charge which is clearly excessive in relation to the work
243 involved in making the price estimate.

244 Section 5. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 7, 2025

I respectfully request that **Senate Bill # 92**, relating to Motor Vehicle Repair Work, be placed on the:

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

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

Senator Joe Gruters
Florida Senate, District 22

March 18, 2025

Meeting Date

Ag/Enviro/GG Approps

Committee

Name **Barney Bishop III**

The Florida Senate

APPEARANCE RECORD

92

Bill Number or Topic

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

Amendment Barcode (if applicable)

Phone **850-510-9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Fla. Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

3-18-25

Meeting Date

Appropriations Com. on Ag, Enviro, General Government

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 92

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Nungesser

Phone 850-445-5367

Address 110 East Jefferson Street
Street

Email Tim.nungesser@nfib.org

Tallahassee FL 32301
City State Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

NFIB

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 164

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Vessel Accountability

DATE: March 17, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 164 amends and creates statutes concerning vessel ownership, nuisance and derelict vessels, and anchoring and mooring practices.

The bill clarifies and expands the definition of a “vessel owner.” For vessels at risk of becoming derelict, the bill provides that if the owner or operator is present on the vessel, a law enforcement officer can immediately conduct a test of the vessel’s effective means of propulsion for safe navigation. The bill provides that a vessel will be declared a public nuisance if it is found to be at risk of becoming derelict three times within a 24-month period.

The bill creates a free long-term anchoring permit for vessel owners or operators who intend to anchor a vessel within one linear nautical mile of an anchorage point for 14 days or more within a 30-day period.

Regarding civil and criminal penalties, the bill:

- Adds violations relating to expired registration and long-term anchoring to the list of noncriminal violations that may be enforced by a uniform boating citation.
- Provides penalties for long-term anchoring violations.
- Increases penalties for subsequent violations of derelict vessel laws and makes residing or dwelling on a derelict vessel a criminal offense.

The bill also expands the Florida Fish and Wildlife Conservation Commission's (FWC) existing local government grant program to support the derelict vessel prevention and voluntary turn-in program.

The FWC will incur an insignificant fiscal impact in costs related to the issuance and enforcement of long-term anchoring registration required by the bill that can be absorbed within existing resources. **See Section V. Fiscal Impact Statement.**

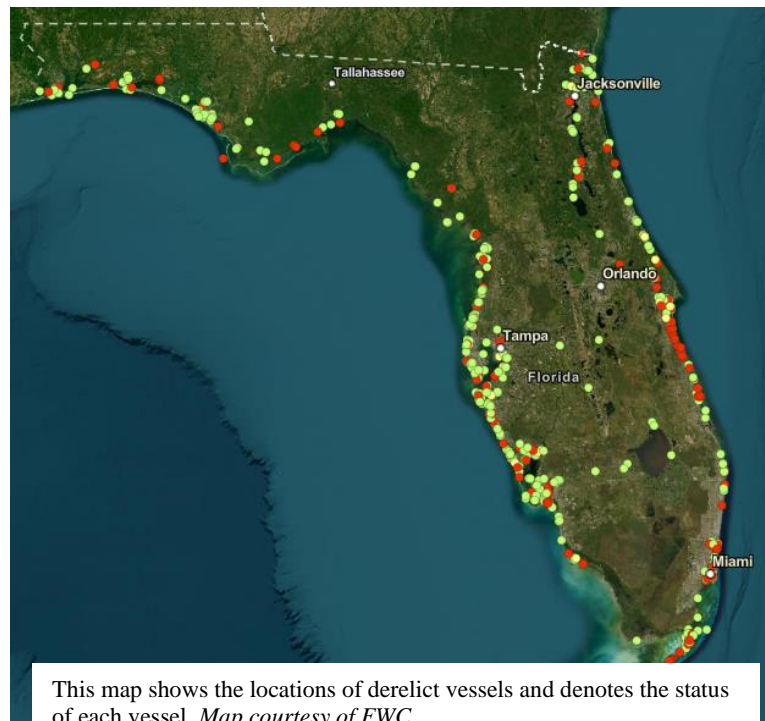
The bill has an effective date of July 1, 2025.

II. Present Situation:

Derelict Vessels

Derelict vessels can endanger marine life and habitats, threaten public safety, cause property damage, and create navigational hazards.¹ As of January 2025, there were 1,040 derelict vessels in the Florida Fish and Wildlife Conservation Commission's (FWC's) derelict vessel database.²

A derelict vessel is a vessel that is in a wrecked,³ junked,⁴ or substantially dismantled⁵ condition upon any public waters of this



¹ Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study*, 61 (Sept. 2023), available at <https://myfwc.com/media/long-term-stored-vessel-study.pdf>.

² FWC, *Derelict Vessels Presentation*, 2 (Feb. 4, 2025), available at https://www.flsenate.gov/Committees/Show/EN/MeetingPacket/6285/10953_MeetingPacket_6285.pdf; See the map on this page for the location and status of derelict vessels. FWC, *Derelict Vessels*, <https://experience.arcgis.com/experience/decfb6b7ca024ac98f6f900d86784d09?views=View-5> (last visited Feb. 20, 2025).

³ A vessel is wrecked if it is sunken or sinking; aground without the ability to extricate itself absent mechanical assistance; or remaining after a marine casualty, including, but not limited to, a boating accident, extreme weather, or a fire. Section 823.11(1)(b), F.S.

⁴ A vessel is junked if it has been substantially stripped of vessel components, if vessel components have substantially degraded or been destroyed, or if the vessel has been discarded by the owner or operator. Attaching an outboard motor to a vessel that is otherwise junked will not cause the vessel to no longer be junked if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

⁵ A vessel is substantially dismantled if at least two of the three following vessel systems or components are missing, compromised, incomplete, inoperable, or broken: the steering system, the propulsion system, or the exterior hull integrity. Attaching an outboard motor to a vessel that is otherwise substantially dismantled will not cause the vessel to no longer be substantially dismantled if the motor is not an effective means of propulsion. Section 823.11(1)(b), F.S.

state;⁶ at a port in the state without the consent of the agency that has jurisdiction of the port; or docked, grounded, or beached on the property of another without their consent.⁷ It is unlawful for a person, firm, or corporation to leave any derelict vessel on waters of this state.⁸

An FWC officer, or other law enforcement agency or officer⁹ is authorized to relocate, remove, and store a derelict vessel if it obstructs or might obstruct navigation or if it endangers property, persons, or the environment.¹⁰ Law enforcement officers who relocate, remove, and store a derelict vessel are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.¹¹

When a derelict vessel is docked, grounded, or beached on private property without the property owner's consent, the property owner may remove the vessel at the vessel owner's expense 60 days after providing written notice to the vessel owner.¹² The notice must be delivered in person or by certified mail and conspicuously posted at the marina and on the vessel.¹³

It is a first degree misdemeanor to leave a derelict vessel on waters of the state and a court may order the imposition of a civil penalty in addition to any sentence imposed for the first offense.¹⁴ A conviction will not bar the assessment and collection of a civil penalty.¹⁵ If the owner or responsible party has been convicted of leaving a derelict vessel on waters of the state, they are prohibited from residing or dwelling on the vessel until it is permanently removed.¹⁶ They may reside or dwell on the vessel if it is returned to waters of the state when it is no longer derelict.¹⁷

The average cost to remove a derelict vessel from waters of the state is \$750 per foot.¹⁸ The average length of derelict vessels removed is 32 feet. In 2020, the total cost of derelict vessel removal was almost \$2 million. That increased to almost \$5 million in 2021, to approximately \$6 million in 2022, to approximately \$7 million in 2023, and almost \$13 million in 2024.¹⁹

⁶ "Waters of this state" are defined as any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state, and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state. Section 327.02(48), F.S.

⁷ Section 823.11(1)(b), F.S.

⁸ Section 823.11(2), F.S. The term "leave" means to allow a vessel to remain occupied or unoccupied on waters of this state for more than 24 hours.

⁹ Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

¹⁰ Section 823.11(3), F.S.

¹¹ *Id.*

¹² Section 823.11(5), F.S.

¹³ *Id.* These notice requirements are found in section 328.17(5), F.S.

¹⁴ Section 823.11(6), F.S.

¹⁵ *Id.*

¹⁶ Section 823.11(7), F.S.

¹⁷ *Id.*

¹⁸ FWC, *Derelict Vessels Presentation*, 9 (Feb. 5, 2025), available at https://www.flsenate.gov/Committees/Show/AEG/MeetingPacket/6293/10975_MeetingPacket_6293_2.pdf.

¹⁹ *Id.*

Vessels at Risk of Becoming Derelict

To prevent neglected or deteriorating vessels from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict may not be present on waters of this state.²⁰

A vessel may be determined to be at risk of becoming derelict if any of the following conditions exist:

- The vessel is taking on or has taken on water without an effective means to dewater;
- Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time;
- The vessel has broken loose or is in danger of breaking loose from its anchor;
- The vessel is listing due to water intrusion;
- The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives notice;²¹ or
- The vessel is tied to an unlawful or unpermitted structure or mooring.²²

If a vessel does not have an effective means of propulsion, a vessel owner or operator may provide a receipt, proof of purchase, or other documentation showing that the parts necessary to repair the vessel have been ordered.²³

It is a noncriminal infraction to anchor or moor a vessel at risk of becoming derelict on waters of the state, which is punishable by a civil penalty that increases for subsequent violations.²⁴ A first offense results in a \$100 fine, a second offense that occurs at least 30 days after the first results in a \$250 fine, and a third or subsequent offense that occurs at least 30 days after the previous offense results in a \$500 fine.²⁵

A law enforcement officer may relocate a vessel that is at risk of becoming derelict to a distance greater than 20 feet from mangroves or upland vegetation and is protected from liability for damages caused by relocating the vessel, unless the damage is the result of gross negligence or willful conduct.²⁶

Vessels Declared to be a Public Nuisance

If a vessel is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period, the vessel may be declared a public nuisance.²⁷ Law enforcement officers may relocate or remove public nuisance vessels

²⁰ Section 327.4107(1), F.S.

²¹ Notice may be telephonic, in-person recorded on an agency-approved body camera, or written and provided by facsimile, electronic mail, or other electronic means. Section 327.4107(2), F.S.

²² *Id.*

²³ *Id.*

²⁴ Section 327.4107(3), F.S.; section 327.73(1)(aa), F.S.

²⁵ Section 327.73(1)(aa), F.S.

²⁶ Section 327.4107(5), F.S.

²⁷ Section 327.73(1), F.S.

from waters of the state and are protected from liability for damage to the vessel, unless the damage is the result of gross negligence or willful misconduct.²⁸

Derelict and Public Nuisance Vessel Removal Procedure

If a law enforcement officer ascertains that a derelict vessel or a vessel declared a public nuisance is present on waters of the state, the officer must place a notice on the vessel stating that the vessel must be removed by the owner within 21 days.²⁹ The notice must inform the owner or interested parties that they have the right to a hearing to challenge the determination that the vessel is derelict or otherwise in violation of the law. It must also give notice that if the vessel is not removed by the owner, then the owner or responsible party will be liable for the costs of removal, destruction, and disposal.³⁰

In addition to posting the notice on the vessel, the law enforcement officer must also mail a copy of the notice to the owner, if the officer is able to determine the owner's name and address after reasonable efforts.³¹ If the owner or any interested person has not removed the vessel or requested a hearing within 21 days of the notice being posted and mailed, the law enforcement agency or its designee may:

- Remove, destroy, and dispose of the vessel or authorize another governmental entity or its designee to do so; or
- Authorize the vessel's use as an artificial reef if all necessary authorizations are received.³²

The owner or responsible party who does not remove the derelict or public nuisance vessel from waters of the state following the receipt of notice will be liable for all costs of removal, storage, destruction, and disposal of the vessel, less any salvage value.³³ The owner or responsible party who refuses to pay these costs will not be issued a certificate of registration for the derelict or public nuisance vessel or any other vessel.³⁴

Derelict Vessel Prevention Programs

The FWC is authorized to establish a derelict vessel prevention program to address vessels at risk of becoming derelict.³⁵ The program is not required to, but may include:

- Removing, relocating, and destroying vessels declared a public nuisance, derelict or at risk of becoming derelict, or lost or abandoned;
- Creating a vessel turn-in program that allows the owner of a vessel at risk of becoming derelict to turn over their vessel and title to the FWC to be destroyed without penalty;
- Removing and destroying abandoned vessels;

²⁸ *Id.* Gross negligence is defined as "conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct." Willful misconduct is defined as "conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner." Section 823.11(1)(c) and (d), F.S.

²⁹ Section 705.103(2)(a)1.b., F.S.

³⁰ *Id.*

³¹ Section 705.103(2)(a)2., F.S.

³² *Id.*

³³ Section 705.103(4), F.S.

³⁴ *Id.*

³⁵ Section 327.4107(7), F.S.

- Purchasing anchor lines, anchors, and other equipment to secure vessels at risk of becoming derelict; and
- Creating or acquiring moorings designated for securing vessels at risk of becoming derelict.³⁶

Pursuant to this authorization, the FWC established the Florida Vessel Turn-In Program, which allows vessel owners who have received a written citation or warning that their vessel is at risk to have the vessel removed, destroyed, and disposed of at no cost to the owner.³⁷

Removal of vessels eligible for the Vessel Turn-In Program and local government efforts to remove derelict and public nuisance vessels are funded by grants from the FWC.³⁸

Florida Anchoring Practices

The FWC's Long-Term Stored Vessel Study found that a correlation exists between the number of "long-term stored vessels" and the incidence of derelict vessels.³⁹ The study was unable to conclude the extent to which long-term stored vessels contribute to the number of derelict vessels because of the absence of tracking data.⁴⁰ As part of the study, the FWC identified 691 popular overnight anchoring locations.⁴¹ Of these unmanaged anchoring areas, 319 were used primarily for long-term storage, 243 were used primarily by transient cruising vessels for short overnight stays, and 129 were used for an indeterminate mixture of storage and cruising.⁴²



³⁶ *Id.*

³⁷ FWC, *Florida Vessel Turn-In Program*, <https://myfwc.com/boating/waterway/vtip/> (last visited Feb. 20, 2025).

³⁸ *Id.*; FWC, *Derelict Vessel Removal Grant Program*, <https://myfwc.com/boating/grants-programs/derelict-vessel/> (last visited Feb. 20, 2025).

³⁹ Atkins and Vogel Group, *Florida's Long-Term Stored Vessel Study* at 129. A long-term stored vessel is a vessel on waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or moored outside of a public mooring field for at least 30 days out of a 60-day period. *Id.* at 136.

⁴⁰ *Id.* at 129.

⁴¹ *Id.* at 48.

⁴² *Id.* The photo on this page can be found on page 60 of the *Long-Term Stored Vessel Study*.

Georgia’s Long-Term Anchoring Permit

In 2020, the Georgia General Assembly passed HB 833, which prohibited long-term anchoring in estuarine areas of the state without having first obtained a long-term anchoring permit.⁴³ “Estuarine areas” are all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from 5.6 feet above mean tide level and below.⁴⁴ Additionally, the Georgia code defines “long-term anchoring” as anchoring a vessel within a mile radius of a documented anchoring point where a vessel is anchored for over 14 cumulative days in a calendar year.⁴⁵

III. Effect of Proposed Changes:

Section 1 amends s. 327.02, F.S., to clarify the definition of an owner. Current law defines an “owner” as a person, other than a lienholder, having the property in or title to a vessel. This includes a person entitled to the use or possession of a vessel subject to an interest in another person, which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

The bill revises the term “owner” to specify that the definition is for a “vessel owner.” The bill also adds the following persons to the definition above:

- A person identified in the records of the Department of Highway Safety and Motor Vehicles (DMV), or other state equivalent, as the title certificate holder of the vessel.
- A person identified as the buyer, transferee, or new owner in a notice filed with the DMV of the transfer of all or part of a person’s interest in a vessel or of the destruction or abandonment of a vessel.⁴⁶
- A person who has signed a written agreement for the purchase and sale of the vessel and paid the consideration, if any, required under the agreement.
- A person who has provided a written, signed receipt to the seller or transferor of the vessel acknowledging actual receipt and possession of the vessel.

Section 2 amends s. 327.4107, F.S., concerning vessels that are at risk of becoming derelict on waters of the state. The bill authorizes a law enforcement officer to require a test of a vessel’s effective means of propulsion for safe navigation to be conducted immediately if the owner or operator is present on the vessel. The bill provides that if the owner or operator is not present on the vessel, the owner or operator must conduct the test for effective means of propulsion in the presence of law enforcement within 48 hours of receiving notice. The bill shortens this deadline from the current requirement of 72 hours.

Current law specifies that notice stating a vessel lacks an effective means of propulsion must be telephonic notice, in-person notice recorded on an agency-approved body camera, or written notice, which may be provided by facsimile, electronic mail, or other electronic means. The bill reduces this requirement to “notice from a law enforcement officer.”

⁴³ Georgia General Assembly, *HB 833*, <https://www.legis.ga.gov/legislation/56927> (last visited Feb. 20, 2025); O.C.G.A. §52-7-8.4.

⁴⁴ O.C.G.A. §52-7-8.4.

⁴⁵ *Id.*

⁴⁶ This notice is filed pursuant to section 328.64(1), F.S.

Section 3 creates s. 327.4111, F.S., to require vessel owners or operators to obtain a long-term, no-cost anchoring permit when engaging in long-term anchoring. A permit will be required for long-term anchoring beginning on January 1, 2026.

The bill defines “long-term anchoring” as anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 days or more within a 30-day period.

The bill requires the Florida Fish and Wildlife Conservation Commission (FWC) to issue a free permit for long-term anchoring on waters of the state. The bill requires the permit to include all of the following information of the vessel owner or operator:

- Name.
- Mailing address.
- Telephone number.
- Email address.
- Birth date.
- Driver’s license number, if applicable.

The bill requires the permit to include all of the following information on the vessel itself:

- Make.
- Model.
- Year.
- Style.
- Hull identification number.
- Registration number or U.S. Coast Guard documentation, if applicable.
- Vessel name, if applicable.

The permit also must include information regarding the location where the vessel will be anchored. It must also provide notice that the permit may be revoked if the vessel is derelict, is at risk of becoming derelict, or is in violation of marine sanitation provisions.

The bill allows a person to obtain more than one permit; however each permit is specific to one vessel. A permit must be renewed or updated for each long-term anchoring location and will expire one year from its date of issuance. The bill provides that a permit may be revoked if the permitted vessel is derelict, at risk of becoming derelict, or is operated or occupied on waters of the state in violation of marine sanitation laws.⁴⁷

A long-term anchoring permit is not required if a vessel is docked at a public or private dock or moored to a permitted mooring buoy. The following vessels are exempt from long-term permitting requirements:

- Vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and

⁴⁷ Marine sanitation laws are found in section 327.53, F.S.

- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

The bill provides that a person who engages in long-term anchoring without a valid permit commits a noncriminal infraction, punishable as provided in **Section 5** of the bill.

The bill requires the FWC to use an electronic application and permitting system in implementing the long-term anchoring permit program. It also clarifies that the long-term anchoring permit requirements do not supersede any other anchoring limitations established pursuant to law.

The bill authorizes the FWC to adopt rules to implement the long-term anchoring permit program.

Section 4 amends provisions of s. 327.70, F.S., concerning noncriminal violations of vessel laws in chs. 327 and 328, F.S. The bill provides that the following noncriminal violations may be enforced by a uniform boating citation mailed to the registered owner of an unattended vessel anchored, aground, or moored on waters of the state:

- Operating, using, or storing a vessel with an expired registration on waters of the state; and
- Anchoring a vessel within one linear nautical mile of a documented anchorage point for 14 or more days within a 30-day period without a long-term anchoring permit.

The bill clarifies that the uniform boating citation may be issued to the *owner or operator* of a vessel engaged in unlawful long-term anchoring.

Section 5 amends s. 327.73, F.S., concerning noncriminal infractions. Current law provides that a vessel will be declared a public nuisance if it is the subject of three or more violations issued because of the same condition of being at risk of becoming derelict within an 18-month period.⁴⁸ The bill removes the limitation that the violations must be issued pursuant to the same condition and extends the time during which the violations must occur to 24 months. The bill also adds that failure to appear at a hearing or failure to pay the civil penalty is categorized as a disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown.

