

Agenda Order

Tab 1	CS/SB 80 by EN, Harrell (CO-INTRODUCERS) Bradley, Smith, Gaetz, Davis; Similar to CS/CS/H 00209 State Land Management				
Tab 2	SB 200 by Berman; Identical to H 00295 Comprehensive Waste Reduction and Recycling Plan				
Tab 3	CS/SB 408 by RI, Burgess; Compare to CS/CS/H 00105 Thoroughbred Permitholders				
Tab 4	CS/SB 496 by RI, McClain; Similar to CS/H 00897 Timeshare Management Firms				
Tab 5	CS/SB 622 by RI, Rodriguez (CO-INTRODUCERS) Calatayud; Compare to CS/H 00709 Jai Alai Permitholders				
Tab 6	CS/SB 712 by CA, Grall; Identical to CS/CS/H 00683 Construction Regulations				
	398732	D	S	AEG, Grall	Delete everything after 04/14 12:42 PM
	574482	AA	S	AEG, Grall	Delete L.39 - 60: 04/14 05:04 PM
Tab 7	CS/SB 820 by GO, Yarborough; Similar to CS/H 00293 Office of Faith and Community				
Tab 8	CS/SB 1404 by RI, Simon; Similar to H 00953 Gambling				
	766556	D	S	AEG, Simon	Delete everything after 04/14 12:39 PM
Tab 9	CS/SB 1574 by RI, DiCeglie; Similar to H 01239 Energy Infrastructure Investment				
Tab 10	CS/SB 1580 by EN, Rodriguez; Identical to CS/H 01345 Infrastructure and Resiliency				
Tab 11	CS/SB 1742 by RI, Bradley; Compare to CS/H 00913 Condominium and Cooperative Associations				
	660470	D	S	AEG, Bradley	Delete everything after 04/14 12:40 PM
Tab 12	SB 1760 by Grall; Compare to CS/H 01321 Public Officers and Employees				
	484070	D	S	AEG, Grall	Delete everything after 04/14 12:40 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, April 15, 2025
TIME: 12:30—4:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 80 Environment and Natural Resources / Harrell (Similar CS/CS/H 209)	State Land Management; Citing this act as the “State Park Preservation Act”; requiring public hearings for all updated conservation and nonconservation land management plans; requiring the Division of Recreation and Parks of the Department of Environmental Protection to comply with specified provisions when granting certain privileges, leases, concessions, and permits; requiring that individual management plans for parcels located within state parks be developed and updated with input from an advisory group, etc.	EN 02/11/2025 Fav/CS AEG 04/15/2025 FP
2	SB 200 Berman (Identical H 295, Compare H 189)	Comprehensive Waste Reduction and Recycling Plan; Requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan, etc.	EN 02/11/2025 Favorable AEG 04/15/2025 FP
3	CS/SB 408 Regulated Industries / Burgess (Compare CS/CS/H 105)	Thoroughbred Permitholders; Requiring certain thoroughbred permitholders to conduct a full schedule of live racing until such permitholders provide notice to the Florida Gaming Control Commission with certain information; revising the criteria for certain thoroughbred permitholders to pay the tax on handle for intertrack wagering; deleting certain criteria a thoroughbred permitholder must meet as part of its pari-mutuel annual license application in order to have its cardroom license renewed, etc.	RI 04/01/2025 Fav/CS AEG 04/15/2025 RC

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 496 Regulated Industries / McClain (Similar CS/H 897)	Timeshare Management Firms; Revising applicability for provisions governing conflicts of interest between community association managers or community association management firms and certain persons with a financial interest in such associations; deleting a provision requiring managing entities that perform community association management to comply with certain provisions related to community association management firms; requiring the board of administration of a timeshare condominium to meet once per year, etc.	
		RI 04/01/2025 Fav/CS AEG 04/15/2025 FP	
5	CS/SB 622 Regulated Industries / Rodriguez (Compare CS/H 709)	Jai Alai Permitholders; Providing that holders of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of the same pari-mutuel permit or to any jai alai permitholder when located within a specified radius of each other; authorizing such lessee to apply for a license, rather than be entitled to a permit and license, to conduct specified gaming activities at the leased premises, etc.	
		RI 03/25/2025 Fav/CS AEG 04/15/2025 FP	
6	CS/SB 712 Community Affairs / Grall (Identical CS/CS/H 683)	Construction Regulations; Requiring the Department of Environmental Protection to adopt minimum standards for the installation of synthetic turf on specified properties; prohibiting local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, property owners from installing synthetic turf meeting certain standards on single-family residential property of a specified size; requiring local governmental entities to approve or deny certain price quotes and provide notice to contractors within a specified timeframe; prohibiting the state or political subdivisions that contract for public works projects from penalizing or rewarding bidders for performing larger or smaller volumes of construction work for the state or political subdivisions, etc.	
		CA 03/31/2025 Fav/CS AEG 04/15/2025 RC	