The bill provides that a violation of s. 327.4111, F.S., relating to long-term anchoring, is a noncriminal infraction for which the penalty is:

- Up to \$100 for a first offense;
- Up to \$250 for a second offense; and
- Up to \$500 for a third or subsequent offense.

The bill provides that a vessel that is the subject of three or more violations of engaging in long-term anchoring without a permit within a 24-month period, which all result in dispositions other

⁴⁸ The conditions used to determine whether a vessel is at risk of becoming derelict are as follows: the vessel is taking on or has taken on water without an effective means to dewater; spaces on the vessel designed to be enclosed are incapable of being sealed or remain open to the elements for extended periods of time; the vessel has broken loose or is in danger of breaking loose from its anchor; the vessel is listing due to water intrusion; and the vessel does not have an effective means of propulsion for safe navigation. Section 327.4107(2), F.S.

than acquittal or dismissal, must be declared a public nuisance and subject to removal or disposal. Failure to appear at a hearing or to pay the required civil penalty⁴⁹ is categorized as a disposition other than acquittal or dismissal, unless it is excused or set aside by the court for good cause shown.

The bill ensures that the FWC or a law enforcement officer may relocate or remove public nuisance vessels or cause public nuisance vessels to be relocated or removed from waters of the state. Law enforcement will not be held responsible for damages to the vessel resulting from relocation or removal, unless the damage is the result of gross negligence or willful misconduct.⁵⁰

Section 6 amends s. 705.103, F.S., to clarify that, for the purposes of the procedure for lost or abandoned property, the term “owner” has the same meaning as “vessel owner” as defined in **Section 1** of the bill. The bill makes technical changes.

Section 7 amends s. 823.11, F.S., relating to the relocation or removal of derelict vessels. The bill clarifies that, for the purposes of this section, an “owner” is a “vessel owner” as defined in **Section 1** of the bill, and it makes changes consistent with the amended definition.

The bill also provides that the title of a derelict vessel is prima facie evidence of ownership for any derelict vessel left on waters of the state. An owner who attempts to transfer ownership of a vessel through means other than the process outlined in law will not be exonerated from the responsibility of having a derelict vessel on waters of the state without a written agreement of ownership by the transferee or evidence of agreement to transfer ownership to the transferee and the exchange of consideration between the parties.

The bill expands the scope of the FWC’s local government grant program that funds derelict vessel removal and disposal. The grant program will support the FWC’s derelict vessel prevention program.

The bill creates increasing penalties for subsequent violations of s. 823.11, F.S., relating to leaving a derelict vessel on waters of the state. Current law provides that a first offense will result in a first degree misdemeanor. The bill adds that a second offense will result in a third degree felony and a third or subsequent offense will result in a second degree felony.

The bill also creates a first degree misdemeanor offense for residing or dwelling on a vessel determined to be derelict. The vessel’s derelict status must be determined by disposition of a court or administrative order or remain unchallenged.⁵¹ This offense is punishable by imprisonment of up to one year. The bill provides that law enforcement officers have the power

⁴⁹ The civil penalty is required by section 327.72, F.S., which provides that any person failing to comply with the provisions of chapter 327, F.S., or not paying the civil penalty specified in s. 327.73, F.S., within 30 days, except as otherwise provided in chapters 327 or 328, F.S., commits a misdemeanor of the second degree, punishable as provided in sections 775.082 or 775.083, F.S.

⁵⁰ Gross negligence and willful misconduct are defined in section 823.11(1)(c) and (d), F.S. See footnote 28 for definitions of these two terms.

⁵¹ The derelict determination may be challenged pursuant to chapter 120, F.S., relating to administrative procedure.

and duty to issue orders, perform investigations, complete reports, and perform arrests to enforce this provision. The bill authorizes the FWC to adopt implementing rules.

Sections 8 and 9 reenact ss. 327.04 and 327.4108, F.S., relating to rules and anchoring of vessels in anchoring limitation areas, respectively, to incorporate an amendment made by this bill to s. 823.11, F.S.

Section 10 reenacts s. 327.54(3)(d), F.S., relating to liveries, safety regulations, and penalties to incorporate amendments made by this bill to ss. 327.4107 and 823.11, F.S.

Section 11 reenacts s. 705.101(1), F.S., relating to definitions, to incorporate an amendment made by this bill to s. 327.73, F.S.

Sections 12 and 13 reenact ss. 705.104(1) and 713.585(8), F.S., relating to the title to lost or abandoned property and the enforcement of a lien by sale of a motor vehicle, respectively, to incorporate an amendment made by this bill to s. 705.103, F.S.

Section 14 provides that, except as otherwise provided by the bill, the bill will take effect July 1, 2025.⁵²

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.

⁵² Section 327.4111, F.S., which creates the long-term anchoring permit program, will take effect on January 1, 2026.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Florida Fish and Wildlife Conservation Commission will incur an insignificant fiscal impact in costs related to the issuance and enforcement of long-term anchoring registration required by the bill that can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 327.02, 327.4107, 327.70, 327.73, 705.103, and 823.11.

This bill creates section 327.4111 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 327.04, 327.4108, 327.54, 705.101, 705.104, and 713.585.

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

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

CS by Environment and Natural Resources on March 3, 2025:

- Requires the Florida Fish and Wildlife Conservation Commission to use an electronic application and permitting system in implementing the long-term anchoring permit program created by the bill.
- Clarifies that the long-term anchoring permit requirements do not supersede any other anchoring limitations established pursuant to law.
- Makes a technical change to fix a drafting error

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and
 Senator Rodriguez

592-02105-25

2025164c1

1 A bill to be entitled
 2 An act relating to vessel accountability; amending s.
 3 327.02, F.S.; deleting the term "owner"; defining the
 4 term "vessel owner"; reenacting and amending s.
 5 327.4107, F.S.; providing a penalty for a person
 6 anchoring, mooring, or allowing certain vessels to
 7 occupy the waters of this state if an officer of the
 8 Fish and Wildlife Conservation Commission or a law
 9 enforcement agency finds that specified conditions
 10 exist; revising the manner and timeframe for vessel
 11 owners or operators to demonstrate a vessel's
 12 effective means of propulsion for safe navigation;
 13 deleting provisions providing a penalty for a person
 14 who anchors or moors certain vessels on the waters of
 15 this state; creating s. 327.4111, F.S.; defining the
 16 term "long-term anchoring"; requiring the commission
 17 to issue, at no cost, a permit for the long-term
 18 anchoring of a vessel which includes specified
 19 information; providing construction; providing a
 20 penalty for long-term anchoring without a permit;
 21 providing applicability; providing that a permit is
 22 not required under certain circumstances; requiring
 23 the commission to use an electronic application and
 24 permitting system; clarifying that certain provisions
 25 do not supersede any other anchoring limitations
 26 established pursuant to law; authorizing the
 27 commission to adopt rules; amending s. 327.70, F.S.;
 28 authorizing the enforcement of certain noncriminal
 29 violations by citation mailed or issued to the owner

Page 1 of 33

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

592-02105-25

2025164c1

30 of certain vessels; amending s. 327.73, F.S.;
 31 requiring that a vessel subject to a specified number
 32 of violations within a 24-month period which result in
 33 certain dispositions be declared a public nuisance;
 34 providing that failure to appear at a hearing or
 35 failure to pay civil penalties constitutes a certain
 36 disposition; providing penalties related to long-term
 37 anchoring; requiring that a vessel subject to a
 38 specified number of violations relating to long-term
 39 anchoring within a 24-month period which result in
 40 certain dispositions be declared a public nuisance;
 41 providing that failure to appear at a hearing or
 42 failure to pay a certain civil penalty constitutes a
 43 disposition other than acquittal or dismissal;
 44 providing an exception; authorizing certain persons to
 45 relocate, remove, or cause to be relocated or removed
 46 certain vessels; requiring that certain persons be
 47 held harmless for all damages to a vessel resulting
 48 from such relocation or removal; providing exceptions;
 49 amending s. 705.103, F.S.; revising the notice placed
 50 upon a derelict vessel declared a public nuisance
 51 which is present upon the waters of this state;
 52 deleting a provision specifying that a party
 53 responsible for a derelict vessel or a vessel declared
 54 a public nuisance has the right to a certain hearing;
 55 deleting provisions assigning liability to a party
 56 deemed legally responsible for a derelict vessel or
 57 vessel declared a public nuisance; deleting provisions
 58 allowing a law enforcement officer or a representative

Page 2 of 33

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592-02105-25

2025164c1

59 of a law enforcement agency or other governmental
60 entity to notify a party deemed legally responsible
61 for a derelict vessel or a vessel declared a public
62 nuisance of the final disposition of the derelict
63 vessel; reenacting and amending s. 823.11, F.S.;
64 prohibiting a vessel owner from leaving a derelict
65 vessel upon the waters of this state; deleting
66 provisions related to a party responsible for a
67 derelict vessel; providing prima facie evidence of
68 ownership or control of a derelict vessel left upon
69 the waters of this state; providing a means of
70 exonerating an owner of a vessel or derelict vessel of
71 responsibility if such owner attempts to transfer
72 ownership or control of such vessel; providing that
73 the owner of a derelict vessel is exclusively
74 responsible for all costs associated with the
75 relocation, removal, storage, destruction, or disposal
76 of the derelict vessel; authorizing the commission to
77 use grant funds allocated for the removal, storage,
78 destruction, and disposal of derelict vessels from the
79 waters of this state for the derelict vessel
80 prevention program; providing penalties; prohibiting a
81 person from dwelling or residing on a derelict vessel;
82 providing penalties; authorizing law enforcement
83 officers to enforce such provisions; authorizing a
84 person to reside on a vessel if the vessel is in a
85 state or condition that is no longer derelict;
86 authorizing the commission to adopt rules; reenacting
87 ss. 327.04 and 327.4108(6)(d), F.S., relating to rules

Page 3 of 33

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592-02105-25

2025164c1

88 and the anchoring of vessels in anchoring limitation
89 areas, respectively, to incorporate the amendment made
90 to s. 832.11, F.S., in references thereto; reenacting
91 s. 327.54(3)(d), F.S., relating to liveries, safety
92 regulations, and penalties, to incorporate the
93 amendments made to ss. 327.4107 and 823.11, F.S., in
94 references thereto; reenacting s. 705.101(1), F.S.,
95 relating to definitions, to incorporate the amendment
96 made to s. 327.73, F.S., in a reference thereto;
97 reenacting ss. 705.104(1) and 713.585(8), F.S.,
98 relating to the title to lost or abandoned property
99 and the enforcement of a lien by sale of motor
100 vehicle, respectively, to incorporate the amendment
101 made to s. 705.103, F.S., in references thereto;
102 providing effective dates.

103
104 Be It Enacted by the Legislature of the State of Florida:

105
106 Section 1. Subsections (35) through (47) of section 327.02,
107 Florida Statutes, are amended to read:

108 327.02 Definitions.—As used in this chapter and in chapter
109 328, unless the context clearly requires a different meaning,
110 the term:

111 (35) ~~“Owner” means a person, other than a lienholder,~~
112 ~~having the property in or title to a vessel. The term includes a~~
113 ~~person entitled to the use or possession of a vessel subject to~~
114 ~~an interest in another person which is reserved or created by~~
115 ~~agreement and securing payment of performance of an obligation.~~
116 ~~The term does not include a lessee under a lease not intended as~~

Page 4 of 33

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592-02105-25

2025164c1

117 ~~security.~~

118 ~~(36)~~ "Person" means an individual, partnership, firm,
 119 corporation, association, or other entity.

120 ~~(36)~~~~(37)~~ "Personal watercraft" means a vessel less than 16
 121 feet in length which uses an inboard motor powering a water jet
 122 pump as its primary source of motive power and which is designed
 123 to be operated by a person sitting, standing, or kneeling on the
 124 vessel, rather than in the conventional manner of sitting or
 125 standing inside the vessel.

126 ~~(37)~~~~(38)~~ "Portable toilet" means a device consisting of a
 127 lid, seat, containment vessel, and support structure which is
 128 specifically designed to receive, retain, and discharge human
 129 waste and which is capable of being removed from a vessel by
 130 hand.

131 ~~(38)~~~~(39)~~ "Prohibited activity" means activity that will
 132 impede or disturb navigation or creates a safety hazard on
 133 waterways of this state.

134 ~~(39)~~~~(40)~~ "Racing shell," "rowing scull," or "racing kayak"
 135 means a manually propelled vessel that is recognized by national
 136 or international racing associations for use in competitive
 137 racing and in which all occupants, with the exception of a
 138 coxswain, if one is provided, row, scull, or paddle and that is
 139 not designed to carry and does not carry any equipment not
 140 solely for competitive racing.

141 ~~(40)~~~~(41)~~ "Recreational vessel" means a vessel:

142 (a) Manufactured and used primarily for noncommercial
 143 purposes; or

144 (b) Leased, rented, or chartered to a person for his or her
 145 noncommercial use.

592-02105-25

2025164c1

146 ~~(41)~~~~(42)~~ "Registration" means a state operating license on
 147 a vessel which is issued with an identifying number, an annual
 148 certificate of registration, and a decal designating the year
 149 for which a registration fee is paid.

150 ~~(42)~~~~(43)~~ "Resident" means a citizen of the United States
 151 who has established residence in this state and has continuously
 152 resided in this state for 1 year and in one county for the 6
 153 months immediately preceding the initiation of a vessel titling
 154 or registration action.

155 ~~(43)~~~~(44)~~ "Sailboat" means a vessel whose sole source of
 156 propulsion is the wind.

157 ~~(44)~~~~(45)~~ "Sustained wind speed" means a wind speed
 158 determined by averaging the observed wind speed rounded up to
 159 the nearest mile per hour over a 2-minute period.

160 ~~(45)~~~~(46)~~ "Unclaimed vessel" means an undocumented vessel,
 161 including its machinery, rigging, and accessories, which is in
 162 the physical possession of a marina, garage, or repair shop for
 163 repairs, improvements, or other work with the knowledge of the
 164 vessel owner and for which the costs of such services have been
 165 unpaid for more than 90 days after the date written notice of
 166 the completed work is given by the marina, garage, or repair
 167 shop to the vessel owner.

168 ~~(46)~~~~(47)~~ "Vessel" is synonymous with boat as referenced in
 169 s. 1(b), Art. VII of the State Constitution and includes every
 170 description of watercraft, barge, and airboat, other than a
 171 seaplane on the water, used or capable of being used as a means
 172 of transportation on water.

173 ~~(47)~~ "Vessel owner" means a person, other than a lienholder
 174 or lessee under a lease that is not intended as security, having

592-02105-25

2025164c1

175 the property in or title to a vessel. The term includes all of
 176 the following:

177 (a) A person entitled to the use or possession of a vessel
 178 subject to an interest in another person which is reserved or
 179 created by agreement and securing payment of performance of an
 180 obligation. The term does not include a lessee under a lease not
 181 intended as security.

182 (b) A person identified in the records of the Department of
 183 Highway Safety and Motor Vehicles, or other state equivalent, as
 184 the title certificate holder of the vessel.

185 (c) A person identified as the buyer, transferee, or new
 186 owner in a notice filed pursuant to s. 328.64(1).

187 (d) A person who has signed a written agreement for the
 188 purchase and sale of the vessel and paid the consideration, if
 189 any, required under the agreement.

190 (e) A person who has provided a written, signed receipt to
 191 the seller or transferor of the vessel acknowledging actual
 192 receipt and possession of the vessel.

193 Section 2. Subsections (2) and (3) of section 327.4107,
 194 Florida Statutes, are amended, and paragraph (a) of present
 195 subsection (7) of that section is reenacted, to read:

196 327.4107 Vessels at risk of becoming derelict on waters of
 197 this state.—

198 (2) It is a noncriminal infraction punishable as provided
 199 in s. 327.73 for a person to anchor or moor ~~an officer of the~~
 200 ~~commission or of a law enforcement agency specified in s. 327.70~~
 201 ~~may determine that a vessel is~~ at risk of becoming derelict on
 202 the waters of this state or to allow such vessel to occupy such
 203 waters. A vessel is at risk of becoming derelict if, as

592-02105-25

2025164c1

204 determined by an officer of the commission or a law enforcement
 205 agency, ~~if~~ any of the following conditions exist:

206 (a) The vessel is taking on or has taken on water without
 207 an effective means to dewater.

208 (b) Spaces on the vessel which ~~that~~ are designed to be
 209 enclosed are incapable of being sealed off or remain open to the
 210 elements for extended periods of time.

211 (c) The vessel has broken loose or is in danger of breaking
 212 loose from its anchor.

213 (d) The vessel is listing due to water intrusion.

214 (e) The vessel does not have an effective means of
 215 propulsion, and the vessel owner or operator is unable to
 216 provide a receipt, proof of purchase, or other documentation of
 217 having ordered necessary parts for repair. If the owner or
 218 operator is present on the vessel, a law enforcement officer may
 219 require a test of the vessel's effective means of propulsion for
 220 safe navigation, to be conducted immediately. If the owner or
 221 operator is not present on the vessel, the owner or operator
 222 must, in the presence of law enforcement, conduct the test for
 223 effective means of propulsion for safe navigation within ~~48~~ 72
 224 hours after the vessel owner or operator receives ~~telephonic~~
 225 notice ~~from a law enforcement officer, in-person notice recorded~~
 226 ~~on an agency-approved body camera, or written notice, which may~~
 227 ~~be provided by facsimile, electronic mail, or other electronic~~
 228 ~~means, stating such from an officer, and the vessel owner or~~
 229 ~~operator is unable to provide a receipt, proof of purchase, or~~
 230 ~~other documentation of having ordered necessary parts for vessel~~
 231 ~~repair.~~ The commission may adopt rules to implement this
 232 paragraph.

592-02105-25

2025164c1

233 (f) The vessel is tied to an unlawful or unpermitted
234 structure or mooring.

235 ~~(3) A person who anchors or moors a vessel at risk of~~
236 ~~becoming derelict on the waters of this state or allows such a~~
237 ~~vessel to occupy such waters commits a noncriminal infraction,~~
238 ~~punishable as provided in s. 327.73.~~

239 ~~(6)(7)~~ The commission may establish a derelict vessel
240 prevention program to address vessels at risk of becoming
241 derelict. Such program may, but is not required to, include:

242 (a) Removal, relocation, and destruction of vessels
243 declared a public nuisance, derelict or at risk of becoming
244 derelict, or lost or abandoned in accordance with s. 327.53(7),
245 s. 327.73(1)(aa), s. 705.103(2) and (4), or s. 823.11(3).
246

247 The commission may adopt rules to implement this subsection.
248 Implementation of the derelict vessel prevention program shall
249 be subject to appropriation by the Legislature and shall be
250 funded by the Marine Resources Conservation Trust Fund or the
251 Florida Coastal Protection Trust Fund.

252 Section 3. Effective January 1, 2026, section 327.4111,
253 Florida Statutes, is created to read:

254 327.4111 Long-term anchoring.-

255 (1) As used in this section, the term "long-term anchoring"
256 means anchoring a vessel within 1 linear nautical mile of a
257 documented anchorage point for 14 days or more within a 30-day
258 period.

259 (2) The commission shall, at no cost to the applicant,
260 issue a permit for the long-term anchoring of a vessel within
261 the waters of this state upon receiving an application that

592-02105-25

2025164c1

262 includes, but is not limited to, all of the following
263 information:

264 (a) For the vessel owner or operator:

265 1. Name.

266 2. Mailing address.

267 3. Telephone number.

268 4. E-mail address.

269 5. Birthdate.

270 6. Driver license number, if applicable.

271 (b) For the vessel:

272 1. Make.

273 2. Model.

274 3. Year.

275 4. Style.

276 5. Hull identification number.

277 6. Registration number or United States Coast Guard
278 documentation, if applicable.

279 7. Vessel name, if applicable.

280 (c) Location where the vessel will be anchored.

281 (d) Notice that the long-term anchoring permit may be
282 revoked if the vessel is a derelict vessel as defined in s.
283 823.11, or is at risk of becoming derelict as provided in s.
284 327.4107, or is in violation of marine sanitation provisions in
285 s. 327.53.

286 (3) The long-term anchoring permit established under this
287 section is specific to one vessel only. However, a person may
288 obtain more than one permit. A permit must be renewed or updated
289 for each long-term anchoring location. Long-term anchoring
290 permits expire 1 year from the date of issuance and may be

592-02105-25

2025164c1

291 revoked if the permitted vessel is a derelict vessel as defined
 292 in s. 823.11, is at risk of becoming derelict, or is operated or
 293 occupied on waters of this state in violation of s. 327.53.

294 (4) A person who engages in long-term anchoring of a vessel
 295 within the waters of this state without a valid long-term
 296 anchoring permit commits a noncriminal infraction, punishable as
 297 provided in s. 327.73.

298 (5) This section does not apply to any of the following:

299 (a) Vessels owned or operated by a governmental entity for
 300 law enforcement, firefighting, military, or rescue purposes.

301 (b) Construction or dredging vessels on an active job site.

302 (c) Vessels actively engaged in commercial fishing.

303 (d) Vessels engaged in recreational fishing if the persons
 304 onboard are actively tending hook and line fishing gear or nets.

305 (6) A permit under this section is not required if a vessel
 306 is docked at a public or private dock or moored to a mooring
 307 buoy permitted as provided in s. 327.40.

308 (7) In implementing this section, the commission must use
 309 an electronic application and permitting system.

310 (8) The provisions of this section do not supersede any
 311 other anchoring limitations established pursuant to law.

312 (9) The commission may adopt rules to implement this
 313 section.

314 Section 4. Paragraph (a) of subsection (3) of section
 315 327.70, Florida Statutes, is amended, and paragraph (e) is added
 316 to that subsection, to read:

317 327.70 Enforcement of this chapter and chapter 328.—

318 (3) (a) Noncriminal violations of the following statutes may
 319 be enforced by a uniform boating citation mailed to the

592-02105-25

2025164c1

320 registered owner of an unattended vessel anchored, aground, or
 321 moored on the waters of this state:

322 1. Section 327.33(3) (b), relating to navigation rules.

323 2. Section 327.44, relating to interference with
 324 navigation.

325 3. Section 327.50(2), relating to required lights and
 326 shapes.

327 4. Section 327.53, relating to marine sanitation.

328 5. Section 328.48(5), relating to display of decal.

329 6. Section 328.52(2), relating to display of number.

330 7. Section 327.4107, relating to vessels at risk of
 331 becoming derelict.

332 8. Section 327.4109, relating to prohibited anchoring or
 333 mooring.

334 9. Section 328.72(13), relating to expired registration.

335 10. Section 327.4111, relating to long-term anchoring.

336 (e) A noncriminal violation of s. 327.4111 may be enforced
 337 by a uniform boating citation issued to the owner or operator of
 338 a vessel engaged in unlawful long-term anchoring.

339 Section 5. Subsection (1) of section 327.73, Florida
 340 Statutes, is amended to read:

341 327.73 Noncriminal infractions.—

342 (1) Violations of the following provisions of the vessel
 343 laws of this state are noncriminal infractions:

344 (a) Section 328.46, relating to operation of unregistered
 345 and unnumbered vessels.

346 (b) Section 328.48(4), relating to display of number and
 347 possession of registration certificate.

348 (c) Section 328.48(5), relating to display of decal.

592-02105-25

2025164c1

- 349 (d) Section 328.52(2), relating to display of number.
 350 (e) Section 328.54, relating to spacing of digits and
 351 letters of identification number.
 352 (f) Section 328.60, relating to military personnel and
 353 registration of vessels.
 354 (g) Section 328.72(13), relating to operation with an
 355 expired registration, for which the penalty is:
 356 1. For a first or subsequent offense of s. 328.72(13) (a),
 357 up to a maximum of \$100.
 358 2. For a first offense of s. 328.72(13) (b), up to a maximum
 359 of \$250.
 360 3. For a second or subsequent offense of s. 328.72(13) (b),
 361 up to a maximum of \$500. A ~~Any~~ person cited for a noncriminal
 362 infraction under this subparagraph may not have the provisions
 363 of paragraph (4) (a) available to him or her but must appear
 364 before the designated official at the time and location of the
 365 scheduled hearing.
 366 (h) Section 327.33(2), relating to careless operation.
 367 (i) Section 327.37, relating to water skiing, aquaplaning,
 368 parasailing, and similar activities.
 369 (j) Section 327.44, relating to interference with
 370 navigation.
 371 (k) Violations relating to boating-restricted areas and
 372 speed limits:
 373 1. Established by the commission or by local governmental
 374 authorities pursuant to s. 327.46.
 375 2. Speed limits established pursuant to s. 379.2431(2).
 376 (l) Section 327.48, relating to regattas and races.
 377 (m) Section 327.50(1) and (2), relating to required safety

Page 13 of 33

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592-02105-25

2025164c1

- 378 equipment, lights, and shapes.
 379 (n) Section 327.65, relating to muffling devices.
 380 (o) Section 327.33(3) (b), relating to a violation of
 381 navigation rules:
 382 1. That does not result in an accident; or
 383 2. That results in an accident not causing serious bodily
 384 injury or death, for which the penalty is:
 385 a. For a first offense, up to a maximum of \$500.
 386 b. For a second offense, up to a maximum of \$1,000.
 387 c. For a third or subsequent offense, up to a maximum of
 388 \$1,500.
 389 (p) Section 327.39(1), (2), (3), and (5), relating to
 390 personal watercraft.
 391 (q) Section 327.53(1), (2), (3), and (8), relating to
 392 marine sanitation.
 393 (r) Section 327.53(4), (5), and (7), relating to marine
 394 sanitation, and s. 327.60, relating to no-discharge zones, for
 395 which the civil penalty is \$250.
 396 (s) Section 327.395, relating to boater safety education.
 397 However, a person cited for violating the requirements of s.
 398 327.395 relating to failure to have required proof of boating
 399 safety education in his or her possession may not be convicted
 400 if, before or at the time of a county court hearing, the person
 401 produces proof of the boating safety education identification
 402 card or temporary certificate for verification by the hearing
 403 officer or the court clerk and the identification card or
 404 temporary certificate was valid at the time the person was
 405 cited.
 406 (t) Section 327.52(3), relating to operation of overloaded

Page 14 of 33

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592-02105-25

2025164c1

407 or overpowered vessels.

408 (u) Section 327.331, relating to divers-down warning
409 devices, except for violations meeting the requirements of s.
410 327.33.

411 (v) Section 327.391(1), relating to the requirement for an
412 adequate muffler on an airboat.

413 (w) Section 327.391(3), relating to the display of a flag
414 on an airboat.

415 (x) Section 253.04(3)(a), relating to carelessly causing
416 seagrass scarring, for which the civil penalty upon conviction
417 is:

- 418 1. For a first offense, \$100.
- 419 2. For a second offense occurring within 12 months after a
420 prior conviction, \$250.
- 421 3. For a third offense occurring within 36 months after a
422 prior conviction, \$500.
- 423 4. For a fourth or subsequent offense occurring within 72
424 months after a prior conviction, \$1,000.

425 (y) Section 327.45, relating to protection zones for
426 springs, for which the penalty is:

- 427 1. For a first offense, \$100.
- 428 2. For a second offense occurring within 12 months after a
429 prior conviction, \$250.
- 430 3. For a third offense occurring within 36 months after a
431 prior conviction, \$500.
- 432 4. For a fourth or subsequent offense occurring within 72
433 months after a prior conviction, \$1,000.

434 (z) Section 327.4108, relating to the anchoring of vessels
435 in anchoring limitation areas, for which the penalty is:

Page 15 of 33

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592-02105-25

2025164c1

436 1. For a first offense, up to a maximum of \$100.

437 2. For a second offense, up to a maximum of \$250.

438 3. For a third or subsequent offense, up to a maximum of
439 \$500.

440 (aa) Section 327.4107, relating to vessels at risk of
441 becoming derelict on waters of this state, for which the civil
442 penalty is:

- 443 1. For a first offense, \$100.
- 444 2. For a second offense occurring 30 days or more after a
445 first offense, \$250.
- 446 3. For a third or subsequent offense occurring 30 days or
447 more after a previous offense, \$500.

448
449 A vessel that is the subject of three or more violations ~~issued~~
450 ~~pursuant to the same paragraph~~ of s. 327.4107(2) which occur
451 within a 24-month ~~an 18-month~~ period and which result in
452 dispositions other than acquittal or dismissal must ~~shall~~ be
453 declared ~~to be~~ a public nuisance and subject to ss. 705.103(2)
454 and (4) and 823.11(3). For purposes of this paragraph, failure
455 to appear at a hearing or failure to pay the civil penalty
456 constitutes a disposition other than acquittal or dismissal
457 unless such failure to appear or such nonpayment is excused or
458 set aside by the court for good cause shown. The commission, an
459 officer of the commission, or a law enforcement agency or
460 officer specified in s. 327.70 may relocate, remove, or cause to
461 be relocated or removed such public nuisance vessels from waters
462 of this state. The commission, an officer of the commission, or
463 a law enforcement agency or officer acting pursuant to this
464 paragraph upon waters of this state shall be held harmless for

Page 16 of 33

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592-02105-25

2025164c1

465 all damages to the vessel resulting from such relocation or
 466 removal unless the damage results from gross negligence or
 467 willful misconduct as these terms are defined in s. 823.11.
 468 (bb) Section 327.4109, relating to anchoring or mooring in
 469 a prohibited area, for which the penalty is:
 470 1. For a first offense, up to a maximum of \$100.
 471 2. For a second offense, up to a maximum of \$250.
 472 3. For a third or subsequent offense, up to a maximum of
 473 \$500.
 474 (cc) Section 327.463(4)(a) and (b), relating to vessels
 475 creating special hazards, for which the penalty is:
 476 1. For a first offense, \$100.
 477 2. For a second offense occurring within 12 months after a
 478 prior offense, \$250.
 479 3. For a third offense occurring within 36 months after a
 480 prior offense, \$500.
 481 (dd) Section 327.371, relating to the regulation of human-
 482 powered vessels.
 483 (ee) Section 328.03, relating to an improper transfer of
 484 title, for which the penalty is up to a maximum of \$500.
 485 (ff) Section 328.48(9), relating to the failure to update
 486 vessel registration information, for which the penalty is up to
 487 a maximum of \$500.
 488 (gg) Section 327.4111, relating to long-term anchoring, for
 489 which the penalty is:
 490 1. For a first offense, up to a maximum of \$100.
 491 2. For a second offense, up to a maximum of \$250.
 492 3. For a third or subsequent offense, up to a maximum of
 493 \$500.

Page 17 of 33

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592-02105-25

2025164c1

494
 495 A vessel that is the subject of three or more violations of s.
 496 327.4111 that occur within a 24-month period and that result in
 497 dispositions other than acquittal or dismissal must be declared
 498 a public nuisance and subject to ss. 705.103(2) and (4) and
 499 823.11(3). For purposes of this paragraph, failure to appear at
 500 a hearing or failure to pay the civil penalty required by s.
 501 327.72 constitutes a disposition other than acquittal or
 502 dismissal, unless such failure to appear or such nonpayment is
 503 excused or set aside by the court for good cause shown. The
 504 commission, an officer of the commission, or a law enforcement
 505 agency or officer specified in s. 327.70 may relocate, remove,
 506 or cause to be relocated or removed such public nuisance vessels
 507 from waters of this state. The commission, an officer of the
 508 commission, or a law enforcement agency or officer acting
 509 pursuant to this paragraph shall be held harmless for all
 510 damages to the vessel resulting from such relocation or removal
 511 unless the damage results from gross negligence or willful
 512 misconduct as those terms are defined in s. 823.11.
 513
 514 A ~~Any~~ person cited for a violation of this subsection ~~is shall~~
 515 ~~be~~ deemed to be charged with a noncriminal infraction, must
 516 ~~shall~~ be cited for such an infraction, and must shall be cited
 517 to appear before the county court. The civil penalty for any
 518 such infraction is \$100, except as otherwise provided in this
 519 section. ~~A Any~~ person who fails to appear or otherwise properly
 520 respond to a uniform boating citation, in addition to the charge
 521 relating to the violation of the boating laws of this state,
 522 must be charged with the offense of failing to respond to such

Page 18 of 33

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592-02105-25 2025164c1

523 citation and, upon conviction, be guilty of a misdemeanor of the
 524 second degree, punishable as provided in s. 775.082 or s.
 525 775.083. A written warning to this effect ~~must shall~~ be provided
 526 at the time such uniform boating citation is issued.

527 Section 6. Subsection (1), paragraph (a) of subsection (2),
 528 and subsection (4) of section 705.103, Florida Statutes, are
 529 amended to read:

530 705.103 Procedure for abandoned or lost property.-

531 (1) Whenever a law enforcement officer ascertains that an
 532 article of lost or abandoned property is present on public
 533 property and is of such nature that it can be easily removed,
 534 the officer shall take such article into custody and shall make
 535 a reasonable attempt to ascertain the rightful owner or
 536 lienholder pursuant to the provisions of this section. For the
 537 purposes of this section, the term "owner" has the same meaning
 538 as "vessel owner" as defined in s. 327.02.

539 (2) (a) 1. Whenever a law enforcement officer ascertains
 540 that:

541 a. An article of lost or abandoned property other than a
 542 derelict vessel or a vessel declared a public nuisance pursuant
 543 to s. 327.73(1) (aa) is present on public property and is of such
 544 nature that it cannot be easily removed, the officer shall cause
 545 a notice to be placed upon such article in substantially the
 546 following form:

547 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 548 PROPERTY. This property, to wit: ...(setting forth brief
 549 description)... is unlawfully upon public property known as
 550 ...(setting forth brief description of location)... and must be
 551

592-02105-25 2025164c1

552 removed within 5 days; otherwise, it will be removed and
 553 disposed of pursuant to chapter 705, Florida Statutes. The owner
 554 will be liable for the costs of removal, storage, and
 555 publication of notice. Dated this: ...(setting forth the date of
 556 posting of notice)..., signed: ...(setting forth name, title,
 557 address, and telephone number of law enforcement officer)...

558
 559 b. A derelict vessel or a vessel declared a public nuisance
 560 pursuant to s. 327.73(1) (aa) is present on the waters of this
 561 state, the officer shall cause a notice to be placed upon such
 562 vessel in substantially the following form:

563
 564 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 565 VESSEL. This vessel, to wit: ...(setting forth brief description
 566 of location)... has been determined to be ...(derelict or a
 567 public nuisance)... and is unlawfully upon the waters of this
 568 state ...(setting forth brief description of location)... and
 569 must be removed within 21 days; otherwise, it will be removed
 570 and disposed of pursuant to chapter 705, Florida Statutes. The
 571 owner and other interested parties have the right to a hearing
 572 to challenge the determination that this vessel is derelict or
 573 otherwise in violation of the law. Please contact ...(contact
 574 information for person who can arrange for a hearing in
 575 accordance with this section)... The owner ~~of or the party~~
 576 ~~determined to be legally responsible for~~ the vessel on being
 577 ~~upon~~ the waters of this state in a derelict condition or as a
 578 public nuisance will be liable for the costs of removal,
 579 destruction, and disposal if this vessel is not removed by the
 580 owner. Dated this: ...(setting forth the date of posting of

592-02105-25

2025164c1

581 notice)..., signed: ...(setting forth name, title, address, and
582 telephone number of law enforcement officer)....

583
584 2. The notices required under subparagraph 1. may not be
585 less than 8 inches by 10 inches and must be sufficiently
586 weatherproof to withstand normal exposure to the elements. In
587 addition to posting, the law enforcement officer shall make a
588 reasonable effort to ascertain the name and address of the
589 owner. If such is reasonably available to the officer, he or she
590 ~~must or he shall~~ mail a copy of such notice to the owner on the
591 date of posting or as soon thereafter as is practical. If the
592 property is a motor vehicle as defined in s. 320.01(1) or a
593 vessel as defined in s. 327.02, the law enforcement agency must
594 ~~shall~~ contact the Department of Highway Safety and Motor
595 Vehicles in order to determine the name and address of the owner
596 and any person who has filed a lien on the vehicle or vessel as
597 provided in s. 319.27(2) or (3) or s. 328.15. On receipt of this
598 information, the law enforcement agency shall mail a copy of the
599 notice by certified mail, return receipt requested, to the owner
600 and to the lienholder, if any, except that a law enforcement
601 officer who has issued a citation for a violation of s. 823.11
602 to the owner of a derelict vessel is not required to mail a copy
603 of the notice by certified mail, return receipt requested, to
604 the owner. For a derelict vessel or a vessel declared a public
605 nuisance pursuant to s. 327.73(1)(aa), the mailed notice must
606 inform the owner ~~or responsible party~~ that he or she has a right
607 to a hearing to dispute the determination that the vessel is
608 derelict or otherwise in violation of the law. If a request for
609 a hearing is made, a state agency must ~~shall~~ follow the

Page 21 of 33

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592-02105-25

2025164c1

610 processes as set forth in s. 120.569. Local governmental
611 entities shall follow the processes set forth in s. 120.569,
612 except that a local judge, magistrate, or code enforcement
613 officer may be designated to conduct such a hearing. If, at the
614 end of 5 days after posting the notice in sub-subparagraph 1.a.,
615 or at the end of 21 days after posting the notice in sub-
616 subparagraph 1.b., and mailing such notice, if required, the
617 owner or any person interested in the lost or abandoned article
618 or articles described has not removed the article or articles
619 from public property or shown reasonable cause for failure to do
620 so, and, in the case of a derelict vessel or a vessel declared a
621 public nuisance pursuant to s. 327.73(1)(aa), has not requested
622 a hearing in accordance with this section, the following applies
623 ~~shall apply~~:

624 a. For abandoned property other than a derelict vessel or a
625 vessel declared a public nuisance pursuant to s. 327.73(1)(aa),
626 the law enforcement agency may retain any ~~or all~~ of the property
627 for its own use or for use by the state or unit of local
628 government, trade such property to another unit of local
629 government or state agency, donate the property to a charitable
630 organization, sell the property, or notify the appropriate
631 refuse removal service.

632 b. For a derelict vessel or a vessel declared a public
633 nuisance pursuant to s. 327.73(1)(aa), the law enforcement
634 agency or its designee may:

635 (I) Remove the vessel from the waters of this state and
636 destroy and dispose of the vessel or authorize another
637 governmental entity or its designee to do so; or

638 (II) Authorize the vessel's use as an artificial reef in

Page 22 of 33

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592-02105-25

2025164c1

639 accordance with s. 379.249 if all necessary federal, state, and
640 local authorizations are received.

641
642 A law enforcement agency or its designee may also take action as
643 described in this sub-subparagraph if, following a hearing
644 pursuant to this section, the judge, magistrate, administrative
645 law judge, or hearing officer has determined the vessel to be
646 derelict as provided in s. 823.11 or otherwise in violation of
647 the law in accordance with s. 327.73(1)(aa) and a final order
648 has been entered or the case is otherwise closed.

649 (4) The owner of any abandoned or lost property, or in the
650 case of a derelict vessel or a vessel declared a public nuisance
651 pursuant to s. 327.73(1)(aa), the owner of or other party
652 ~~determined to be legally responsible for the vessel on being~~
653 ~~upon~~ the waters of this state in a derelict condition or as a
654 public nuisance, who, after notice as provided in this section,
655 does not remove such property within the specified period is
656 liable to the law enforcement agency, other governmental entity,
657 or the agency's or entity's designee for all costs of removal,
658 storage, destruction, and disposal of such property, less any
659 salvage value obtained by disposal of the property. Upon final
660 disposition of the property, the law enforcement officer or
661 representative of the law enforcement agency or other
662 governmental entity shall notify the owner, or in the case of a
663 derelict vessel or vessel declared a public nuisance pursuant to
664 s. 327.73(1)(aa), the owner ~~or other party determined to be~~
665 ~~legally responsible~~, if known, of the amount owed. In the case
666 of an abandoned vessel or motor vehicle, a any person who
667 neglects or refuses to pay such amount is not entitled to be

Page 23 of 33

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592-02105-25

2025164c1

668 issued a certificate of registration for such vessel or motor
669 vehicle, or any other vessel or motor vehicle, until such costs
670 have been paid. A person who has neglected or refused to pay all
671 costs of removal, storage, disposal, and destruction of a vessel
672 or motor vehicle as provided in this section, after having been
673 provided written notice via certified mail that such costs are
674 owed, and who applies for and is issued a registration for a
675 vessel or motor vehicle before such costs have been paid in full
676 commits a misdemeanor of the first degree, punishable as
677 provided in s. 775.082 or s. 775.083. The law enforcement
678 officer or representative of the law enforcement agency or other
679 governmental entity shall supply the Department of Highway
680 Safety and Motor Vehicles with a list of persons whose vessel
681 registration privileges and motor vehicle privileges have been
682 revoked under this subsection. The department or a person acting
683 as an agent of the department may not issue a certificate of
684 registration to a person whose vessel and motor vehicle
685 registration privileges have been revoked, as provided by this
686 subsection, until such costs have been paid.