COMMITTEE MEETING EXPANDED AGENDAAppropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 820 Governmental Oversight and Accountability / Yarborough (Similar CS/H 293)	Office of Faith and Community; Establishing the Office of Faith and Community within the Executive Office of the Governor for a specified purpose; providing for the appointment of a liaison for faith and community; providing that the Office of Faith and Community provides administrative support to the Florida Faith-Based and Community-Based Advisory Council, etc. GO 04/01/2025 Fav/CS AEG 04/15/2025 AP	
8	CS/SB 1404 Regulated Industries / Simon (Similar H 953, Compare H 1017, H 1467, S 1836)	Gambling; Prohibiting certain employment for a specified timeframe before or during a person's service with the commission; prohibiting betting on athletic contests with knowledge that the results are prearranged or predetermined; revising criminal penalties for offenses involving keeping a gambling house; revising criminal penalties for offenses involving renting a house for gambling purposes; prohibiting Internet gambling and Internet sports wagering and related offenses; prohibiting specified actions relating to manipulation of card games, etc. RI 03/25/2025 Fav/CS AEG 04/15/2025 FP	
9	CS/SB 1574 Regulated Industries / DiCeglie (Similar H 1239)	Energy Infrastructure Investment; Authorizing the Public Service Commission to establish an experimental mechanism that meets certain requirements to facilitate certain energy infrastructure investment in gas; providing requirements for gas infrastructure investments, etc. RI 04/01/2025 Fav/CS AEG 04/15/2025 FP	
10	CS/SB 1580 Environment and Natural Resources / Rodriguez (Identical CS/H 1345)	Infrastructure and Resiliency; Granting the Department of Environmental Protection the exclusive authority to execute coastal resiliency projects through public-private partnerships; authorizing the department to take certain actions to encourage investment from the private sector in coastal resiliency projects, etc. EN 03/25/2025 Fav/CS AEG 04/15/2025 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Tuesday, April 15, 2025, 12:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/SB 1742 Regulated Industries / Bradley (Compare CS/H 913)	Condominium and Cooperative Associations; Prohibiting a person whose community association manager license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for a specified timeframe; prohibiting a community association manager or a community association management firm from performing any act directed by the community association if such act violates any state or federal law; authorizing an association board meeting to be conducted in person or by videoconference; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints, etc.	RI 03/19/2025 Temporarily Postponed RI 03/25/2025 Fav/CS AEG 04/15/2025 RC
12	SB 1760 Grall (Compare CS/H 1321, CS/H 1445)	Public Officers and Employees; Requiring certain public officers and employees to be United States citizens and residents of this state, and, for specified public officers and employees, to reside in a certain county; defining the term "office" for purposes of s. 5(a), Art. II of the State Constitution, etc.	GO 03/25/2025 Favorable AEG 04/15/2025 RC

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 80

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

SUBJECT: State Land Management

DATE: April 14, 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>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 80, the State Park Preservation Act, directs state parks and preserves to be managed for conservation-based public outdoor recreational uses, public access and related amenities, and scientific research.

The bill specifies that “conservation-based public outdoor recreational uses” do not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities. The bill requires the Department of Environmental Protection (DEP) to manage recreational uses in a manner that is compatible with and that ensures the conservation of the state’s natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

The bill allows for the installation or operation of camping cabins at state parks with certain constraints and it prohibits the DEP from authorizing use or construction activities within a state park that may cause significant harm to the park’s resources. It directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts to a state park’s critical habitat and natural and historical resources. The bill prohibits the installation or operation of certain lodging establishments at state parks.

The bill directs the DEP to submit a report on the state park system to the Governor and the Legislature by December 1, 2025.

Regarding land management plans, the bill requires public hearings for plan updates, adds a deadline for publication of a land management plan before a public hearing, requires plans for state parks to be published by that deadline, directs plans for state parks to be developed with input from an advisory group, and adds a notice deadline for advisory group public hearings.

The bill has no fiscal impact on state revenues or expenditures. See Section V., Fiscal Impact Statement below.

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

II. Present Situation:

The Florida Park Service is one of the largest in the country and manages the state's trails, historic sites, and 175 state parks.¹ This includes over 813,000 acres and 100 miles of beach.² The Florida park system is the first four-time winner of the Gold Medal awarded by the National Recreation and Parks Association and the American Academy for Park and Recreation Administration.³

The DEP's Division of Recreation and Parks is responsible for supervising, administering, regulating, and controlling the operation of all public parks, including all monuments, memorials, sites of historic interest and value, and certain sites of archaeological interest and value.⁴ The Division of Recreation and Parks is also tasked with preserving, managing, and protecting all parks and recreational areas held by the state, as well as studying and appraising the recreation needs of the state and assembling and disseminating information relating to recreation.⁵

The Division of Recreation and Parks' policy is to:

- Promote the state park system for the use, enjoyment, and benefit of Floridians and visitors.
- Acquire typical portions of the original domain of the state, which will be accessible to the public and of such character as to emblemize the state's natural values.
- Conserve these natural values for all time.
- Administer the development, use, and maintenance of these lands and enable Floridians and visitors to enjoy these values without depleting them.
- Contribute materially to the development of a strong mental, moral, and physical fiber in the public.
- Provide for perpetual preservation of historic sites and memorials of statewide significance and interpretation of their history to the people.
- Contribute to the tourist appeal of Florida.⁶

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 2025).