687 Section 7. Paragraphs (a), (c), and (d) of subsection (2),
688 paragraph (a) of subsection (3), paragraph (c) of subsection
689 (4), and subsections (6) and (7) of section 823.11, Florida
690 Statutes, are amended, paragraph (e) is added to subsection (2)
691 of that section, and paragraph (b) of subsection (1) of that
692 section is reenacted, to read:

693 823.11 Derelict vessels; relocation or removal; penalty.—

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

695 (b) "Derelict vessel" means a vessel, as defined in s.
696 327.02, that is:

Page 24 of 33

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592-02105-25

2025164c1

- 697 1. In a wrecked, junked, or substantially dismantled
698 condition upon any waters of this state.
- 699 a. A vessel is wrecked if it is sunken or sinking; aground
700 without the ability to extricate itself absent mechanical
701 assistance; or remaining after a marine casualty, including, but
702 not limited to, a boating accident, extreme weather, or a fire.
- 703 b. A vessel is junked if it has been substantially stripped
704 of vessel components, if vessel components have substantially
705 degraded or been destroyed, or if the vessel has been discarded
706 by the owner or operator. Attaching an outboard motor to a
707 vessel that is otherwise junked will not cause the vessel to no
708 longer be junked if such motor is not an effective means of
709 propulsion as required by s. 327.4107(2)(e) and associated
710 rules.
- 711 c. A vessel is substantially dismantled if at least two of
712 the three following vessel systems or components are missing,
713 compromised, incomplete, inoperable, or broken:
- 714 (I) The steering system;
715 (II) The propulsion system; or
716 (III) The exterior hull integrity.
- 717
718 Attaching an outboard motor to a vessel that is otherwise
719 substantially dismantled will not cause the vessel to no longer
720 be substantially dismantled if such motor is not an effective
721 means of propulsion as required by s. 327.4107(2)(e) and
722 associated rules.
- 723 2. At a port in this state without the consent of the
724 agency having jurisdiction thereof.
- 725 3. Docked, grounded, or beached upon the property of

Page 25 of 33

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592-02105-25

2025164c1

- 726 another without the consent of the owner of the property.
- 727 (2) (a) A vessel owner as defined in s. 327.02 ~~person, firm,~~
728 ~~or corporation~~ may not leave any derelict vessel upon waters of
729 this state. For purposes of this paragraph, the term "leave"
730 means to allow a vessel to remain occupied or unoccupied on the
731 waters of this state for more than 24 hours.
- 732 (c) The additional time provided in subparagraph (b)2. for
733 an owner ~~or responsible party~~ to remove a derelict vessel from
734 the waters of this state or to repair and remedy the vessel's
735 derelict condition does not apply to a vessel that was derelict
736 upon the waters of this state before the stated accident or
737 event.
- 738 (d) Notwithstanding the additional 45 days provided in sub-
739 subparagraph (b)2.b. during which an owner ~~or a responsible~~
740 ~~party~~ may not be charged for a violation of this section, the
741 commission, an officer of the commission, a law enforcement
742 agency or officer specified in s. 327.70, or, during a state of
743 emergency declared by the Governor, the Division of Emergency
744 Management or its designee, may immediately begin the process
745 set forth in s. 705.103(2)(a) and, once that process has been
746 completed and the 45 days provided herein have passed, any
747 vessel that has not been removed or repaired such that it is no
748 longer derelict upon the waters of this state may be removed and
749 destroyed as provided therein.
- 750 (e) The title of a derelict vessel is prima facie evidence
751 of ownership for any derelict vessel left upon the waters of
752 this state. An owner who attempts to transfer ownership of a
753 vessel or derelict vessel through means other than the process
754 outlined in s. 328.22 or s. 328.64 will not be exonerated from

Page 26 of 33

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592-02105-25

2025164c1

755 the responsibility of having a derelict vessel upon the waters
 756 of this state without a written agreement of ownership by the
 757 transferee or evidence of agreement to transfer ownership to the
 758 transferee and the exchange of consideration between the
 759 parties.

760 (3) The commission, an officer of the commission, or a law
 761 enforcement agency or officer specified in s. 327.70 may
 762 relocate, remove, and store or cause to be relocated, removed,
 763 and stored a derelict vessel from waters of this state as
 764 defined in s. 327.02 if the derelict vessel obstructs or
 765 threatens to obstruct navigation or in any way constitutes a
 766 danger to the environment, property, or persons. The commission,
 767 an officer of the commission, or any other law enforcement
 768 agency or officer acting pursuant to this subsection to
 769 relocate, remove, and store or cause to be relocated, removed,
 770 and stored a derelict vessel from waters of this state shall be
 771 held harmless for all damages to the derelict vessel resulting
 772 from such action unless the damage results from gross negligence
 773 or willful misconduct.

774 (a) All costs, including costs owed to a third party,
 775 incurred by the commission, another law enforcement agency, or a
 776 governmental subdivision, when the governmental subdivision has
 777 received authorization from a law enforcement officer or agency,
 778 in the relocation, removal, storage, destruction, or disposal of
 779 a derelict vessel are recoverable against the ~~vessel~~ owner of ~~or~~
 780 ~~the party determined to be legally responsible for~~ the vessel on
 781 ~~being upon~~ the waters of this state in a derelict condition. The
 782 Department of Legal Affairs shall represent the commission in
 783 actions to recover such costs. As provided in s. 705.103(4), a

Page 27 of 33

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592-02105-25

2025164c1

784 person who neglects or refuses to pay such costs may not be
 785 issued a certificate of registration for such vessel or for any
 786 other vessel or motor vehicle until such costs have been paid. A
 787 person who has neglected or refused to pay all costs of removal,
 788 storage, destruction, or disposal of a derelict vessel as
 789 provided in this section, after having been provided written
 790 notice via certified mail that such costs are owed, and who
 791 applies for and is issued a registration for a vessel or motor
 792 vehicle before such costs have been paid in full commits a
 793 misdemeanor of the first degree, punishable as provided in s.
 794 775.082 or s. 775.083.

(4)

795 (c) The commission may establish a program to provide
 796 grants to local governments for the removal, storage,
 797 destruction, and disposal of derelict vessels from the waters of
 798 this state. This grant funding may also be used for the removal,
 799 storage, destruction, and disposal of vessels declared a public
 800 nuisance pursuant to s. 327.73(1)(aa) or the derelict vessel
 801 prevention program established pursuant to s. 327.4107(7). The
 802 program must be funded from the Marine Resources Conservation
 803 Trust Fund or the Florida Coastal Protection Trust Fund.
 804 Notwithstanding s. 216.181(11), funds available for these grants
 805 may only be authorized by appropriations acts of the
 806 Legislature. In a given fiscal year, if all funds appropriated
 807 pursuant to this paragraph are not requested by and granted to
 808 local governments for the removal, storage, destruction, and
 809 disposal of derelict vessels or vessels declared a public
 810 nuisance pursuant to s. 327.73(1)(aa) by the end of the third
 811 quarter, the Fish and Wildlife Conservation Commission may use
 812

Page 28 of 33

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592-02105-25

2025164c1

813 the remainder of the funds to remove, store, destroy, and
 814 dispose of, or to pay private contractors to remove, store,
 815 destroy, and dispose of, derelict vessels or vessels declared a
 816 public nuisance pursuant to s. 327.73(1)(aa). The commission
 817 shall adopt by rule procedures for local governments to submit a
 818 grant application and criteria for allocating available funds.
 819 Such criteria must include, at a minimum, all of the following:

820 1. The number of derelict vessels within the jurisdiction
 821 of the applicant.

822 2. The threat posed by such vessels to public health or
 823 safety, the environment, navigation, or the aesthetic condition
 824 of the general vicinity.

825 3. The degree of commitment of the local government to
 826 maintain waters free of abandoned and derelict vessels and to
 827 seek legal action against those who abandon vessels in the
 828 waters of this state as defined in s. 327.02.

829 ~~(6) A person, firm, or corporation violating this section~~
 830 ~~commits a misdemeanor of the first degree and shall be punished~~
 831 ~~as provided by law.~~ A conviction under this section does not bar
 832 the assessment and collection of a civil penalty. The court
 833 having jurisdiction over the criminal offense, notwithstanding
 834 any jurisdictional limitations on the amount in controversy, may
 835 order the imposition of such civil penalty in addition to any
 836 sentence imposed for ~~the first the~~ criminal offense.

837 (a) For a first offense, a person, firm, or corporation
 838 violating this section commits a misdemeanor of the first degree
 839 and shall be punished as provided by law.

840 (b) For a second offense, a person, firm, or corporation
 841 violating this section commits a felony of the third degree,

592-02105-25

2025164c1

842 punishable as provided by law.

843 (c) For a third or subsequent offense, a person, firm, or
 844 corporation violating this section commits a felony of the
 845 second degree, punishable as provided by law.

846 (7) A person may not reside or dwell on a vessel determined
 847 to be derelict by disposition of a court or administrative
 848 order, or where the vessel owner does not challenge the derelict
 849 determination pursuant to chapter 120. Violation of this
 850 provision constitutes a misdemeanor of the first degree,
 851 punishable as provided in s. 775.082. Law enforcement has the
 852 power and duty to issue orders, perform investigations, complete
 853 reports, and perform arrests in connection with such violations
 854 to enforce this provision. If a vessel is returned to the waters
 855 of this state in a condition that is no longer derelict, a
 856 person may reside or dwell on such vessel. The commission may
 857 adopt rules to implement this section ~~If an owner or a~~
 858 ~~responsible party of a vessel determined to be derelict through~~
 859 ~~an administrative or criminal proceeding has been charged by an~~
 860 ~~officer of the commission or any law enforcement agency or~~
 861 ~~officer as specified in s. 327.70 under subsection (6) for a~~
 862 ~~violation of subsection (2), a person may not reside or dwell on~~
 863 ~~such vessel until the vessel is removed from the waters of the~~
 864 ~~state permanently or returned to the waters of the state in a~~
 865 ~~condition that is no longer derelict.~~

866 Section 8. For the purpose of incorporating the amendment
 867 made by this act to section 823.11, Florida Statutes, in a
 868 reference thereto, section 327.04, Florida Statutes, is
 869 reenacted to read:

870 327.04 Rules.—The commission may adopt rules pursuant to

592-02105-25 2025164c1

871 ss. 120.536(1) and 120.54 to implement this chapter, the
872 provisions of chapter 705 relating to vessels, and s. 823.11
873 conferring powers or duties upon it.

874 Section 9. For the purpose of incorporating the amendment
875 made by this act to section 823.11, Florida Statutes, in a
876 reference thereto, paragraph (d) of subsection (6) of section
877 327.4108, Florida Statutes, is reenacted to read:

878 327.4108 Anchoring of vessels in anchoring limitation
879 areas.-

880 (6)

881 (d) A vessel that is the subject of more than three
882 violations within 12 months which result in dispositions other
883 than acquittal or dismissal shall be declared to be a public
884 nuisance and subject to s. 705.103 or, for a derelict vessel,
885 subject to s. 823.11.

886 Section 10. For the purpose of incorporating the amendments
887 made by this act to sections 327.4107 and 823.11, Florida
888 Statutes, in references thereto, paragraph (d) of subsection (3)
889 of section 327.54, Florida Statutes, is reenacted to read:

890 327.54 Liveries; safety regulations; penalty.-

891 (3) A livery may not knowingly lease or rent a vessel to
892 any person:

893 (d) When the vessel is not seaworthy, is a derelict vessel
894 as defined in s. 823.11, or is at risk of becoming derelict as
895 provided in s. 327.4107.

896 Section 11. For the purpose of incorporating the amendment
897 made by this act to section 327.73, Florida Statutes, in a
898 reference thereto, subsection (1) of section 705.101, Florida
899 Statutes, is reenacted to read:

592-02105-25 2025164c1

900 705.101 Definitions.-As used in this chapter:

901 (1) "Abandoned property" means all tangible personal
902 property that does not have an identifiable owner and that has
903 been disposed on public property in a wrecked, inoperative, or
904 partially dismantled condition or has no apparent intrinsic
905 value to the rightful owner. The term includes derelict vessels
906 as defined in s. 823.11 and vessels declared a public nuisance
907 pursuant to s. 327.73(1) (aa).

908 Section 12. For the purpose of incorporating the amendment
909 made by this act to section 705.103, Florida Statutes, in a
910 reference thereto, subsection (1) of section 705.104, Florida
911 Statutes, is reenacted to read:

912 705.104 Title to lost or abandoned property.-

913 (1) Title to lost or abandoned property is hereby vested in
914 the finder upon the expiration of the 90-day custodial time
915 period specified in s. 705.103(2) (b), provided the notice
916 requirements of s. 705.103 have been met, unless the rightful
917 owner or a lienholder claims the property within that time.

918 Section 13. For the purpose of incorporating the amendment
919 made by this act to section 705.103, Florida Statutes, in a
920 reference thereto, subsection (8) of section 713.585, Florida
921 Statutes, is reenacted to read:

922 713.585 Enforcement of lien by sale of motor vehicle.-A
923 person claiming a lien under s. 713.58 for performing labor or
924 services on a motor vehicle may enforce such lien by sale of the
925 vehicle in accordance with the following procedures:

926 (8) A vehicle subject to lien enforcement pursuant to this
927 section must be sold by the lienor at public sale. Immediately
928 upon the sale of the vehicle and payment in cash of the purchase

592-02105-25

2025164c1

929 price, the lienor shall deposit with the clerk of the circuit
930 court the proceeds of the sale less the amount claimed by the
931 lienor for work done and storage, if any, and all reasonable
932 costs and expenses incurred in conducting the sale, including
933 any attorney's fees and costs ordered by the court.
934 Simultaneously with depositing the proceeds of sale remaining
935 after payment to the lienor, the lienor shall file with the
936 clerk a verified report of the sale stating a description of the
937 vehicle sold, including the vehicle identification number; the
938 name and address of the purchaser; the date of the sale; and the
939 selling price. The report shall also itemize the amount retained
940 by the lienor pursuant to this section and shall indicate
941 whether a hearing was demanded and held. All proceeds held by
942 the court shall be held for the benefit of the owner of the
943 vehicle or any lienholder whose lien is discharged by the sale
944 and shall be disbursed only upon order of the court. Unless a
945 proceeding is initiated to validate a claim to such proceeds
946 within 1 year and a day from the date of the sale, the proceeds
947 shall be deemed abandoned property and disposition thereof shall
948 be governed by s. 705.103. The clerk shall receive 5 percent of
949 the proceeds deposited with her or him, not to exceed \$25, for
950 her or his services under this section.

951 Section 14. Except as otherwise provided in this act, this
952 act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 5, 2025

I respectfully request that **CS/SB 164**, relating to Vessel Accountability, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate
APPEARANCE RECORD

164

Bill Number or Topic

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

Amendment Barcode (if applicable)

March 18
Meeting Date

ENR Approvs
Committee

DAVID CHILDS
Name

850 4431494
Phone

115 S. Marine St
Address Street

DAVID@VOGELGROUPDC.COM
Email

Tallah
City

FL
State

32301
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
National Marine
Manufacturers Association

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

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

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

The Florida Senate

APPEARANCE RECORD

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

3/18

Meeting Date

164

Bill Number or Topic

ENR Approps

Committee

Amendment Barcode (if applicable)

Name

Kyle Langan

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:

Boat US

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/CS/SB 344

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;
Regulated Industries Committee and Senator Rodriguez

SUBJECT: Telecommunications Access System Act of 1991

DATE: March 21, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 344 revises Florida’s Telecommunications Access System Act of 1991 (TASA), which provides for services to enable individuals with hearing or speech disabilities to connect them to standard (i.e. voice) telephone users. Specifically, the bill:

- Authorizes the use of advanced technologies beyond the landline telephone communications system authorized in TASA;
- Allows for the adoption of new, emerging, and not yet contemplated communications technologies as they come into the marketplace;
- Revises the membership of TASA’s advisory committee;
- Defines certain terms;
- Freezes the existing surcharge until the administrator’s reserve fund is diminished; and
- Decreases the maximum permitted surcharge from \$.25 to \$.15.

The bill does not impact state revenues or expenditures; however, it may have a slight impact on the private sector. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.² In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

Under ch. 364, F.S., telecommunications carriers in Florida are subject to only limited PSC regulation. During the 2011 legislative session, the "Regulatory Reform Act" (act) was passed and signed into law by the Governor, effective July 1, 2011.⁴ Under the act, the Legislature eliminated most of the PSC's jurisdiction over telecommunications. However, the PSC still:

- Maintains authority to ensure that incumbent local exchange carriers meet their obligation to provide unbundled access, interconnection, and resale to competitive local exchange companies in a nondiscriminatory manner;
- Administers the system to provide Telecommunications Relay Services pursuant to Florida's Telecommunications Access Systems Act of 1991 (TASA); and
- Oversees the Federal Lifeline Assistance program for Florida.⁵

Telecommunications Access System Act of 1991

Sections 427.701 through 427.708, F.S., provide the statutory authorization for TASA. The purpose of TASA is to create a system for Floridians who "are hearing impaired, speech impaired, or dual sensory impaired [to] have access to basic telecommunications services at a cost no greater than that paid by other telecommunications services customers, and whereby the cost of specialized telecommunications equipment necessary to ensure that citizens who are hearing impaired, speech impaired, or dual sensory impaired have access to basic telecommunications services." The provision of this telecommunications relay service "is borne by all the telecommunications customers of the state."⁶

Section 427.704(1), F.S., requires the PSC to oversee the administration of the statewide telecommunications access system to provide access to telecommunications relay service (relay service). The system purchases and distributes specialized telecommunication devices as established by TASA. The telecommunications access system must also meet or exceed the certification requirements of the Federal Communications Commission's regulations implementing Title IV of the Americans with Disability Act.

¹ Section 350.001, F.S.

² See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited March 11, 2025).

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited March 11, 2025).

⁴ Ch. 2011-36, Laws of Florida.

⁵ Florida Public Service Commission, *About the PSC*, supra note 3.

⁶ Section 427.702, F.S.

Section 427.704(2), F.S. also directs the PSC to designate an administrator of the relay service which must be a not-for-profit corporation organized for such purposes. This subsection also authorizes the PSC to order state telecommunications companies to form such a not-for-profit corporation. Pursuant to this requirement and authorization, the PSC, in May 1991, directed Florida's local exchange telecommunications companies to form Florida Telecommunications Relay, Inc. (FTRI) to administer the distribution of the specialized telecommunications equipment and to provide outreach services.⁷

As a part of the PSC's oversight responsibilities for TASA, s. 427.704(9), F.S., requires the PSC to file an annual report on the system to be available on the PSC's website. This report, prepared in consultation with TASA's administrator, FTRI, must, at a minimum:

- Briefly outline:
 - The status of developments in the telecommunications access system;
 - The number of persons served, call volume, revenues, and expenditures; and
 - The allocation of the revenues and expenditures between provision of specialized telecommunications devices to individuals and operation of statewide relay service
- Other major policy or operational issues; and
- Proposals for improvements or changes to the telecommunications access system.”

Florida Telecommunications Relay

The FTRI's relay service—branded as “Florida Relay”—provides 24-hour, 365-day per year, services to Florida residents who are deaf, hard of hearing, deaf/blind, and speech disabled to connect them to standard (i.e. voice) telephone users. The relay services provided by Florida Relay include the following:⁸

- Text telephone (TTY) and ASCII⁹: Persons who are deaf, hard-of-hearing, deaf-blind, or speech-disabled use a TTY to type their conversation to a relay operator. This operator then reads this conversation to the hearing person being called.
- Voice carry over (VCO): Persons who are deaf or hard of hearing use their voice to speak directly to the hearing person being called. When the person being called speaks back, the operator types out what is said on a TTY or text display.
- Speech to Speech (STS): This technology allows speech-disabled persons to voice their conversation. Then, a specially trained relay operator repeats that speech-disabled person's dialogue for the called party to better hear or understand.
- Relay conference capturing: Service for persons who are deaf or hard of hearing to engage in a group conversation setting, in either a video conference or conference call.
- CapTel: CapTel is a captioned telephone device that displays what the called party says using speech recognition software.¹⁰

⁷ *In re: Telecommunications Access System Act of 1991*, Docket No. 19910496-TP, Order No. 24462 (F.P.S.C. May 1, 1991).

⁸ Florida Telecommunications Relay, Inc., *Florida Relay*, <https://www.ftri.org/relay> (last visited March 11, 2025).

⁹ American Standard Code for Information Interchange (ASCII) is a 7-bit character code where each individual bit represents a unique character. ASCII codes are used to assist with text-based communication and computing to ensure compatibility and consistency across different systems and applications. *ASCII Table*, ASCII – Code.com, <https://www.ascii-code.com/> (last visited March 11, 2025).

¹⁰ Hamilton Relay, *CapTel (Captioned Telephone)*, <https://hamiltonrelay.com/how-it-works/captel-captioned-telephone.html> (last visited March 11, 2025).

- Voice: Allows standard telephone users to initiate calls to TTY users. The operator types the hearing person's spoken words to the TTY user and then reads back the replies.
- Hearing Carry-Over (HCO): Persons who are hearing, but unable to speak directly into a phone due to speech disabilities, can listen to the called party. Then, the HCO user types back a response which is then relayed, via voice, by the relay operator to the called party, who then can speak back.
- Video Assisted Speech to Speech (VA-STS): This technology allows persons with speech disabilities to use both a telephone and video device to make relay calls.
- Enhanced Speech to Speech: Features provided through enhanced speech to speech include the ability to set up call times, contacts, and faster call set up.

Florida Relay also provides services in Spanish.¹¹

Advisory Committee for TASA

Section 427.706, F.S., also directs the PSC to appoint an advisory committee of no more than 10 persons and include, to the extent practicable:

- Two deaf persons recommended by the Florida Association of the Deaf.
- One hearing impaired person recommended by Self-Help for the Hard of Hearing.
- One deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities.
- One speech impaired person recommended by the Florida Language Speech and Hearing Association.
- Two representatives of telecommunications companies.
- One person with experience in providing relay services recommended by the Deaf Service Center Association.
- One person recommended by the Advocacy Center for Persons with Disabilities, Inc.
- One person recommended by the Florida League of Seniors.

This committee meets twice per year in formal meetings organized and conducted by PSC staff. The most recent meetings were in June and October of 2024.¹² According to the PSC, not every organization listed to appoint individuals to the advisory council is still active in Florida. There are only three persons who have been appointed by the specified organizations.¹³

Funding TASA Services

Section 427.704, F.S., requires the PSC to implement a surcharge on each basic telecommunications access line (i.e. landline) to fund TASA services through FTRI. This surcharge is imposed on all local exchange telecommunications company subscribers by their local exchange telecommunications company as part of their regular bill.¹⁴ This surcharge is

¹¹ Florida Telecommunications Relay, Inc., *Florida Relay*, *supra* note 8.

¹² Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Dec. 2024, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationAccess/2024.pdf> (last visited March 11, 2025).

¹³ *Id.*

¹⁴ Section 427.704(4)(a).

capped at \$0.25 per month, per access line, up to a total of 25 total access lines per customer.¹⁵ The amount, subject to these statutory limitations, is set by the PSC in order to fund FTRI's operations. For the year 2024-2025, the TASA surcharge per customer line is \$0.08 per month.¹⁶

Recommendations from the PSC's TASA Annual Report

The PSC posted its most recent TASA annual report in December of 2024 (2024 Report). This report made several recommendations regarding the TASA program. Specifically, the PSC states that Florida Relay "is facing a number of challenges in terms of technological changes that affects both the demand for equipment and the viability of the program's long-term funding." Furthermore, the PSC "believes that modernization of TASA is needed for the program to meet the evolving needs and preferences of consumers served by the program."¹⁷

Technology Changes

In its 2024 report, the PSC stated the telecommunications market and technologies have changed significantly since TASA was passed in 1991. In 2001, switched access lines¹⁸ numbered 12,030,592 in Florida.¹⁹ As of 2023, that number has dropped to 763,866—a decline of approximately 94 percent—and this number is expected to continue to decline.²⁰ The first voice-over-internet protocol (VoIP) was not released until 1995²¹—four years after TASA passed. Today, wireless and VoIP comprise the majority of the communications marketplace connecting consumers to the public switched network—however neither of these technologies were contemplated in TASA.

Section 427.702(3), F.S., does provide the intent of the legislature is that the telecommunications access system should have the "capability of incorporating new technologies as they develop" and should use "state-of-the-art technology for specialized telecommunications devices and the telecommunications relay service and encourages the incorporation of new developments in technology." However, the definitions used in TASA limit the technologies that may be deployed. Specifically, as pointed out by the PSC, s. 427.703, F.S., defines:

- "Specialized telecommunications devices" as equipment that is specifically designed or used to provide *basic* (emphasis added) access to telecommunications services; and
- "Telecommunications device for the deaf" or "TDD," a mechanism which is connected to a standard telephone line and used to transmit or receive signals through telephone lines.

¹⁵ Section 427.704(4)(a)-(b).

¹⁶ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 9.

¹⁷ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11.

¹⁸ "Switched access lines" are how a traditional telephone (i.e. landline), connects to a local exchange carrier's switch. See Federal Communications Commission Office of Economics and Analysis, *Voice Telephone Services: Status as of June 30, 2022*, pg. 16, available at <https://docs.fcc.gov/public/attachments/DOC-396138A1.pdf> (last visited March 11, 2025). A reduction in these lines would indicate a reduction in landline subscribers.

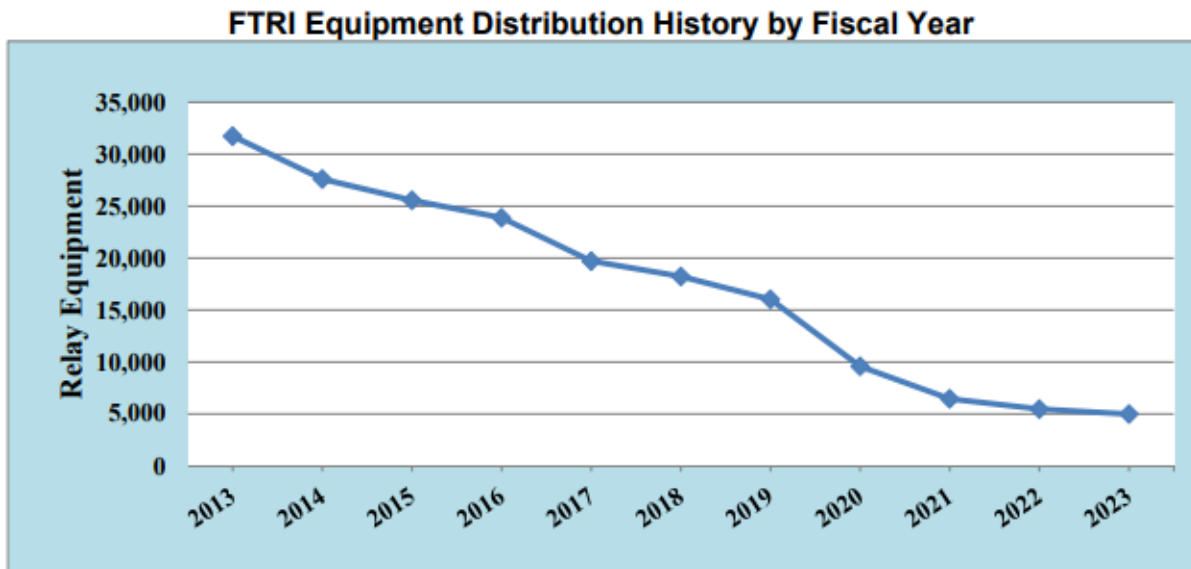
¹⁹ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, pg. 10, Jun. 2002, available at <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/Telecommunication/TelecommunicationIndustry/2002.pdf> (last visited March 11, 2025).

²⁰ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11-12.

²¹ Jeremy Norman's History of Information, *VocalTec Releases "Internet Phone," the First Internet VoIP Application*, <https://www.historyofinformation.com/detail.php?id=1111> (last visited March 11, 2025).

The PSC has found that wireless and broadband technologies—which are the majority of the telecommunications market as landlines become less prevalent—are not contemplated, and therefore not supported, by TASA and would require a statutory change to integrate.²²

The PSC noted in its 2024 Report that participation in TASA services has continued to decline over the last decade. The chart below, provided in the 2024 Report, shows the total equipment distributed by FTRI each fiscal year from 2013 through 2023:²³



The PSC also notes that there has been an “eighty-seven percent decline in new clients served and a seventy-seven percent decline in customer calls over the past ten years.”²⁴

Funding Challenges

As stated, s. 427.704, F.S., only assesses a surcharge on landline telecommunications to fund TASA services. Wireless and VoIP are not required to contribute. Thus, as fewer customers use landline telecommunications, potential revenue sources for TASA services will likely decline.²⁵

TASA Advisory Committee Eligibility

The PSC also recommends eligibility for the TASA advisory committee be expanded beyond that provided in s. 427.706, F.S., and provide for additional flexibility. The PSC notes that “Not all of the identified organizations are currently active in Florida, while others have not provided a volunteer for the Committee.”

²² *Id.* at 11; and *In re: Commission Approval of Florida Telecommunications Relay, Inc.’s Fiscal Year 2020/2021 Proposed Budget*, Docket No. 20200073-TP, Order No. PSC-2020-0220-PAA-TP, pg. 6 (F.P.S.C. Jun. 29, 2020).

²³ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 8.

²⁴ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 6.

²⁵ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 11.

III. Effect of Proposed Changes:

Section 1 amends s. 427.702, F.S., to make significant revisions to the findings, purpose, and legislative intent of the program. The bill deletes the following findings:

- Telecommunications services provide rapid and essential communication links between the general public and essential services.
- All persons should have basic telecommunications services available to them at reasonable and affordable costs.
- Significant portions of Florida’s hearing and speech impaired populations have profound disabilities that render normal telephone equipment useless without specialized communications devices, which may cost several hundred dollars.
- The telecommunications system is intended to provide access to a basic communications network between all persons, and hearing and speech impaired may have no access to the basic telecommunications system.
- Persons with hearing or speech impairments are generally excluded from access to the basic telecommunications system without special equipment.
- There is a need for a telecommunications relay system where the cost of access to the basic telecommunications services for persons with hearing or speech impairment is no greater than the amount paid by other telecommunications customers.

In addition, the bill adds legislative intent to the section stating: “[T]hat the telecommunications access system should provide access to specialized communications technology capable of using existing or future devices or equipment necessary for persons with hearing loss or speech impairment or who are deafblind to access telecommunications services.”

The bill also makes technical revisions to the section, including updating terminology referencing persons with specific disabilities.

Section 2 amends s. 427.703, F.S., to revise the definitions relating to the Telecommunications Access System Act of 1991 (TASA). Specifically, the bill makes technical revisions, including updating terminology referencing persons with specific disabilities, and:

- Revises the definition of “administrator” to delete references to the relay service system and the distribution of specialized telecommunications devices and provides that the administrator is to administer the telecommunications access system.
- Adds a definition of “commercial mobile radio service” or “CMRS” to mean a mobile radio communications service, provided for profit, which is interconnected to the public switched network and is available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.²⁶
- Adds a definition of “communications service” to mean service provided to subscribers through wireline telecommunications equipment, interconnected voice-over-internet protocol (VoIP), or CMRS.

²⁶ More commonly known as mobile or wireless telephone service. As provided in the bill, however, CMRS does not include services that do not provide access to 911 service, communication channels suitable only for data transmission, wireless roaming services or other nonlocal radio access line services, or private telecommunications systems.

- Adds a definition of “deaf service center” to mean a center that serves, within a defined region, individuals with hearing loss or speech impairment or who are deafblind, by distributing equipment and providing services on behalf of the administrator.
- Adds a definition of “deaf service center director” to mean an individual who serves as the director for a deaf service center and is responsible for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services in accordance with ss. 427.701 through 427.708, F.S., based on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.
- Adds a definition for “interconnected voice over Internet protocol” or “interconnected VoIP” to mean a service that:
 - Enables subscribers to have real-time, two-way voice communications;
 - Requires a broadband connection;
 - Requires Internet compatible customer equipment; and
 - Allows subscribers to receive calls from and place calls to the public switched telephone network.²⁷
- Adds a definition of “regional distribution center” to mean an entity, including, but not limited to, a deaf service center or a provider of audiology services, which has contracted with the administrator to distribute equipment and provide services to qualified individuals with hearing loss or speech impairment or who are deafblind.
- Adds a definition of “regional distribution center director” to mean an individual qualified by the administrator who serves as the director for a regional distribution center and meets the standards for ensuring that individuals with hearing loss or speech impairment or who are deafblind are qualified to receive equipment or services in accordance with ss. 427.701 through 427.708, F.S., based on their impairment by attesting to such impairment as provided for in the procedures developed by the administrator.
- Revises the definitions of “dual sensory impaired” person, “hearing impaired” person, and “speech impaired” person.
- Adds a definition for “specialized communications technology” to mean mobile devices, tablet computers, software, or applications that can be used to provide communications services to hearing impaired, speech impaired, or deafblind persons.
- Revises the definition of “specialized telecommunications device” to revise the equipment contemplated under the definition. The revision removes a reference to specifically designed (for persons with certain specified disabilities) customer premises telecommunications equipment for basic access to telecommunications services and replaces it with equipment that can be used to provide access to communications services for persons with specified disabilities. Essentially, the revision removes the requirement that the equipment be at a customer’s premises and that it be specifically designed for specified disabilities.
- Adds a definition for “telecommunications access system” to mean the system administered pursuant to TASA, and the Public Service Commission (PSC) rules adopted to administer TASA, including the administration of the telecommunications relay service system and the distribution of specialized telecommunications devices and specialized communications technologies pursuant to ss. 427.701 through 427.708, F.S., and rules and regulations established by the PSC.

²⁷ The term, however, does not include services that do not provide access to 911 service or private telecommunications systems.

- Revises the definition of “telecommunications device for the deaf” or “TDD” to add “text device,” removes a reference to “standard telephone line” (replacing it with communications network) and provides that signals from such devices may also come through communications service facilities other than just telephone lines.
- Revises the definition of “telecommunications relay service” to include the revised definitions for sensory impaired persons.

Section 3 amends s. 427.704, F.S., to make technical revisions to the powers and duties of the PSC, including updating terminology referencing persons with specific disabilities. The section also provides the telecommunications access system overseen by the PSC, as part of TASA, may provide equipment and specialized communications technology in addition to providing telecommunications relay services and distributing specialized telecommunication devices as already authorized under TASA.

Relatedly, the PSC must set eligibility requirements for the distribution of this specialized communications technology. These requirements must be based upon income qualifications or participation in other state or federal programs based on income, which requirements must be set at no less than double, but no more than triple, the federal poverty level.²⁸ These eligibility requirements may not prohibit the administrator of TASA from providing access to specialized communications technologies if such access has a de minimis value.²⁹

The bill requires the PSC to determine the amount of the surcharge based upon the amount of funding necessary to provide services on an ongoing basis; however, such surcharge may not exceed \$.15 per line per month. Furthermore, **Section 3** provides that the PSC may not increase the surcharge when excess funds are available.

In addition, the bill deletes obsolete portions of s. 427.704, F.S., and makes conforming revisions implementing the provisions specified above for this section.

Section 4 amends s. 427.705, F.S., to make technical revisions, including updating terminology referencing persons with specific disabilities. The section also revises the duties of the administrator to conform with the revisions in **Section 3** of the bill allowing telecommunications access systems to provide equipment and specialized communications technology in addition to providing telecommunications relay services, and distribute specialized telecommunication devices as already authorized under TASA. The bill also makes revisions to allow the administrator to license such equipment. In addition, the section revises the persons that may provide statements attesting to hearing and speech impairment as part of the certification process to receive TASA services, allowing regional distribution center directors to do so.³⁰

²⁸ The federal poverty guidelines for 2025 are \$15,650 for a single person household, for a two-person household, it is \$21,150, for a three-person household, it is \$26,650, and for a four-person household it is \$32,150. <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited March 11, 2025).

²⁹ These provisions do not apply to specialized telecommunications devices using standard telephone lines.

³⁰ Under present law, only a licensed physician, audiologist, speech-language pathologist, hearing aid specialist, or deaf service center director, a state-certified teacher of the hearing impaired, a state-certified teacher of the visually impaired, or an appropriate state or federal agency may do so.

Section 5 amends s. 427.706, F.S., to revise the composition of the TASA advisory committee. All of the specified composition of the committee from current statute³¹ is repealed and replaced with persons recommended by organizations representing the following groups (to the extent practicable):

- The deaf;
- Persons with hearing loss;
- The deafblind;
- Persons with speech impairment;
- The elderly;
- Telecommunications relay service distribution centers; and
- Communications service providers.

In addition, the section makes technical and conforming revisions, including updating terminology referencing persons with specific disabilities.

Section 6 provides for an effective date of July 1, 2025.

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.

³¹ Current statute specifies the following persons: 1) two deaf persons recommended by the Florida Association of the Deaf; 2) one hearing impaired person recommended by Self-Help for the Hard of Hearing, 3) one deaf and blind person recommended by the Coalition for Persons with Dual Sensory Disabilities, 4) one speech impaired person recommended by the Florida Language Speech and Hearing Association, 5) two representatives of telecommunications companies, 6) one person with experience in providing relay services recommended by the Deaf Service Center Association, 7) one person recommended by the Advocacy Center for Persons with Disabilities, Inc., and 8) one person recommended by the Florida League of Seniors.

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

None.

B. Private Sector Impact:

The Telecommunications Access System Act of 1991 (TASA) is funded by a surcharge that wireline telecommunications carriers are required to assess to their customers.³² Currently, the surcharge on landlines in Florida is set at \$0.08 per line per month, with a statutory cap of \$0.25 per line per month, with a maximum of 25 lines charged per customer account per month.³³ The bill reduces the maximum allowable monthly surcharge from \$.25 per line, per month to \$.15 per line, per month.

The TASA may experience increased expenses due to the authority to purchase specialized communications equipment; however, such expenses are not expected to increase significantly due to the income eligibility requirements of **Section 3** of the bill.

In the event the TASA experiences a significant increase in expenses due to the specialized communications technology, and such increase exceeds the current budget authority for the Florida Telecommunications Relay, Inc. (FTRI), the FTRI may seek a surcharge increase from the Public Service Commission through its annual budget proposal. Any increase in the surcharge may cause a slight increase in landline customers' bills.

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: 427.702, 427.703, 427.704, 427.705, 427.706, and 427.708.

³² Wireless, VoIP and broadband service providers are not required to assess the surcharge. Public Service Commission, *Senate Bill 344 Agency Bill Analysis* (Feb. 24, 2025) (on file with the Appropriations Committee on Agriculture, Environment and General Government).

³³ Florida Public Service Commission, *Status of the Telecommunications Access System Act of 1991*, *supra* note 12, pg. 9.

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 Agriculture, Environment, and General Government on March 18, 2025

The committee substitute:

- Defines “deaf service center,” “deaf service center director,” “regional distribution center,” and “regional distribution center director”;
- Freezes the existing surcharge until the administrator’s reserve fund is diminished;
- Decreases the maximum permitted surcharge from \$.25 to \$.15; and
- Provides the Public Service Commission (PSC) may not increase the surcharge when excess funds are available.

CS by Regulated Industries on February 18, 2025:

The committee substitute:

- Corrects an erroneous statement of application, revising a new provision from applying to the entirety of s. 427.704 (as was in the bill as filed), to only applying to the new s. 427.704(1)(e), F.S., added by the bill, as intended;
- Reinserts the term “basic” to the term “basic telecommunications system” as used in a provision dealing with a surcharge to fund the Telecommunications Access System Act of 1991 (TASA). This amendment is intended to clarify that the revisions to this provision do not intend to increase the scope of the surcharge beyond that currently in law; and
- Removes a redundant **section 6** of the bill.

- B. **Amendments:**

None.