² *Id.*

³ *Id.*; DEP, *2019 National Gold Medal Winner*, <https://www.floridastateparks.org/learn/2019-national-gold-medal-winner#:~:text=On%20Tuesday%2C%20September%2024%2C%20the%20National%20Recreation%20and,the%20nation%20to%20win%20a%20fourth%20Gold%20Medal> (last visited Jan. 2025).

⁴ Section 258.004(1), F.S.

⁵ Section 258.004(2) and (3), F.S.

⁶ Section 258.037, F.S.

State Park Experiences and Amenities

Visitors can experience state parks through hiking, biking, swimming, boating, camping, birding, geo-seeking, fishing, horseback riding, scuba diving, and more.⁷ State parks also offer amenities including, but not limited to, boat ramps, trails, gardens, picnic pavilions, restroom facilities, parking areas, playgrounds, amphitheaters, shower stations, visitor centers, and museums.⁸ Many state parks offer overnight stays in campgrounds, glamping tents, or four- to six-person cabins.⁹ There are 19 parks that provide cabins, a majority of which offer fewer than 10.¹⁰ The park with the most cabins is Grayton Beach State Park, which has 30.¹¹ Wakulla Springs State Park in the Big Bend region of Florida is the only state park that includes a lodge, which offers 27 guest rooms among its amenities.¹² The Wakulla Springs Lodge was built in the 1930s and was already constructed when Wakulla Springs was designated a state park.¹³ William J. “Billy Joe” Rish Recreational Area in the St. Joseph Peninsula State Park is the only state park with a swimming pool.¹⁴ The Recreational Area provides recreation opportunities for people with disabilities and their families and caregivers. The park offers mobility equipment rentals and the swimming pool has a chair lift and wheelchair access ramp.¹⁵ There are 31 state parks that offer concessions or restaurants.¹⁶

The 2024-2025 Great Outdoors Initiative

On August 19, 2024, the DEP announced the 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks (Initiative).¹⁷ The DEP intended to “expand public access, increase outdoor activities and provide new lodging options across Florida’s state parks” by increasing the number of campsites, cabins, and lodges on park property, as well as adding amenities like pickleball courts and golf courses.¹⁸ The announcement noted that these plans will “reinforce the state’s dedication to conservation, the outdoor recreation economy and a high quality of life for Floridians.”¹⁹

⁷ DEP, *Experiences and Amenities*, <https://www.floridastateparks.org/index.php/experiences-amenities> (last visited Jan. 2025).

⁸ *Id.*

⁹ DEP, *Experiences and Amenities*.

¹⁰ *Id.*

¹¹ DEP, *Grayton Beach State Park Cabins*, <https://www.floridastateparks.org/learn/grayton-beach-state-park-cabins> (last visited Feb. 2025).

¹² DEP, *Edward Ball Wakulla Springs State Park: Experiences and Amenities*, <https://www.floridastateparks.org/parks-and-trails/edward-ball-wakulla-springs-state-park/experiences-amenities> (last visited Jan. 2025).

¹³ *Id.*

¹⁴ DEP, *William J. “Billy Joe” Rish Recreation Area*, <https://www.floridastateparks.org/parks-and-trails/william-j-billy-joe-rish-recreation-area> (last visited Jan. 2025).

¹⁵ *Id.*

¹⁶ DEP, *Find a Park: Concession and Restaurant*, <https://www.floridastateparks.org/parks-and-trails?parks%5B0%5D=amenities%3A269> (last visited Jan. 2025).

¹⁷ DEP, *DEP Announces 2024-2025 Great Outdoors Initiative to Increase Public Access, Recreation, and Lodging at Florida State Parks*, <https://content.govdelivery.com/accounts/FLDEP/bulletins/3afd277> (last visited Jan. 2025).

¹⁸ *Id.*

¹⁹ *Id.*

State parks that were included in the Initiative were Anastasia, Camp Helen, Dr. Von. D Mizell Eula Johnson, Grayton Beach, Hillsborough River, Honeymoon, Jonathan Dickinson, Oleta River, and Topsail Hill Preserve State Parks.²⁰

Following strong bipartisan opposition, the Initiative was withdrawn.²¹

Land Management Plans

Conservation²² and non-conservation land managers must submit land management plans to the DEP's Division of State Lands and update those plans at least every 10 years.²³ However, there are additional requirements for updating the land management plans for conservation lands. For conservation lands, managers must update land management plans if the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within one year after the addition of significant new lands.²⁴

State conservation lands must be managed to ensure conservation of the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of Florida's residents and visitors.²⁵ To meet these goals, land management plans must address the following topics, as appropriate: habitat restoration and improvement, public access and recreational opportunities, hydrological preservation and restoration, sustainable forest management, exotic and invasive species maintenance and control, capital facilities and infrastructure, cultural and historical resources, and imperiled species habitat maintenance, enhancement, restoration, or population restoration.²⁶

At least one public hearing to be held in any one affected county during the development of land management plans for both conservation and non-conservation lands.²⁷ If a parcel exceeds 160 acres in size, the Division of State Lands must make an electronic copy of the land management plan available to the public.²⁸ Land management plans for parcels over 160 acres must be developed with input from an advisory group.²⁹ The advisory group's membership includes, at a

²⁰ DEP, *Public Participation – Draft Unit Management Plans*, <https://floridadep.gov/parks/public-participation> (last visited Jan. 2025).