317048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Rodriguez) recommended the following:

Senate Amendment

Delete lines 120 - 310

and insert:

Section 2. Present subsections (2), (3) and (4), (5) and (6), (7) and (8), (9), (10), (11), (12), and (13) through (17) of section 427.703, Florida Statutes, are redesignated as subsections (3), (5) and (6), (9) and (10), (12) and (13), (16), (19), (18), (20), and (22) through (26), respectively, new subsections (2), (4), (7), (8), (11), (14), (15), (17), and (21)



317048

11 are added to that section, and subsection (1) and present
12 subsections (4), (6), (10), (11), (12), (14), and (16) of that
13 section are amended, to read:

14 427.703 Definitions.—As used in this part:

15 (1) "Administrator" means a corporation not for profit
16 incorporated pursuant to ~~the provisions of~~ chapter 617 and
17 designated by the Florida Public Service Commission to
18 administer the telecommunications access system ~~relay service~~
19 ~~system and the distribution of specialized telecommunications~~
20 ~~devices~~ pursuant to ~~the provisions of~~ this act and rules and
21 regulations established by the commission.

22 (2) "Commercial mobile radio service" or "CMRS" means a
23 mobile radio communications service, provided for profit, which
24 is interconnected to the public switched network and is
25 available to the public or to such classes of eligible users as
26 to be effectively available to a substantial portion of the
27 public. The term does not include services that do not provide
28 access to 911 service, communication channels suitable only for
29 data transmission, wireless roaming services or other nonlocal
30 radio access line services, or private telecommunications
31 systems.

32 (4) "Communications service" means a service provided to
33 subscribers through wireline telecommunications equipment,
34 interconnected VoIP, or CMRS.

35 (6) ~~(4)~~ "Deafblind" ~~"Dual sensory impaired"~~ means having
36 both a permanent hearing impairment and a permanent visual
37 impairment and includes dual sensory impairment ~~deaf/blindness.~~

38 (7) "Deaf service center" means a center that serves,
39 within a defined region, individuals with hearing loss or speech



317048

40 impairment or who are deafblind by distributing equipment and
41 providing services on behalf of the administrator.

42 (8) "Deaf service center director" means an individual who
43 serves as the director for a deaf service center and is
44 responsible for ensuring that individuals with hearing loss or
45 speech impairment or who are deafblind are qualified to receive
46 equipment or services in accordance with ss. 427.701-427.708,
47 based on their impairment by attesting to such impairment as
48 provided for in the procedures developed by the administrator.

49 (10)-(6) "Hearing loss impaired" or "having a hearing
50 impairment" means deaf, late-deafened, or hard of hearing ~~and,~~
51 ~~for purposes of this part, includes being dual sensory impaired.~~

52 (11) "Interconnected voice-over-Internet protocol" or
53 "interconnected VoIP" means a service that does all of the
54 following:

55 (a) Enables subscribers to have real-time, two-way voice
56 communications.

57 (b) Requires a broadband connection.

58 (c) Requires customer equipment compatible with Internet
59 protocol.

60 (d) Allows subscribers to receive calls from and place
61 calls to a public switched telephone network. The term does not
62 include services that do not provide access to 911 service or
63 private telecommunications systems.

64 (14) "Regional distribution center" means an entity,
65 including, but not limited to, a deaf service center or a
66 provider of audiology services, which has contracted with the
67 administrator to distribute equipment and provide services to
68 qualified individuals with hearing loss or speech impairment or



317048

69 who are deafblind.

70 (15) "Regional distribution center director" means an
71 individual qualified by the administrator who serves as the
72 director for a regional distribution center and meets the
73 standards for ensuring that individuals with hearing loss or
74 speech impairment or who are deafblind are qualified to receive
75 equipment or services in accordance ss. 427.701-427.708 on their
76 impairment by attesting to such impairment as provided for in
77 the procedures developed by the administrator.

78 (17) "Specialized communications technology" means mobile
79 devices, tablet computers, software, or applications that can be
80 used to provide communications services to a hearing impaired,
81 speech impaired, or deafblind person.

82 (19)-(10) "Speech impaired" or "having a speech impairment"
83 means having a permanent loss of verbal communication ability
84 that which prohibits normal usage of a standard telephone
85 handset.

86 (18)-(11) "Specialized telecommunications device" means a
87 TDD, a volume control handset, a ring signaling device, or any
88 other customer premises telecommunications equipment that can be
89 specifically designed or used to provide basic access to
90 communications telecommunications services for a person with
91 hearing loss or speech impairment or who is deafblind hearing
92 impaired, speech impaired, or dual sensory impaired person.

93 (20)-(12) "Surcharge" means an additional charge which is to
94 be paid by local exchange telecommunications company subscribers
95 pursuant to the cost recovery mechanism established under s.
96 427.704(4) in order to implement the system described herein.

97 (21) "Telecommunications access system" means the system



317048

98 administered pursuant to this section, and includes the
99 administration of the telecommunications relay service system
100 and the distribution of specialized telecommunications devices
101 and specialized communications technologies pursuant to ss.
102 427.701-427.708 and rules and regulations established by the
103 commission.

104 (23)~~(14)~~ "Telecommunications device for the deaf," ~~or~~
105 "TDD," or "text device" means a mechanism that ~~which~~ is
106 connected to a communications network ~~standard telephone line,~~
107 operated by means of a keyboard, and used to transmit or receive
108 signals through telephone lines or other communications service
109 facilities.

110 (25)~~(16)~~ "Telecommunications relay service" means any
111 telecommunications transmission service that allows a person
112 with hearing loss ~~who is hearing impaired~~ or speech impairment
113 ~~speech impaired~~ to communicate by wire or radio in a manner that
114 is functionally equivalent to the ability of a person who does
115 not have hearing loss or speech impairment ~~is not hearing~~
116 ~~impaired or speech impaired~~. Such term includes any service that
117 enables two-way communication between a person who uses a
118 telecommunications device or other nonvoice terminal device and
119 a person who does not use such a device.

120 Section 3. Subsection (1), paragraph (a) of subsection (3),
121 paragraphs (a), (b), and (e) of subsection (4), and subsections
122 (5) through (9) of section 427.704, Florida Statutes, are
123 amended to read:

124 427.704 Powers and duties of the commission.—

125 (1) The commission shall establish, implement, promote, and
126 oversee the administration of a statewide telecommunications



317048

127 access system to provide access to telecommunications relay
128 services by persons with hearing loss or speech impairment or
129 who are deafblind ~~who are hearing impaired or speech impaired,~~
130 or others who communicate with them. The telecommunications
131 access system must ~~shall~~ provide for the purchase and
132 distribution of specialized telecommunications devices,
133 equipment, specialized communications technology, and the
134 establishment of a statewide single provider telecommunications
135 relay service system that ~~which~~ operates continuously. To
136 provide telecommunications relay services and distribute
137 specialized telecommunication devices, equipment, and
138 specialized communications technology to persons with hearing
139 loss or speech impairment or who are deafblind ~~who are hearing~~
140 ~~impaired or speech impaired,~~ at a reasonable cost the commission
141 shall:

142 (a) Investigate, conduct public hearings, and solicit the
143 advice and counsel of the advisory committee established
144 pursuant to s. 427.706 to determine the most cost-effective
145 method for providing telecommunications relay service and
146 distributing specialized telecommunications devices, equipment,
147 and specialized communications technology.

148 (b) Ensure that users of the telecommunications relay
149 service system pay rates no greater than the rates paid for
150 functionally equivalent voice communication services with
151 respect to such factors as duration of the call, time of day,
152 and distance from the point of origination to the point of
153 termination.

154 (c) Ensure that the telecommunications access system
155 protects the privacy of persons to whom services are provided



317048

156 and that all operators maintain the confidentiality of all relay
157 service messages.

158 (d) Ensure that the telecommunications relay service system
159 complies with regulations adopted by the Federal Communications
160 Commission to implement Title IV of the Americans with
161 Disabilities Act.

162 (e) Set eligibility requirements for the distribution of
163 specialized communications technology based on income
164 qualifications or participation in other state or federal
165 programs based on income, which requirements must be set at no
166 less than double but no more than triple the federal poverty
167 level. Eligibility requirements may not prohibit the
168 administrator from providing access to specialized
169 communications technologies if such access has a de minimis
170 value. This paragraph does not apply to specialized
171 telecommunications devices using standard telephone lines.

172 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
173 telecommunications relay service pursuant to procedures
174 established by the commission. In selecting a ~~the~~ service
175 provider, the commission shall take into consideration the cost
176 of providing ~~the~~ relay service and the interests of the hearing
177 loss, speech impairment, and deafblind ~~impaired and speech~~
178 ~~impaired~~ community in having access to a high-quality and
179 technologically advanced telecommunications system. The
180 commission shall award the contract to the bidder whose proposal
181 is the most advantageous to the state, taking into consideration
182 the following:

183 1. The appropriateness and accessibility of the proposed
184 telecommunications relay service for the residents ~~citizens~~ of



317048

185 this the state, including persons with hearing loss or speech
186 impairment or who are deafblind ~~who are hearing impaired or~~
187 ~~speech impaired.~~

188 2. The overall quality of the proposed telecommunications
189 relay service.

190 3. The charges for the proposed telecommunications relay
191 service system.

192 4. The ability and qualifications of the bidder to provide
193 the proposed telecommunications relay service as outlined in the
194 request for proposals.

195 5. Any proposed service enhancements and technological
196 enhancements which improve service without significantly
197 increasing cost.

198 6. Any proposed inclusion of provision of assistance to
199 deaf persons with special needs to access the ~~basic~~
200 telecommunications system.

201 7. The ability to meet the proposed commencement date for
202 the telecommunications relay service.

203 8. All other factors listed in the request for proposals.

204 (4) (a) The commission shall establish a mechanism to
205 recover the costs of implementing and maintaining the services
206 required pursuant to this part which must ~~shall~~ be applied to
207 each basic telecommunications access line. In establishing the
208 recovery mechanism, the commission shall:

209 1. Require all local exchange telecommunications companies
210 to impose a monthly surcharge on all local exchange
211 telecommunications company subscribers on an individual access
212 line basis, except that such surcharge may ~~shall~~ not be imposed
213 upon more than 25 basic telecommunications access lines per



317048

214 account bill rendered.

215 2. Require all local exchange telecommunications companies
216 to include the surcharge as a part of the local service charge
217 that appears on the customer's bill, except that the local
218 exchange telecommunications company shall specify the surcharge
219 on the initial bill to the subscriber and itemize it at least
220 once annually.

221 3. Allow the local exchange telecommunications company to
222 deduct and retain 1 percent of the total surcharge amount
223 collected each month to recover the billing, collecting,
224 remitting, and administrative costs attributed to the surcharge.

225 (b) The commission shall determine the amount of the
226 surcharge based upon the amount of funding necessary to
227 accomplish the purposes of this act and provide the services on
228 an ongoing basis; however, in no case shall the amount exceed 15
229 ~~25~~ cents per line per month.

230 (e) From the date of implementing the surcharge, the
231 commission shall review the amount of the surcharge at least
232 annually and shall order changes in the amount of the surcharge
233 as necessary to assure available funds for the provision of the
234 telecommunications access system established herein. Where the
235 review of the surcharge determines that excess funds are
236 available, the commission may order the suspension of the
237 surcharge for a period that ~~which~~ the commission deems
238 appropriate. The commission may not increase the surcharge when
239 excess funds are available.

By the Committee on Regulated Industries; and Senator Rodriguez

580-02001-25

2025344c1

1 A bill to be entitled
 2 An act relating to the Telecommunications Access
 3 System Act of 1991; amending s. 427.702, F.S.;
 4 revising the legislative findings, purpose, and intent
 5 of the Telecommunications Access System Act of 1991;
 6 amending s. 427.703, F.S.; defining and redefining
 7 terms; amending s. 427.704, F.S.; revising the powers
 8 and duties of the Florida Public Service Commission in
 9 overseeing the administration of the
 10 telecommunications access system; amending s. 427.705,
 11 F.S.; revising the duties of the system's
 12 administrator; revising the procedures required for
 13 the distribution of specialized telecommunications
 14 devices; requiring the administrator to assume
 15 responsibility for the distribution of specialized
 16 communications technologies; amending s. 427.706,
 17 F.S.; revising the composition of the advisory
 18 committee appointed to assist the commission with
 19 implementing the act; providing an effective date.
 20
 21 Be It Enacted by the Legislature of the State of Florida:
 22
 23 Section 1. Present paragraphs (e) through (i) of subsection
 24 (3) of section 427.702, Florida Statutes, are redesignated as
 25 paragraphs (f) through (j), respectively, a new paragraph (e) is
 26 added to that subsection, and subsections (1) and (2) and
 27 paragraphs (a) and (d) and present paragraphs (g) and (h) of
 28 subsection (3) of that section are amended, to read:
 29 427.702 Findings, purpose, and legislative intent.—

Page 1 of 16

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580-02001-25

2025344c1

30 (1) The Legislature finds and declares that:
 31 (a) ~~Telecommunications services provide a rapid and~~
 32 ~~essential communications link among the general public and with~~
 33 ~~essential offices and organizations such as police, fire, and~~
 34 ~~medical facilities.~~
 35 ~~(b) All persons should have basic telecommunications~~
 36 ~~services available to them at reasonable and affordable costs.~~
 37 ~~(c) A significant portion of Florida's hearing impaired and~~
 38 ~~speech impaired populations has profound disabilities, including~~
 39 ~~dual sensory impairments, which render normal telephone~~
 40 ~~equipment useless without additional specialized~~
 41 ~~telecommunications devices, many of which cost several hundred~~
 42 ~~dollars.~~
 43 ~~(d) The telecommunications system is intended to provide~~
 44 ~~access to a basic communications network between all persons,~~
 45 ~~and that many persons who have a hearing impairment or speech~~
 46 ~~impairment currently have no access to the basic~~
 47 ~~telecommunications system.~~
 48 ~~(e) Persons who do not have a hearing impairment or speech~~
 49 ~~impairment are generally excluded from access to the basic~~
 50 ~~telecommunications system to communicate with persons who have a~~
 51 ~~hearing impairment or speech impairment without the use of~~
 52 ~~specialized telecommunications devices.~~
 53 ~~(f) There exists a need for a telecommunications relay~~
 54 ~~system whereby the cost for access to basic telecommunications~~
 55 ~~services for persons who have a hearing impairment or speech~~
 56 ~~impairment is no greater than the amount paid by other~~
 57 ~~telecommunications customers.~~
 58 (g) The Federal Government, in order to carry out the

Page 2 of 16

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580-02001-25

2025344c1

59 purposes established by Title II of the Communications Act of
60 1934, as amended, by the enactment of the Americans with
61 Disabilities Act, endeavored to ensure that interstate and
62 intrastate telecommunications relay services are available, to
63 the extent possible and in the most efficient manner, to persons
64 with hearing loss or speech impairment ~~hearing impaired and~~
65 ~~speech impaired persons~~ in the United States.

66 ~~(b)(4)~~ Title IV of the Americans with Disabilities Act
67 mandates that the telecommunications companies providing
68 telephone services within the state shall provide
69 telecommunications relay services on or before July 25, 1993, to
70 persons with hearing loss or speech impairment ~~who are hearing~~
71 ~~impaired or speech impaired~~ within their certificated
72 territories in a manner that meets or exceeds the requirements
73 of regulations to be prescribed by the Federal Communications
74 Commission.

75 (2) ~~It is~~ The ~~declared~~ purpose of this part is to establish
76 a system whereby the residents ~~citizens~~ of this state with
77 hearing loss or speech impairment or who are deafblind ~~Florida~~
78 ~~who are hearing impaired, speech impaired, or dual sensory~~
79 ~~impaired~~ have access to basic telecommunications services at a
80 cost no greater than that paid by other telecommunications
81 services customers, and whereby the cost of both the specialized
82 telecommunications equipment necessary to ensure that such
83 residents ~~citizens~~ ~~who are hearing impaired, speech impaired, or~~
84 ~~dual sensory impaired~~ have such access to basic
85 telecommunications services and the provision of
86 telecommunications relay service is borne by all ~~the~~
87 telecommunications customers in this ~~of the~~ state.

Page 3 of 16

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580-02001-25

2025344c1

88 (3) It is the intent of the Legislature:

89 (a) That a telecommunications access system be established
90 to provide equitable basic access to the telecommunications
91 network for persons with hearing loss or ~~who are hearing~~
92 ~~impaired~~, speech impairment ~~impaired~~, or who are deafblind ~~dual~~
93 ~~sensory impaired~~.

94 (d) That the telecommunications access system includes the
95 distribution of specialized telecommunications devices necessary
96 for persons with hearing loss or ~~hearing impaired~~, speech
97 ~~impairment impaired~~, or who are deafblind ~~dual sensory impaired~~
98 ~~persons~~ to access basic telecommunications services.

99 (e) That the telecommunications access system provides
100 access to specialized communications technology capable of using
101 existing or future devices or equipment necessary for persons
102 with hearing loss or speech impairment or who are deafblind ~~to~~
103 access telecommunications services.

104 ~~(h)(g)~~ That the telecommunications access system uses
105 state-of-the-art technology for specialized telecommunications
106 devices, specialized communications technology, and the
107 telecommunications relay service and encourages the
108 incorporation of new developments in technology, to the extent
109 that it has demonstrated benefits consistent with the intent of
110 this act and is in the best interest of the residents ~~citizens~~
111 of this state.

112 ~~(i)(h)~~ That the value of the involvement of persons with
113 hearing loss ~~who have hearing~~ or speech impairment, or who are
114 deafblind ~~impaired~~, and organizations representing or serving
115 those persons, be recognized and such persons and organizations
116 be involved throughout the development, establishment, and

Page 4 of 16

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580-02001-25

2025344c1

117 implementation of the telecommunications access system through
 118 participation on the advisory committee as provided in s.
 119 427.706.

120 Section 2. Present subsections (2), (3) through (6), (7),
 121 (8), and (9), (10), (11), (12), and (13) through (17) of section
 122 427.703, Florida Statutes, are redesignated as subsections (3),
 123 (5) through (8), (10), (11), and (12), (15), (14), (16), and
 124 (18) through (22), respectively, new subsections (2), (4), (9),
 125 (13), and (17) are added to that section, and subsection (1) and
 126 present subsections (4), (6), (10), (11), (12), (14), and (16)
 127 of that section are amended, to read:

128 427.703 Definitions.—As used in this part:

129 (1) "Administrator" means a corporation not for profit
 130 incorporated pursuant to ~~the provisions of~~ chapter 617 and
 131 designated by the Florida Public Service Commission to
 132 administer the telecommunications access system ~~relay service~~
 133 ~~system and the distribution of specialized telecommunications~~
 134 ~~devices pursuant to the provisions of~~ this act and rules and
 135 regulations established by the commission.

136 (2) "Commercial mobile radio service" or "CMRS" means a
 137 mobile radio communications service, provided for profit, which
 138 is interconnected to the public switched network and is
 139 available to the public or to such classes of eligible users as
 140 to be effectively available to a substantial portion of the
 141 public. The term does not include services that do not provide
 142 access to 911 service, communication channels suitable only for
 143 data transmission, wireless roaming services or other nonlocal
 144 radio access line services, or private telecommunications
 145 systems.

Page 5 of 16

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580-02001-25

2025344c1

146 (4) "Communications service" means a service provided to
 147 subscribers through wireline telecommunications equipment,
 148 interconnected VoIP, or CMRS.

149 ~~(6)(4)~~ "Deafblind" ~~"Dual sensory impaired"~~ means having
 150 both a permanent hearing impairment and a permanent visual
 151 impairment and includes dual sensory impairment ~~deaf/blindness.~~

152 ~~(8)(6)~~ "Hearing loss impaired" or "having a hearing
 153 impairment" means deaf, late-deafened, or hard of hearing ~~and,~~
 154 ~~for purposes of this part, includes being dual sensory impaired.~~

155 (9) "Interconnected voice over Internet protocol" or
 156 "interconnected VoIP" means a service that does all of the
 157 following:

158 (a) Enables subscribers to have real-time, two-way voice
 159 communications.

160 (b) Requires a broadband connection.

161 (c) Requires customer equipment compatible with Internet
 162 protocol.

163 (d) Allows subscribers to receive calls from and place
 164 calls to the public switched telephone network. The term does
 165 not include services that do not provide access to 911 service
 166 or private telecommunications systems.

167 (13) "Specialized communications technology" means mobile
 168 devices, tablet computers, software, or applications that can be
 169 used to provide communications services to a hearing impaired,
 170 speech impaired, or deafblind person.

171 ~~(15)(10)~~ "Speech impaired" or ~~"having a speech impairment"~~
 172 means having a permanent loss of verbal communication ability
 173 which prohibits normal usage of a standard telephone handset.

174 ~~(14)(11)~~ "Specialized telecommunications device" means a

Page 6 of 16

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580-02001-25

2025344c1

175 TDD, a volume control handset, a ring signaling device, or any
 176 ~~other customer premises telecommunications equipment that can be~~
 177 ~~specifically designed or used to provide basic access to~~
 178 ~~communications telecommunications~~ services for a person with
 179 hearing loss or speech impairment or who is deafblind hearing
 180 ~~impaired, speech impaired, or dual sensory impaired person.~~
 181 ~~(16)(12)~~ "Surcharge" means an additional charge ~~which is to~~
 182 ~~be~~ paid by local exchange telecommunications company subscribers
 183 pursuant to the cost recovery mechanism established under s.
 184 427.704(4) in order to implement the system described herein.
 185 (17) "Telecommunications access system" means the system
 186 administered, as defined in this section, and includes the
 187 administration of the telecommunications relay service system
 188 and the distribution of specialized telecommunications devices
 189 and specialized communications technologies pursuant to this act
 190 and rules and regulations established by the commission.
 191 ~~(19)(14)~~ "Telecommunications device for the deaf," ~~or~~
 192 "TDD," or "text device" means a mechanism that ~~which~~ is
 193 connected to a communications network standard telephone line,
 194 operated by means of a keyboard, and used to transmit or receive
 195 signals through telephone lines or other communications service
 196 facilities.
 197 ~~(21)(16)~~ "Telecommunications relay service" means any
 198 telecommunications transmission service that allows a person
 199 with hearing loss who is hearing impaired or speech impairment
 200 ~~speech impaired~~ to communicate by wire or radio in a manner that
 201 is functionally equivalent to the ability of a person who does
 202 not have hearing loss or speech impairment ~~is not hearing~~
 203 ~~impaired or speech impaired.~~ Such term includes any service that

Page 7 of 16

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580-02001-25

2025344c1

204 enables two-way communication between a person who uses a
 205 telecommunications device or other nonvoice terminal device and
 206 a person who does not use such a device.
 207 Section 3. Subsection (1), paragraph (a) of subsection (3),
 208 paragraph (a) of subsection (4), and subsections (5) through (9)
 209 of section 427.704, Florida Statutes, are amended to read:
 210 427.704 Powers and duties of the commission.—
 211 (1) The commission shall establish, implement, promote, and
 212 oversee the administration of a statewide telecommunications
 213 access system to provide access to telecommunications relay
 214 services by persons with hearing loss or speech impairment or
 215 who are deafblind who are hearing impaired or speech impaired,
 216 or others who communicate with them. The telecommunications
 217 access system ~~must shall~~ provide for the purchase and
 218 distribution of specialized telecommunications devices,
 219 equipment, specialized communications technology, and the
 220 establishment of a statewide single provider telecommunications
 221 relay service system that ~~which~~ operates continuously. To
 222 provide telecommunications relay services and distribute
 223 specialized telecommunication devices, equipment, and
 224 specialized communications technology to persons with hearing
 225 loss or speech impairment or who are deafblind who are hearing
 226 ~~impaired or speech impaired,~~ at a reasonable cost the commission
 227 shall:
 228 (a) Investigate, conduct public hearings, and solicit the
 229 advice and counsel of the advisory committee established
 230 pursuant to s. 427.706 to determine the most cost-effective
 231 method for providing telecommunications relay service and
 232 distributing specialized telecommunications devices, equipment,

Page 8 of 16

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580-02001-25

2025344c1

233 and specialized communications technology.

234 (b) Ensure that users of the telecommunications relay
235 service system pay rates no greater than the rates paid for
236 functionally equivalent voice communication services with
237 respect to such factors as duration of the call, time of day,
238 and distance from the point of origination to the point of
239 termination.

240 (c) Ensure that the telecommunications access system
241 protects the privacy of persons to whom services are provided
242 and that all operators maintain the confidentiality of all relay
243 service messages.

244 (d) Ensure that the telecommunications relay service system
245 complies with regulations adopted by the Federal Communications
246 Commission to implement Title IV of the Americans with
247 Disabilities Act.

248 (e) Set eligibility requirements for the distribution of
249 specialized communications technology based on income
250 qualifications or participation in other state or federal
251 programs based on income, which requirements must be set at no
252 less than double but no more than triple the federal poverty
253 level. Eligibility requirements may not prohibit the
254 administrator from providing access to specialized
255 communications technologies if such access has a de minimis
256 value. This paragraph does not apply to specialized
257 telecommunications devices using standard telephone lines.

258 (3) (a) The commission shall select a ~~the~~ provider of ~~the~~
259 telecommunications relay service pursuant to procedures
260 established by the commission. In selecting a ~~the~~ service
261 provider, the commission shall take into consideration the cost

Page 9 of 16

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580-02001-25

2025344c1

262 of providing ~~the~~ relay service and the interests of the hearing
263 ~~loss, speech impairment, and deafblind~~ impaired and speech
264 ~~impaired~~ community in having access to a high-quality and
265 technologically advanced telecommunications system. The
266 commission shall award the contract to the bidder whose proposal
267 is the most advantageous to the state, taking into consideration
268 the following:

269 1. The appropriateness and accessibility of the proposed
270 telecommunications relay service for the residents ~~citizens~~ of
271 this ~~the~~ state, including persons with hearing loss or speech
272 impairment or who are deafblind ~~who are hearing impaired or~~
273 ~~speech impaired.~~

274 2. The overall quality of the proposed telecommunications
275 relay service.

276 3. The charges for the proposed telecommunications relay
277 service system.

278 4. The ability and qualifications of the bidder to provide
279 the proposed telecommunications relay service as outlined in the
280 request for proposals.

281 5. Any proposed service enhancements and technological
282 enhancements which improve service without significantly
283 increasing cost.

284 6. Any proposed inclusion of provision of assistance to
285 deaf persons with special needs to access the ~~basie~~
286 telecommunications system.

287 7. The ability to meet the proposed commencement date for
288 the telecommunications relay service.

289 8. All other factors listed in the request for proposals.

290 (4) (a) The commission shall establish a mechanism to

Page 10 of 16

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580-02001-25

2025344c1

291 recover the costs of implementing and maintaining the services
 292 required pursuant to this part which must ~~shall~~ be applied to
 293 each basic telecommunications access line. In establishing the
 294 recovery mechanism, the commission shall:

295 1. Require all local exchange telecommunications companies
 296 to impose a monthly surcharge on all local exchange
 297 telecommunications company subscribers on an individual access
 298 line basis, except that such surcharge may ~~shall~~ not be imposed
 299 upon more than 25 basic telecommunications access lines per
 300 account bill rendered.

301 2. Require all local exchange telecommunications companies
 302 to include the surcharge as a part of the local service charge
 303 that appears on the customer's bill, except that the local
 304 exchange telecommunications company shall specify the surcharge
 305 on the initial bill to the subscriber and itemize it at least
 306 once annually.

307 3. Allow the local exchange telecommunications company to
 308 deduct and retain 1 percent of the total surcharge amount
 309 collected each month to recover the billing, collecting,
 310 remitting, and administrative costs attributed to the surcharge.

311 ~~(5) The commission shall require each local exchange
 312 telecommunications company to begin assessing and collecting the
 313 surcharge in the amount of 5 cents per access line per month on
 314 bills rendered on or after July 1, 1991, for remission to the
 315 administrator for deposit in the operational fund. Each local
 316 exchange telecommunications company shall remit moneys collected
 317 to the administrator. On August 15, 1991, each local exchange
 318 telecommunications company shall begin remitting the moneys
 319 collected to the administrator on a monthly basis and in a~~

Page 11 of 16

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580-02001-25

2025344c1

320 manner as prescribed by the commission. The administrator shall
 321 use such moneys to administer the telecommunications access to
 322 cover costs incurred during the development of the
 323 telecommunications relay services and to establish and
 324 administer the specialized telecommunications devices system.

325 ~~(6) The commission shall establish a schedule for
 326 completion of specific stages of the telecommunications relay
 327 service development and implementation except that the statewide
 328 telecommunications relay service shall commence on or before
 329 June 1, 1992.~~

330 ~~(7)~~ The commission shall require the administrator to
 331 submit financial statements for the distribution of specialized
 332 telecommunications devices and for specialized communications
 333 technology and for the telecommunications relay service to the
 334 commission quarterly, in the manner prescribed by the
 335 commission.

336 ~~(7)(8)~~ The commission shall adopt rules and may take any
 337 other action necessary to implement ~~the provisions of~~ this act.

338 ~~(8)(9)~~ The commission shall prepare an annual report on the
 339 operation of the telecommunications access system and, which
 340 shall make such report ~~be~~ available on the commission's ~~Internet~~
 341 website. Reports must be prepared in consultation with the
 342 administrator and the advisory committee appointed pursuant to
 343 s. 427.706. The reports must, at a minimum, briefly outline the
 344 status of developments in the telecommunications access system,
 345 the number of persons served, the call volume, revenues and
 346 expenditures, the allocation of the revenues and expenditures
 347 between provision of specialized telecommunications devices and
 348 specialized communications technologies to individuals and

Page 12 of 16

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580-02001-25

2025344c1

349 operation of statewide relay service, other major policy or
 350 operational issues, and proposals for improvements or changes to
 351 the telecommunications access system.

352 Section 4. Paragraphs (a) and (c) of subsection (1),
 353 subsection (4), paragraphs (a) and (b) of subsection (5), and
 354 subsection (7) of section 427.705, Florida Statutes, are amended
 355 to read:

356 427.705 Administration of the telecommunications access
 357 system.—

358 (1) Consistent with the provisions of this act and rules
 359 and regulations established by the commission, the administrator
 360 shall:

361 (a) Purchase, license, store, distribute, and maintain
 362 specialized telecommunications devices, equipment, and
 363 specialized communications technology, either directly or
 364 through contract with third parties, or a combination thereof.

365 (c) Administer training services for recipients of
 366 specialized telecommunications devices, equipment, and
 367 specialized communications technology and for telecommunications
 368 relay service users as directed by the commission through
 369 contract with third parties.

370 (4) In contracting for the provision of distribution of
 371 specialized telecommunications devices, outreach services, and
 372 training of recipients, the administrator shall consider
 373 contracting with organizations that provide services to persons
 374 with hearing loss or speech impairment or who are deafblind ~~who~~
 375 ~~are hearing impaired or speech impaired.~~

376 (5) The administrator shall provide for the distribution of
 377 specialized telecommunications devices to persons qualified to

580-02001-25

2025344c1

378 receive such equipment in accordance with the provisions of this
 379 act. The administrator shall establish procedures for the
 380 distribution of specialized telecommunications devices and shall
 381 solicit the advice and counsel and consider the recommendations
 382 of the advisory committee in establishing such procedures. The
 383 procedures shall:

384 (a) Provide for certification of persons with hearing loss
 385 or speech impairment or who are deafblind ~~as hearing impaired,~~
 386 ~~speech impaired, or dual sensory impaired.~~ Such certification
 387 process must ~~shall~~ include a statement attesting to such
 388 impairment by a licensed physician, audiologist, speech-language
 389 pathologist, hearing aid specialist, ~~or~~ deaf service center
 390 director, or regional distribution center director; by a state-
 391 certified teacher of the hearing impaired; by a state-certified
 392 teacher of the visually impaired; or by an appropriate state or
 393 federal agency. The licensed physician, audiologist, speech-
 394 language pathologist, hearing aid specialist, state-certified
 395 teacher of the hearing impaired, or state-certified teacher of
 396 the visually impaired providing statements which attest to such
 397 impairments shall work within their individual scopes of
 398 practice according to their education and training. The deaf
 399 service center directors, regional distribution center
 400 directors, and appropriate state and federal agencies shall
 401 attest to such impairments as provided for in the procedures
 402 developed by the administrator.

403 (b) Establish characteristics and performance standards for
 404 specialized telecommunications devices and specialized
 405 communications technologies determined to be necessary, and for
 406 the selection of equipment to be purchased for distribution to

580-02001-25

2025344c1

407 qualified recipients. The characteristics and standards must
 408 ~~shall~~ be modified as advances in equipment technology render
 409 such standards inapplicable.

410 (7) The administrator shall assume responsibility for
 411 distribution of specialized telecommunications devices and
 412 specialized communications technologies.

413 Section 5. Subsections (1) and (2) of section 427.706,
 414 Florida Statutes, are amended to read:

415 427.706 Advisory committee.—

416 (1) The commission shall appoint an advisory committee to
 417 assist the commission with implementing ~~the implementation of~~
 418 ~~the provisions of~~ this part. The committee shall be composed of
 419 no more than 10 persons and shall include, to the extent
 420 practicable, persons recommended by organizations representing,
 421 the following groups:

422 (a) The ~~Two deaf persons recommended by the Florida~~
 423 ~~Association of the Deaf.~~

424 (b) Persons with hearing loss ~~One hearing impaired person~~
 425 ~~recommended by Self-Help for the Hard of Hearing.~~

426 (c) The deafblind ~~One deaf and blind person recommended by~~
 427 ~~the Coalition for Persons with Dual Sensory Disabilities.~~

428 (d) Persons with speech impairment ~~One speech impaired~~
 429 ~~person recommended by the Florida Language Speech and Hearing~~
 430 ~~Association.~~

431 (e) The elderly ~~Two representatives of telecommunications~~
 432 ~~companies.~~

433 (f) ~~One person with experience in providing~~
 434 Telecommunication relay service distribution centers services
 435 ~~recommended by the Deaf Service Center Association.~~

Page 15 of 16

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

580-02001-25

2025344c1

436 (g) Communications service providers ~~One person recommended~~
 437 ~~by the Advocacy Center for Persons with Disabilities, Inc.~~

438 ~~(h) One person recommended by the Florida League of~~
 439 ~~Seniors.~~

440 (2) The advisory committee shall provide the expertise,
 441 experience, and perspective of persons with hearing loss or
 442 speech impairment or who are deafblind ~~who are hearing impaired~~
 443 ~~or speech impaired~~ to the commission and to the administrator
 444 during all phases of the development and operation of the
 445 telecommunications access system. The advisory committee shall
 446 advise the commission and the administrator on the quality and
 447 cost-effectiveness of the telecommunications relay service and
 448 the specialized telecommunications devices, equipment, and
 449 specialized communications technologies distribution system. The
 450 advisory committee may submit material for inclusion in the
 451 annual report prepared pursuant to s. 427.704.

452 Section 6. This act shall take effect July 1, 2025.

Page 16 of 16

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 21, 2025

I respectfully request that **CS/SB 344**, relating to Telecommunications Access System Act of 1991, be placed on the:

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

A handwritten signature in cursive script, appearing to read "AmR", positioned above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

3/18/25

Meeting Date

The Florida Senate
APPEARANCE RECORD

CS/SB 344

Bill Number or Topic

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

Approp. Comm on AG, DMV,
Committee

+ Gen'l GAA

Name Cecil Bradley / FTRI

Phone 850-270-~~XXXX~~

Amendment Barcode (if applicable)

2641

Address 1820 E. Park Ave.
Street

Email cbradley@FTRI.org

Fallahassee 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.

The Florida Senate

APPEARANCE RECORD

March 18, 2025

Meeting Date

SB 0344

Bill Number or Topic

Appropriations Agr, Env Gen Govt
Committee

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

Amendment Barcode (if applicable)

Name Chanté Jones

Phone 850-272-0551

Address 215 N Monroe St Ste 1003
Street

Email cejones@aarp.org

Tallahassee FL 32303
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 388

INTRODUCER: Senator Rodriguez

SUBJECT: Trust Funds for Wildlife Management

DATE: March 17, 2025

REVISED: _____

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

I. Summary:

SB 388 amends statutes that provide for four trust funds created within the Florida Fish and Wildlife Conservation Commission (FWC).

The bill allows the FWC to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund. It also provides that any balance in the Administrative Trust Fund at the end of the fiscal year must remain in the trust fund and be available to carry out its purposes.

The bill authorizes funds in the Florida Panther Research and Management Trust Fund may be used for certain purposes and includes providing research and monitoring of feline diseases among other purposes. It also permits that funds used to reestablish Florida panthers may include acquiring lands for panther habitat.

The bill specifies that the Grants and Donations Trust Fund must be used for grant and donor agreement activities regardless of the source of funding for those activities.

The bill authorizes the FWC to use proceeds from the Nongame Wildlife Trust Fund for law enforcement purposes. It also allows the FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with related agencies and private landowners to coordinate nongame programs.

The bill has no fiscal impact on state resources or expenditures. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Florida Fish and Wildlife Commission Trust Funds

The FWC uses 13 trust funds to support its operations.¹ The FWC invests the proceeds and cash balances in the trust funds.²

The Administrative Trust Fund

The Administrative Trust Fund is a depository for funds that are used for costs associated with the administrative functions of all of the program areas of the FWC.³ The Administrative Trust Fund is largely funded by a cost allocation plan assessed against specific the FWC trust funds based on a formula that determines each fund's share of administrative costs.⁴ Moneys that are credited to the Administrative Trust Fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.⁵

The Florida Panther Research and Management Trust Fund

The FWC uses funds from the Florida Panther Research and Management Trust Fund to:

- Manage and protect Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, maintaining sufficient panther genetic variability, and undertaking management and enforcement activities that protect panther habitat.
- Educate the public about the value of the Florida panther and the necessity of managing the species.
- Reestablish Florida panthers in areas of suitable habitat by assessing the necessity of a captive breeding program for purposes of panther reintroduction, selecting potential sites for reintroduction and investigating associated human sociological aspects, and assessing the potential for panther habitat acquisition.
- Fund the FWC's administrative costs and promote the Florida panther license plate.⁶

The annual fee for the Florida panther license plate is deposited into the Florida Panther Research and Management Trust Fund and used for education and programs that protect panthers.⁷ Up to ten percent of the deposit can be used to promote the license plate.⁸ The FWC may also receive donations for deposit into the trust fund.⁹

¹ FWC, *Agency Analysis of SB 388*, 2 (Feb. 2025), on file with the Senate Committee on Environment and Natural Resources.

² *Id.*

³ *Id.*; section 379.201(2), F.S.

⁴ *Id.*

⁵ Section 379.201(2), F.S.

⁶ Section 379.205(2), F.S.

⁷ Section 320.08058(5), F.S.

⁸ *Id.*

⁹ Section 379.205(3), F.S.

The Grants and Donations Trust Fund

The Grants and Donations Trust Fund is a depository for funds to be used for allowable grant and donor agreement activities funded by restricted contractual revenue.¹⁰ Moneys to be credited to the trust fund include grants and donations from private and public nonfederal sources, development-of-regional-impact wildlife mitigation contributions, interest earnings, and cash advances from other trust funds.¹¹

The Nongame Wildlife Trust Fund

The Nongame Wildlife Trust Fund is credited with funds collected from fees for the issuance of original certificates of title for vehicles previously registered out-of-state and from donations from applicants who are registering their motor vehicles.¹² Any additional funds may be provided by legislative appropriation and donations from interested individuals and organizations.¹³ The FWC may invest and reinvest funds in the Nongame Wildlife Trust Fund and the interest thereof of the trust fund and must designate an identifiable unit to administer the trust fund.¹⁴

Proceeds from the trust fund must be used to:

- Document the population trends of nongame wildlife and assess wildlife habitat in coordination with the Florida Natural Areas Inventory database.
- Establish effective conservation, management, and regulatory programs for nongame wildlife.
- Provide for public education programs.¹⁵

The FWC is authorized to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs.¹⁶

III. Effect of Proposed Changes:

Section 1 amends the Administrative Trust Fund in s. 379.201, F.S. The bill authorizes the FWC to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund.

The bill provides that, notwithstanding laws relating to undisbursed balances¹⁷ and superseding default budget procedures,¹⁸ any balance in the trust fund at the end of the fiscal year must remain in the trust fund and be available for carrying out the purposes of the trust fund.¹⁹

¹⁰ Section 379.206(2), F.S.

¹¹ *Id.*

¹² Section 379.209(2)(a), F.S.; *see* sections 319.32(3) and 320.10(8), F.S.

¹³ Section 379.209(2)(a), F.S.

¹⁴ *Id.*

¹⁵ Section 379.209(2)(b), F.S.

¹⁶ Section 379.209(3), F.S.

¹⁷ *See* section 216.301, F.S.