²¹ *Id.*; Max Chesnes, *Florida agency says group behind state park golf course is withdrawing plan*, Tampa Bay Times, Aug. 25, 2024, <https://www.tampabay.com/news/environment/2024/08/25/florida-agency-says-group-behind-state-park-golf-course-is-withdrawing-plan/>.

²² “Conservation lands” are defined in statute to mean “lands that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands that were acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resources-based recreation, or archaeological or historic preservation...shall include, but not be limited to, the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that do not possess significant natural or historical resources.” Section 253.034(2)(c), F.S.

²³ Section 253.034(5), F.S.

²⁴ *Id.*

²⁵ Section 253.034(5)(a), F.S.

²⁶ Section 253.034(5)(b), F.S.

²⁷ Section 253.034(f), F.S.

²⁸ Section 253.034(g), F.S.

²⁹ Section 259.032(8)(b), F.S.

minimum, representatives of the lead land managing agency, comanaging entities, local private property owners, the appropriate soil and water conservation district, a local conservation organization, and a local elected official. There are further requirements for membership if habitat or potentially restorable habitat for imperiled species is located on the lands included in the management plan.³⁰

The advisory group must conduct at least one public hearing within the county in which the parcel or project is located.³¹ If the parcel or parcels are within more than one county, at least one areawide public hearing must be conducted in the county where the core parcels are located and the lead managing agency must invite a local elected official from each county. Notice of the hearing must be posted on the parcel or project designated for management, advertised in a paper of general circulation, and announced at a scheduled meeting of the local governing body before the actual public hearing.³²

III. Effect of Proposed Changes:

Section 1 titles this act the “State Park Preservation Act.”

Section 2 amends s. 253.034, F.S., to require at least one public hearing when conservation and nonconservation land management plans are *updated*. Current law only requires a public hearing when a land management plan is in development.

The bill also adds a deadline of at least 30 days before the public hearing by which the DEP’s Division of State Lands must make an electronic copy of certain land management plans available to the public. The bill requires an electronic copy to be available for parcels located within a state park, amending the current requirement that the electronic copy be available only for parcels that exceed 160 acres in size.

Section 3 amends s. 258.004, F.S., to require all lands managed pursuant to the laws on state parks and preserves (ch. 258, F.S.) to be managed for the greatest combination of benefits to the public and to the lands’ natural resources. The bill also requires lands to be managed for:

- Conservation-based public outdoor recreational uses;
- Public access and related amenities, including roads, parking areas, walkways, and visitor centers; and
- Scientific research, including archaeology.

The bill defines “conservation-based public outdoor recreational uses” to include fishing, camping, bicycling, hiking, nature study, swimming, boating, canoeing, horseback riding, diving, birding, sailing, jogging, and similar, conservation-based public recreational uses. The bill specifies that the term does not include sports that require sporting facilities, such as golf courses, tennis courts, pickleball courts, ball fields, and other similar facilities.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

The bill requires the DEP to manage these uses in a manner that is compatible with and that ensures the conservation of the state's natural resources by minimizing impacts to undisturbed habitat and using disturbed upland regions to the maximum extent practicable.

Section 4 amends s. 258.007, F.S., to highlight that the DEP's Division of Recreation and Parks may grant privileges, leases, concessions, and permits for the use of land for the accommodation of visitors in the various parks, monuments, and memorials in accordance with certain provisions *in a manner that is consistent with s. 258.004, F.S.*, which is amended by Section 3 of this bill.

The bill authorizes the Division of Recreation and Parks to acquire, install, or permit the installation or operation of camping cabins that have a maximum occupancy of six guests at state parks. The installation and operation of any camping cabin in a state park must be compatible with the park's land management plan and must be approved pursuant to the statutory requirements for land management plan approval.³³ The bill also requires that camping cabins must, to the maximum extent practicable, be sited to avoid impacts to a state park's critical habitat and natural and historical resources.

The bill prohibits the Division of Recreation and Parks from authorizing uses or construction activities within a state park that may cause significant harm to the resources of the state park. This includes building or altering structures. The bill directs that any use or construction activity must, to the maximum extent practicable, be conducted to avoid impacts on a state park's critical habitat and natural and historical resources. The bill further prohibits the Division of Recreation and Parks from installing or permitting the installation at state parks of any lodging establishment.³⁴

Section 5 amends s. 259.032, F.S., to require individual land management plans for parcels within a state park to be developed with input from an advisory group.

Current law requires the advisory group to hold at least one public hearing within the county in which the parcel or project is located and contains notice requirements for such hearing. The bill adds to the notice requirements that the public hearing must be noticed at least 30 days before it is held.

The bill also requires that individual land management plans for parcels within a state park must be updated with input from an advisory group.