¹⁸ *See* section 216.351, F.S.

¹⁹ This provision supersedes the default budget procedures in section 216.301, F.S. The default budget procedures for appropriations used only for operations require each department and the judicial branch to identify any incurred obligation which has not been disbursed. Any appropriation that is not an incurred obligation effective June 30th must revert to the fund from which it was appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(a), F.S.

Section 2 amends the Florida Panther Research and Management Trust Fund in s. 379.205, F.S. In addition to the current purposes of the trust fund, the bill permits the FWC to spend money from the fund to manage and protect existing Florida panther populations by researching and monitoring feline diseases. It also permits the FWC to reestablish Florida panthers in areas with suitable habitat in part by acquiring land for panther habitat.

Section 3 amends the Grants and Donations Trust Fund in s. 379.206, F.S. Current language provides that the trust fund is a depository for funds that will be used for allowable grant and donor agreement activities funded by restricted contractual revenue. The bill removes the language that requires the grant and donor agreement activities to be funded by restricted contractual revenue.

Section 4 amends the Nongame Wildlife Trust Fund in s. 379.209, F.S. The bill removes the current requirement that the FWC must designate an identifiable unit to administer the trust fund.

In addition to the current purposes of the trust fund, the bill requires the proceeds from the trust fund may also be used for law enforcement purposes.

Current law authorizes the FWC to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs. The bill adds that the FWC may enter into voluntary agreements. It also allows the FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with private landowners.

Section 5 provides an effective date of July 1, 2025.

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: 379.201, 379.205, 379.206, and 379.209.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Rodriguez

40-00723-25

2025388__

1 A bill to be entitled
 2 An act relating to trust funds for wildlife
 3 management; amending s. 379.201, F.S.; authorizing the
 4 Fish and Wildlife Conservation Commission to invest
 5 and reinvest the funds and the interest thereof of the
 6 Administrative Trust Fund; specifying that any balance
 7 in the trust fund at the end of the fiscal year
 8 remains in the fund; amending s. 379.205, F.S.;
 9 revising the purposes for which the commission may
 10 spend money from the Florida Panther Research and
 11 Management Trust Fund; amending s. 379.206, F.S.;
 12 revising the uses of the Grants and Donations Trust
 13 Fund; amending s. 379.209, F.S.; deleting the
 14 requirement that the commission designate an
 15 identifiable unit to administer the Nongame Wildlife
 16 Trust Fund; authorizing the commission to use the
 17 proceeds from the trust fund for law enforcement;
 18 authorizing the commission to enter into specified
 19 agreements with private landowners; providing an
 20 effective date.

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

23
 24 Section 1. Subsection (2) of section 379.201, Florida
 25 Statutes, is amended, and subsection (3) is added to that
 26 section, to read:

27 379.201 Administrative Trust Fund.—

28 (2) The trust fund is established for use as a depository
 29 for funds to be used for management activities that are

Page 1 of 4

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

40-00723-25

2025388__

30 commissionwide in nature and funded by indirect cost earnings or
 31 assessments against trust funds. The commission may invest and
 32 reinvest the funds and the interest thereof of the trust fund.
 33 Moneys to be credited to the trust fund include indirect cost
 34 reimbursements from grantors, administrative assessments against
 35 trust funds, interest earnings, and other appropriate
 36 administrative fees.

37 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 38 any balance in the trust fund at the end of a fiscal year must
 39 remain in the trust fund and be available for carrying out the
 40 purposes of the trust fund.

41 Section 2. Paragraphs (a) and (c) of subsection (2) of
 42 section 379.205, Florida Statutes, are amended to read:

43 379.205 Florida Panther Research and Management Trust
 44 Fund.—

45 (2) The commission shall spend money from the fund and all
 46 interest derived from its investments and reinvestments only for
 47 the following purposes:

48 (a) To manage and protect existing Florida panther
 49 populations by increasing panther food sources where food is a
 50 limiting factor, determining conflicts between public use and
 51 panther survival, maintaining sufficient genetic variability in
 52 existing populations, providing research and monitoring of
 53 feline diseases, and undertaking management and enforcement
 54 activities that protect panther habitat.

55 (c) To reestablish Florida panthers into areas of suitable
 56 habitat, where feasible, by assessing the necessity of a captive
 57 breeding program for purposes of reintroduction of the panthers
 58 into the suitable habitat; selecting potential sites for

Page 2 of 4

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

40-00723-25 2025388__

59 reintroduction and investigating associated human sociological
60 aspects; ~~and~~ assessing the potential for panther habitat
61 acquisition; and acquiring lands for panther habitat.

62 Section 3. Subsection (2) of section 379.206, Florida
63 Statutes, is amended to read:

64 379.206 Grants and Donations Trust Fund.—

65 (2) The fund is established for use as a depository for
66 funds to be used for allowable grant and donor agreement
67 activities ~~funded by restricted contractual revenue~~. Moneys to
68 be credited to the trust fund shall consist of grants and
69 donations from private and public nonfederal sources,
70 development-of-regional-impact wildlife mitigation
71 contributions, interest earnings, and cash advances from other
72 trust funds.

73 Section 4. Subsections (2) and (3) of section 379.209,
74 Florida Statutes, are amended to read:

75 379.209 Nongame Wildlife Trust Fund.—

76 (2) (a) There is established within the Fish and Wildlife
77 Conservation Commission the Nongame Wildlife Trust Fund. The
78 fund shall be credited with moneys collected pursuant to ss.
79 319.32(3) and 320.02(8). Additional funds may be provided from
80 legislative appropriations and by donations from interested
81 individuals and organizations. The commission may invest and
82 reinvest the funds and the interest thereof of the Nongame
83 Wildlife Trust Fund. ~~The commission shall designate an~~
84 ~~identifiable unit to administer the trust fund.~~

85 (b) Proceeds from the trust fund must ~~shall~~ be used for the
86 following purposes:

87 1. Documentation of population trends of nongame wildlife

40-00723-25 2025388__

88 and assessment of wildlife habitat, in coordination with the
89 database of Florida natural areas inventory.

90 2. Establishment of effective conservation, management, and
91 regulatory programs for nongame wildlife of this ~~the~~ state.

92 3. Public education programs.

93 4. Law enforcement.

94 (3) The commission may enter into cooperative agreements,
95 voluntary agreements, or memoranda of understanding with related
96 agencies and private landowners to coordinate nongame programs.

97 Section 5. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 4, 2025

I respectfully request that **Senate Bill #388**, relating to Trust Funds for Wildlife Management, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate

APPEARANCE RECORD

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

3/18/2025

Meeting Date

SB 388

Bill Number or Topic

Approps on Env. + Gen Gov

Committee

Amendment Barcode (if applicable)

Name Jessica Melkun

Phone 850-363-9072

Address 620 S. Meridian Street

Email jessica.melkun@myfwc.com

Tallahassee

City

FL

State

32399

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FWC

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

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 1320

INTRODUCER: Senator Rodriguez

SUBJECT: Appropriations Committee on Agriculture, Environment and General Government;
Resilient Florida Trust Fund/Department of Environmental Protection

DATE: March 20, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Reagan	Betta	AEG	FAV/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 1320 re-creates, without modification, the Resilient Florida Trust Fund within the Department of Environmental Protection (DEP) and repeals the scheduled termination of the trust fund.

The bill has no impact on state or local funds. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the Florida Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is exempted from termination by the Florida Constitution.

Resilient Florida Trust Fund within the Department of Environmental Protection

Article III, s. 19(f) of the Florida Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that a trust fund be created or re-created by a three-fifths vote of the membership in each

house of the Legislature in a separate bill for the sole purpose of creating or re-creating that trust fund. The Resilient Florida Trust Fund is available as a funding source for the Resilient Florida Grant Program and the Statewide Flooding and Sea Level Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and to provide grants to regional resilience coalitions. The DEP also uses moneys deposited in the trust fund for administrative and operational costs of the Florida Flood Hub for Applied Research and Innovation and coastal resilience initiatives.¹ Trust Fund monies may only be expended pursuant to a legislative appropriation. Moneys credited to the Trust Fund consist of proceeds from:

- Distribution in documents excise taxes (documentary stamp tax);
- Federal grants;
- Interest earnings; and
- Gaming compact revenues.

In accordance with Art. III, s. 19(f)(2) of the Florida Constitution, the Resilient Florida Trust Fund within the DEP is scheduled to terminate on July 1, 2025, unless terminated sooner. The Legislature must review the Trust Fund before its scheduled termination.

III. Effect of Proposed Changes:

To ensure that the Resilient Florida Trust Fund within the DEP is not terminated, the bill re-creates such trust fund without modification.

The bill repeals the scheduled termination of the trust fund codified in s. 380.0935(3), F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the Florida Constitution requires bills that create or re-create trust funds to pass by three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

D. State Tax or Fee Increases:

None.

¹ Section [380.0935, 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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

This bill repeals section 380.0953(3) 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 Appropriations Committee on Agriculture, Environment and General Government on March 18, 2025:

The committee substitute removes the Flair number 20-2-055 from the bill.

B. Amendments:

None.



230002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2025	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Resilient Florida Trust Fund within the Department of Environmental Protection, which is to be terminated pursuant to s. 19(f), Article III of the State Constitution on July 1, 2025, is re-created.

Section 2. Subsection (3) of section 380.0935, Florida Statutes, is amended to read:



230002

11 380.0935 Resilient Florida Trust Fund.-
12 ~~(3) In accordance with s. 19(f)(2), Art. III of the State~~
13 ~~Constitution, the Resilient Florida Trust Fund shall, unless~~
14 ~~terminated sooner, be terminated on July 1, 2025. Before its~~
15 ~~scheduled termination, the fund shall be reviewed as provided in~~
16 ~~s. 215.3206(1) and (2).~~

17 Section 3. This act shall take effect July 1, 2025.

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause
21 and insert:

22 A bill to be entitled
23 An act relating to trust funds; re-creating the
24 Resilient Florida Trust Fund within the Department of
25 Environmental Protection; amending s. 380.0935, F.S.;
26 deleting provisions relating to the termination of the
27 trust fund; providing an effective date.

28



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **SB 1320**, relating to Resilient Florida Trust Fund/Department of Environmental Protection, be placed on the:

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

A handwritten signature in cursive script, appearing to read "A. Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate

APPEARANCE RECORD

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

3/18/25

Meeting Date

Senate Bill 1320

Bill Number or Topic

Sen. Approps on Agriculture

Committee

Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe

Street

Email cleonard@1000ffof.org

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000 Friends of Florida

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

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

3/18

Meeting Date

SB 1320

Bill Number or Topic

Approps. AEG

Committee

Amendment Barcode (if applicable)

Name Jared Grigas

Phone (850) 322-0229

Address 100 S Monroe St

Street

Email jgrigas@fl-counties.com

Tallahassee FL

City

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

3/18/2025

Meeting Date

Regulated Industries

Committee

Name Steve Schale

The Florida Senate

APPEARANCE RECORD

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

1320

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-222-8900

Address 204 South Monroe St

Email steve@tapfla.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:

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

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

March 18, 2025

Meeting Date

Appropriations Committee on Agriculture, Environment, and General Government

The Florida Senate
APPEARANCE RECORD

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

1320

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Edgar G. Fernandez**

Phone **(786) 255-5755**

Address **215 S. Monroe Street**
Street

Email **Egfernandez.arrow@gunster.com**

Tallahassee
City

FL
State

32301
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Resiliency Florida

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

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

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

S-001 (08/10/2021)

3/18/25

The Florida Senate
APPEARANCE RECORD

SB 1320

Meeting Date

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Bill Number or Topic

S Appropriation for Environment + Gen. Govt
Committee

Amendment Barcode (if applicable)

Name Brett Tubbs Phone 850-245-2137

Address 3900 Commonwealth Blvd Email Brett.Tubbs@FloridaDOP.gov
Street

Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
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](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

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Fine.Randy@flsenate.gov

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Budko.Anna@flsenate.gov

Randy Fine
Florida Senate
Senator, District 19

March 18, 2025

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

Dear Chairman Brodeur,

I respectfully request an excused absence from the committee meeting on March 18th, 2025.

Thank you in advance for your consideration of this request.

cc:
Staff Director Giovanni Betta
Committee Administrative Assistant Julie Brass

Sincerely,

A handwritten signature in blue ink that reads "Randy A. Fine".

Randy Fine
State Senator, District 19

A handwritten signature in black ink that reads "Julie Brass".

Governmental Oversight and Accountability, Chair
Community Affairs, Vice Chair
Joint Select Committee on Collective Bargaining, Alternating Chair
Appropriations -- Regulated Industries
Appropriations Committee on Agriculture, Environment, and General Government
Appropriations Committee on Pre-K - 12 Education -- Education Postsecondary
Brevard County Delegation

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Appropriations Committee on Agriculture, Environment, and General Government

Judge:

Started: 3/18/2025 1:01:15 PM

Ends: 3/18/2025 2:20:55 PM

Length: 01:19:41

1:01:16 PM Sen. Brodeur (Chair)
1:02:08 PM S 164
1:02:15 PM Sen. Rodriguez
1:02:52 PM Sen. Brodeur
1:03:05 PM Sen. Rodriguez
1:03:06 PM Sen. Brodeur
1:03:40 PM S 388
1:03:45 PM Sen. Rodriguez
1:04:29 PM Sen. Brodeur
1:04:35 PM Sen. Berman
1:04:51 PM Sen. Rodriguez
1:05:02 PM Sen. Brodeur
1:05:10 PM Jessica Melkun, Lobbyist, Florida Fish and Wildlife Conservation Commission (waives in support)
1:05:19 PM Sen. Brodeur
1:05:26 PM Sen. Rodriguez
1:05:28 PM Sen. Brodeur
1:06:00 PM S 1320
1:06:10 PM Sen. Rodriguez
1:06:27 PM Sen. Brodeur
1:06:33 PM Am. 230002
1:06:39 PM Sen. Rodriguez
1:06:57 PM Sen. Brodeur
1:07:08 PM S 1320 (cont.)
1:07:17 PM Chadwick Leonard, Lobbyist, 1000 Friends of Florida (waives in support)
1:07:23 PM Jared Grigas, Lobbyist, Florida Association of Counties (waives in support)
1:07:28 PM Steve Schale, Lobbyist, The Environmental Defense Fund (waives in support)
1:07:33 PM Brett Tubbs, Lobbyist, Florida Department of Environmental Protection (waives in support)
1:07:40 PM Sen. Brodeur
1:07:46 PM Sen. Pizzo
1:08:01 PM Sen. Brodeur
1:08:08 PM Sen. Rodriguez
1:08:11 PM Sen. Brodeur
1:08:46 PM S 344
1:08:54 PM Sen. Rodriguez
1:09:28 PM Sen. Brodeur
1:09:37 PM Am. 317048
1:09:40 PM Sen. Rodriguez
1:10:02 PM Sen. Brodeur
1:10:13 PM S 344 (cont.)
1:10:21 PM Chante Jones, Lobbyist, American Association of Retired Persons Florida (waives in support)
1:10:29 PM Cecil Bradley (waives in support)
1:10:39 PM Sen. Brodeur
1:10:45 PM Sen. Rodriguez
1:10:52 PM Sen. Brodeur
1:11:41 PM S 92
1:11:49 PM Sen. Gruters
1:11:52 PM Sen. Brodeur
1:11:56 PM Am. 523716
1:12:00 PM Sen. Gruters
1:13:06 PM Sen. Brodeur
1:13:10 PM Sen. Berman
1:13:19 PM Sen. Gruters

1:14:42 PM Sen. Berman
1:14:57 PM Sen. Gruters
1:15:40 PM Sen. Brodeur
1:15:51 PM Sen. Grall
1:16:35 PM Sen. Brodeur
1:16:39 PM Sen. Gruters
1:17:04 PM Sen. Brodeur
1:17:12 PM S 92 (cont.)
1:17:28 PM Tim Nungesser, Lobbyist, National Federation of Independent Business
1:22:05 PM Sen. Brodeur
1:22:09 PM Sen. Pizzo
1:22:20 PM T. Nungesser
1:22:28 PM Sen. Pizzo
1:22:36 PM T. Nungesser
1:22:40 PM Sen. Pizzo
1:22:50 PM T. Nungesser
1:22:54 PM Sen. Pizzo
1:23:00 PM T. Nungesser
1:23:06 PM Sen. Pizzo
1:23:24 PM T. Nungesser
1:23:36 PM Sen. Brodeur
1:23:50 PM Sen. Pizzo
1:24:43 PM Sen. Brodeur
1:24:49 PM Sen. Gruters
1:26:26 PM Sen. Brodeur
1:27:06 PM S 86
1:27:08 PM Sen. Burgess
1:27:38 PM Sen. Brodeur
1:27:44 PM Steven Scelfo, Fort Lauderdale Police Department
1:28:16 PM Chase Daniels, Lobbyist, Pasco Sheriff's Office (waives in support)
1:28:22 PM Jennifer Cook Pritt, Lobbyist, Florida Police Chiefs Association (waives in support)
1:28:26 PM Daphnee Sainvil, Lobbyist, City of Fort Lauderdale (waives in support)
1:28:31 PM Barney Bishop III, Lobbyist, Florida Smart Justice Alliance (waives in support)
1:28:36 PM Sen. Brodeur
1:28:45 PM Sen. Collins
1:29:14 PM Sen. Brodeur
1:29:18 PM Sen. Burgess
1:29:32 PM Sen. Brodeur
1:30:05 PM S 56
1:30:18 PM Sen. Garcia
1:33:13 PM Sen. Brodeur
1:33:18 PM Sen. Berman
1:33:30 PM Sen. Garcia
1:34:25 PM Sen. Berman
1:34:39 PM Sen. Garcia
1:35:42 PM Sen. Berman
1:35:57 PM Sen. Garcia
1:36:28 PM Sen. Berman
1:36:35 PM Sen. Garcia
1:36:54 PM Sen. Berman
1:37:06 PM Sen. Garcia
1:37:07 PM Sen. Brodeur
1:37:11 PM Sen. Arrington
1:37:24 PM Sen. Garcia
1:37:27 PM Sen. Arrington
1:37:52 PM Sen. Garcia
1:40:06 PM Sen. Brodeur
1:40:12 PM Augustus Doricko, CEO, Rainmaker Technology
1:46:38 PM Sen Brodeur
1:46:42 PM Sen. Pizzo
1:46:51 PM A. Doricko
1:46:54 PM Sen. Pizzo

1:46:58 PM	A. Doricko
1:47:09 PM	Sen. Pizzo
1:47:26 PM	A. Doricko
1:47:41 PM	Sen. Pizzo
1:47:46 PM	A. Doricko
1:47:51 PM	Sen. Pizzo
1:48:27 PM	A. Doricko
1:49:17 PM	Sen. Pizzo
1:49:33 PM	A. Doricko
1:49:35 PM	Sen. Pizzo
1:49:55 PM	A. Doricko
1:50:47 PM	Sen. Pizzo
1:51:56 PM	A. Doricko
1:53:04 PM	Sen. Pizzo
1:53:15 PM	A. Doricko
1:53:17 PM	Sen. Pizzo
1:53:27 PM	A. Doricko
1:53:30 PM	Sen. Pizzo
1:53:33 PM	A. Doricko
1:53:46 PM	Sen. Pizzo
1:54:05 PM	A. Doricko
1:55:13 PM	Sen. Brodeur
1:55:19 PM	Sen. Berman
1:55:27 PM	A. Doricko
1:56:10 PM	Sen. Brodeur
1:56:15 PM	Renay Cummings
2:03:22 PM	Sen. Brodeur
2:03:31 PM	Bradford Thomas
2:09:03 PM	Sen. Brodeur
2:09:08 PM	Sen. Pizzo
2:09:43 PM	B. Thomas
2:10:05 PM	Sen. Pizzo
2:10:20 PM	B. Thomas
2:10:22 PM	Sen. Pizzo
2:11:25 PM	B. Thomas
2:13:12 PM	Sen. Brodeur
2:13:17 PM	Lynda Bell (waives in support)
2:13:20 PM	Sen. Brodeur
2:13:26 PM	Sen. Pizzo
2:15:37 PM	Sen. Brodeur
2:15:45 PM	Sen. Garcia
2:19:35 PM	Sen. Brodeur
2:20:18 PM	Sen. Sharief
2:20:33 PM	Sen. Truenow
2:20:42 PM	Sen. Brodeur