Section 6 directs the DEP to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025, which includes the following information regarding the state park system:

- The number of state parks with amenities or areas that have limited use or are temporarily closed due to needed repairs or inadequate infrastructure necessary to support conservation-based public recreation uses.

³³ These requirements are amended by Section 2 of this bill.

³⁴ Lodging establishments are defined in s. 509.242, F.S., in which they are classified as a hotel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies listed criteria.

- The system's estimated budget allocation expenditures for the 2023-2024 fiscal year, broken down by salaries and benefits, equipment costs, and contracting costs for the following categories: operations, maintenance and repair, park improvement, and administrative overhead.
- The estimated costs associated with the facility maintenance backlog by each state park, including a plan to reduce or eliminate the backlog for the state park system by July 1, 2035, to ensure access to and the safe enjoyment of such public lands for Florida residents and visitors.

Section 7 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: 253.034, 258.004, 258.007, and 259.032.

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:

- Removes language that might prevent the operation of Wakulla Lodge or prevent the state from acquiring properties with preexisting lodging establishments.
- Requires input from an advisory group when land management plans for parcels within a state park are updated. The underlying bill only requires input from an advisory group during the development of land management plans for parcels within a state park.
- Fixes a drafting error by restoring flush left language.

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and
Senators Harrell, Bradley, Smith, and Gaetz

592-01943-25

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1 A bill to be entitled
2 An act relating to state land management; providing a
3 short title; amending s. 253.034, F.S.; requiring
4 public hearings for all updated conservation and
5 nonconservation land management plans; requiring the
6 Division of State Lands of the Department of
7 Environmental Protection to make available to the
8 public, within a specified timeframe, electronic
9 copies of land management plans for parcels of a
10 certain size and for parcels located in state parks;
11 making technical changes; amending s. 258.004, F.S.;
12 revising the duties of the Division of Recreation and
13 Parks of the Department of Environmental Protection;
14 specifying requirements for the management of parks
15 and recreational areas held by the state; defining the
16 term "conservation-based public outdoor recreational
17 uses"; making technical changes; amending s. 258.007,
18 F.S.; requiring the division to comply with specified
19 provisions when granting certain privileges, leases,
20 concessions, and permits; authorizing the division to
21 acquire, install, or permit the installation or
22 operation at state parks of camping cabins that meet
23 certain requirements; prohibiting the division from
24 authorizing certain uses or construction activities
25 within a state park; prohibiting the division from
26 installing or permitting the installation of any
27 lodging establishment at a state park; amending s.
28 259.032, F.S.; requiring that individual management
29 plans for parcels located within state parks be

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30 developed and updated with input from an advisory
31 group; requiring that the advisory group's required
32 public hearings be noticed to the public within a
33 specified timeframe; requiring the department to
34 submit a report to the Governor and the Legislature by
35 a specified date; specifying requirements for the
36 report; providing an effective date.
37

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

39
40 Section 1. This act may be cited as the "State Park
41 Preservation Act."

42 Section 2. Subsection (5) of section 253.034, Florida
43 Statutes, is amended to read:

44 253.034 State-owned lands; uses.—

45 (5) Each manager of conservation lands shall submit to the
46 Division of State Lands a land management plan at least every 10
47 years in a form and manner adopted by rule of the board of
48 trustees and in accordance with s. 259.032. Each manager of
49 conservation lands shall also update a land management plan
50 whenever the manager proposes to add new facilities or make
51 substantive land use or management changes that were not
52 addressed in the approved plan, or within 1 year after the
53 addition of significant new lands. Each manager of
54 nonconservation lands shall submit to the Division of State
55 Lands a land use plan at least every 10 years in a form and
56 manner adopted by rule of the board of trustees. The division
57 shall review each plan for compliance with the requirements of
58 this subsection and the requirements of the rules adopted by the

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592-01943-25

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59 board of trustees pursuant to this section. All nonconservation
 60 land use plans, whether for single-use or multiple-use
 61 properties, ~~must shall~~ be managed to provide the greatest
 62 benefit to the state. Plans for managed areas larger than 1,000
 63 acres ~~must shall~~ contain an analysis of the multiple-use
 64 potential of the property which includes the potential of the
 65 property to generate revenues to enhance the management of the
 66 property. In addition, the plan ~~must shall~~ contain an analysis
 67 of the potential use of private land managers to facilitate the
 68 restoration or management of these lands and whether
 69 nonconservation lands would be more appropriately transferred to
 70 the county or municipality in which the land is located for the
 71 purpose of providing affordable multifamily rental housing that
 72 meets the criteria of s. 420.0004(3). If a newly acquired
 73 property has a valid conservation plan that was developed by a
 74 soil and water conservation district, such plan ~~must shall~~ be
 75 used to guide management of the property until a formal land use
 76 plan is completed.

77 (a) State conservation lands ~~must shall~~ be managed to
 78 ensure the conservation of this state's plant and animal species
 79 and to ensure the accessibility of state lands for the benefit
 80 and enjoyment of all people of this state, both present and
 81 future. Each land management plan for state conservation lands
 82 ~~must shall~~ provide a desired outcome, describe both short-term
 83 and long-term management goals, and include measurable
 84 objectives to achieve those goals. Short-term goals ~~must shall~~
 85 be achievable within a 2-year planning period, and long-term
 86 goals ~~must shall~~ be achievable within a 10-year planning period.
 87 These short-term and long-term management goals are shall be the

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88 basis for all subsequent land management activities.

89 (b) Short-term and long-term management goals for state
 90 conservation lands ~~must shall~~ include measurable objectives for
 91 the following, as appropriate:

- 92 1. Habitat restoration and improvement.
- 93 2. Public access and recreational opportunities.
- 94 3. Hydrological preservation and restoration.
- 95 4. Sustainable forest management.
- 96 5. Exotic and invasive species maintenance and control.
- 97 6. Capital facilities and infrastructure.
- 98 7. Cultural and historical resources.
- 99 8. Imperiled species habitat maintenance, enhancement,
 100 restoration, or population restoration.

101 (c) The land management plan ~~must shall~~, at a minimum,
 102 contain the following elements:

- 103 1. A physical description of the land.
- 104 2. A quantitative data description of the land which
 105 includes an inventory of forest and other natural resources;
 106 exotic and invasive plants; hydrological features;
 107 infrastructure, including recreational facilities; and other
 108 significant land, cultural, or historical features. The
 109 inventory ~~must shall~~ reflect the number of acres for each
 110 resource and feature, when appropriate. The inventory ~~must shall~~
 111 be of such detail that objective measures and benchmarks can be
 112 established for each tract of land and monitored during the
 113 lifetime of the plan. All quantitative data collected ~~must shall~~
 114 be aggregated, standardized, collected, and presented in an
 115 electronic format to allow for uniform management reporting and
 116 analysis. The information collected by the Department of

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117 Environmental Protection pursuant to s. 253.0325(2) must shall
 118 be available to the land manager and his or her assignee.

119 3. A detailed description of each short-term and long-term
 120 land management goal, the associated measurable objectives, and
 121 the related activities that are to be performed to meet the land
 122 management objectives. Each land management objective must be
 123 addressed by the land management plan, and if practicable, a
 124 land management objective may not be performed to the detriment
 125 of the other land management objectives.

126 4. A schedule of land management activities which contains
 127 short-term and long-term land management goals and the related
 128 measurable objective and activities. The schedule must shall
 129 include for each activity a timeline for completion,
 130 quantitative measures, and detailed expense and manpower
 131 budgets. The schedule must shall provide a management tool that
 132 facilitates development of performance measures.

133 5. A summary budget for the scheduled land management
 134 activities of the land management plan. For state lands
 135 containing or anticipated to contain imperiled species habitat,
 136 the summary budget shall include any fees anticipated from
 137 public or private entities for projects to offset adverse
 138 impacts to imperiled species or such habitat, which fees must
 139 ~~shall~~ be used solely to restore, manage, enhance, repopulate, or
 140 acquire imperiled species habitat. The summary budget must shall
 141 be prepared in such manner that it facilitates computing an
 142 aggregate of land management costs for all state-managed lands
 143 using the categories described in s. 259.037(3).

144 (d) Upon completion, the land management plan must be
 145 transmitted to the Acquisition and Restoration Council for

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146 review. Within ~~The council shall have~~ 90 days after receipt of
 147 the plan, the council shall ~~to~~ review the plan and submit its
 148 recommendations to the board of trustees. During the review
 149 period, the land management plan may be revised if agreed to by
 150 the primary land manager and the council taking into
 151 consideration public input. The land management plan becomes
 152 effective upon approval by the board of trustees.

153 (e) Land management plans are to be updated every 10 years
 154 on a rotating basis. Each updated land management plan must
 155 identify any conservation lands under the plan, in part or in
 156 whole, that are no longer needed for conservation purposes and
 157 could be disposed of in fee simple or with the state retaining a
 158 permanent conservation easement.

159 (f) In developing or updating land management plans, at
 160 least one public hearing must shall be held in any one affected
 161 county.

162 (g) The Division of State Lands shall make available to the
 163 public at least 30 days before the public hearing required by
 164 paragraph (f) an electronic copy of each land management plan
 165 for parcels that exceed 160 acres in size and for parcels
 166 located within a state park. The division shall review each plan
 167 for compliance with the requirements of this subsection, the
 168 requirements of chapter 259, and the requirements of the rules
 169 adopted by the board of trustees pursuant to this section. The
 170 Acquisition and Restoration Council shall also consider the
 171 propriety of the recommendations of the managing entity with
 172 regard to the future use of the property, the protection of
 173 fragile or nonrenewable resources, the potential for alternative
 174 or multiple uses not recognized by the managing entity, and the

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175 possibility of disposal of the property by the board of
 176 trustees. After its review, the council shall submit the plan,
 177 along with its recommendations and comments, to the board of
 178 trustees. The council shall specifically recommend to the board
 179 of trustees whether to approve the plan as submitted, approve
 180 the plan with modifications, or reject the plan. If the council
 181 fails to make a recommendation for a land management plan, the
 182 Secretary of Environmental Protection, Commissioner of
 183 Agriculture, or executive director of the Fish and Wildlife
 184 Conservation Commission or their designees must ~~shall~~ submit the
 185 land management plan to the board of trustees.

186 (h) The board of trustees shall consider the land
 187 management plan submitted by each entity and the recommendations
 188 of the Acquisition and Restoration Council and the Division of
 189 State Lands and shall approve the plan with or without
 190 modification or reject such plan. The use or possession of any
 191 such lands which that is not in accordance with an approved land
 192 management plan is subject to termination by the board of
 193 trustees.

194 (i)1. State nonconservation lands must ~~shall~~ be managed to
 195 provide the greatest benefit to the state. State nonconservation
 196 lands may be grouped by similar land use types under one land
 197 use plan. Each land use plan must ~~shall~~, at a minimum, contain
 198 the following elements:

199 a. A physical description of the land to include any
 200 significant natural or cultural resources as well as management
 201 strategies developed by the land manager to protect such
 202 resources.

203 b. A desired development outcome.

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204 c. A schedule for achieving the desired development
 205 outcome.

206 d. A description of both short-term and long-term
 207 development goals.

208 e. A management and control plan for invasive nonnative
 209 plants.

210 f. A management and control plan for soil erosion and soil
 211 and water contamination.

212 g. Measurable objectives to achieve the goals identified in
 213 the land use plan.

214 2. Short-term goals shall be achievable within a 5-year
 215 planning period and long-term goals shall be achievable within a
 216 10-year planning period.

217 3. The use or possession of any such lands that is not in
 218 accordance with an approved land use plan is subject to
 219 termination by the board of trustees.

220 4. Land use plans submitted by a manager shall include
 221 reference to appropriate statutory authority for such use or
 222 uses and shall conform to the appropriate policies and
 223 guidelines of the state land management plan.

224 Section 3. Section 258.004, Florida Statutes, is amended to
 225 read:

226 258.004 Duties of division.—

227 (1) ~~It shall be the duty of~~ The Division of Recreation and
 228 Parks of the Department of Environmental Protection shall:

229 (a) ~~to~~ Supervise, administer, regulate, and control the
 230 operation of all public parks, including all monuments,
 231 memorials, sites of historic interest and value, and sites of
 232 archaeological interest and value which are owned, or ~~which~~ may

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233 be acquired, by the state, ~~or to the operation, development,~~
 234 ~~preservation, and maintenance~~ of which the state may have made
 235 or may make contribution or appropriation of public funds for
 236 their operation, development, preservation, and maintenance.

237 ~~(b)(2) The Division of Recreation and Parks shall~~ Preserve,
 238 manage, regulate, and protect all parks and recreational areas
 239 held by the state. The Division of Recreation and Parks ~~and~~ may
 240 provide these services by contract or interagency agreement for
 241 any water management district when the governing board of a
 242 water management district designates or sets aside any park or
 243 recreation area within its boundaries. All lands managed
 244 pursuant to this chapter must be:

245 1. Managed in a manner that will provide the greatest
 246 combination of benefits to the public and to the land's natural
 247 resources; and

248 2. Managed for conservation-based public outdoor
 249 recreational uses; public access and related amenities,
 250 including roads, parking areas, walkways, and visitor centers;
 251 and scientific research, including archaeology. Such uses must
 252 be managed in a manner that is compatible with and that ensures
 253 the conservation of this state's natural resources by minimizing
 254 impacts to undisturbed habitat and using disturbed upland
 255 regions to the maximum extent practicable. As used in this
 256 subparagraph, the term "conservation-based public outdoor
 257 recreational uses" includes fishing, camping, bicycling, hiking,
 258 nature study, swimming, boating, canoeing, horseback riding,
 259 diving, birding, sailing, jogging, and similar conservation-
 260 based public recreational uses. The term does not include sports
 261 that require sporting facilities, such as golf courses, tennis

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262 courts, pickleball courts, ball fields, and other similar
 263 facilities.

264 ~~(c)(3) The Division of Recreation and Parks shall~~ Study and
 265 appraise the recreational ~~recreation~~ needs of the state and
 266 assemble and disseminate information relative to recreation.

267 ~~(d)(4) The Division of Recreation and Parks shall~~ Provide
 268 consultation assistance to local governing units as to the
 269 protection, organization, and administration of local recreation
 270 systems and the planning and design of local recreational
 271 ~~recreation~~ areas and facilities.

272 ~~(e)(5) The Division of Recreation and Parks shall~~ Assist in
 273 recruiting, training, and placing recreation personnel.

274 ~~(f)(6) The Division of Recreation and Parks shall~~ Sponsor
 275 and promote recreation institutes, workshops, seminars, and
 276 conferences throughout this ~~the~~ state.

277 ~~(g)(7) The Division of Recreation and Parks shall~~ Cooperate
 278 with state and federal agencies, private organizations, and
 279 commercial and industrial interests in the promotion of a state
 280 recreation program.

281 ~~(2)(8) This part shall be enforced by~~ The Division of Law
 282 Enforcement of the Department of Environmental Protection and
 283 its officers and ~~by~~ the Division of Law Enforcement of the Fish
 284 and Wildlife Conservation Commission and its officers shall
 285 enforce this part.

286 Section 4. Present subsection (5) of section 258.007,
 287 Florida Statutes, is redesignated as subsection (7), a new
 288 subsection (5) and subsection (6) are added to that section, and
 289 subsection (3) of that section is amended, to read:

290 258.007 Powers of division.—

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291 (3) (a) The division may, as consistent with s. 258.004,
 292 grant privileges, leases, concessions, and permits for the use
 293 of land for the accommodation of visitors in the various parks,
 294 monuments, and memorials in accordance with all of the following
 295 provisions:

296 1. ~~provided no~~ Natural curiosities or objects of interest
 297 may not ~~shall~~ be granted, leased, or rented on ~~such~~ terms that
 298 ~~as shall~~ deny or interfere with free access to them by the
 299 public.

300 2. ~~provided further,~~ Such grants, leases, and permits may
 301 be made and given without advertisement or securing competitive
 302 bids. ~~and~~

303 3. ~~provided further, that no~~ Such grants, leases, and
 304 permits may not ~~grant, lease, or permit shall~~ be assigned or
 305 transferred by any grantee without consent of the division.

306 (b) Notwithstanding paragraph (a), ~~after May 1, 2014,~~ the
 307 division may not grant new concession agreements for the
 308 accommodation of visitors in a state park that provides beach
 309 access and contains less than 7,000 feet of shoreline if the
 310 type of concession is available within 1,500 feet of the park's
 311 boundaries. This paragraph does not apply to concession
 312 agreements for accommodations offered at a park on or before May
 313 1, 2014. ~~This paragraph shall take effect upon this act becoming~~
 314 ~~a law.~~

315 (5) The division may acquire, install, or permit the
 316 installation or operation at state parks of camping cabins that
 317 have a maximum occupancy of six guests. The installation and
 318 operation of camping cabins must be compatible with the state
 319 park's land management plan and must be approved pursuant to s.

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320 253.034(5). Camping cabins must, to the maximum extent
 321 practicable, be sited to avoid impacts to a state park's
 322 critical habitat and natural and historical resources.

323 (6) The division may not authorize uses or construction
 324 activities, including the building or alteration of structures,
 325 within a state park which may cause significant harm to the
 326 resources of the state park. Any use or any construction
 327 activity must, to the maximum extent practicable, be conducted
 328 in a manner that avoids impacts to a state park's critical
 329 habitat and natural and historical resources. The division may
 330 not install or permit the installation at state parks of any
 331 lodging establishment as defined in s. 509.242.

332 Section 5. Paragraphs (b) and (c) of subsection (8) of
 333 section 259.032, Florida Statutes, are amended to read:

334 259.032 Conservation and recreation lands.—

335 (8)

336 (b) Individual management plans required by s. 253.034(5),
 337 for parcels over 160 acres and for parcels located within a
 338 state park, must ~~shall~~ be developed with input from an advisory
 339 group.

340 1. Members of ~~the~~ this advisory group shall include, at a
 341 minimum, representatives of the lead land managing agency,
 342 comanaging entities, local private property owners, the
 343 appropriate soil and water conservation district, a local
 344 conservation organization, and a local elected official. If
 345 habitat or potentially restorable habitat for imperiled species
 346 is located on state lands, the Fish and Wildlife Conservation
 347 Commission and the Department of Agriculture and Consumer
 348 Services ~~must shall~~ be included on any advisory group required

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349 under chapter 253, and the short-term and long-term management
350 goals required under chapter 253 must advance the goals and
351 objectives of imperiled species management without restricting
352 other uses identified in the management plan.

353 2. The advisory group shall conduct at least one public
354 hearing within the county in which the parcel or project is
355 located. For those parcels or projects ~~that are~~ within more than
356 one county, at least one areawide public hearing is shall be
357 acceptable and the lead managing agency shall invite a local
358 elected official from each county. The areawide public hearing
359 must shall be held in the county in which the core parcels are
360 located. At least 30 days before the public hearing, notice of
361 the such public hearing must shall be posted on the parcel or
362 project designated for management, advertised in a paper of
363 general circulation, and announced at a scheduled meeting of the
364 local governing body ~~before the actual public hearing.~~

365 3. The management prospectus required pursuant to paragraph
366 (7) (b) must shall be available to the public for a period of 30
367 days before the public hearing.

368 (c) Once a plan is adopted, the managing agency or entity
369 shall update the plan at least every 10 years in a form and
370 manner adopted by rule of the board. Such updates, for parcels
371 over 160 acres and for parcels located within a state park, must
372 ~~shall~~ be developed with input from an advisory group. Such plans
373 may include transfers of leasehold interests to appropriate
374 conservation organizations or governmental entities designated
375 by the council for uses consistent with the purposes of the
376 organizations and the protection, preservation, conservation,
377 restoration, and proper management of the lands and their

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378 resources. Volunteer management assistance is encouraged,
379 including, but not limited to, assistance by youths
380 participating in programs sponsored by state or local agencies,
381 by volunteers sponsored by environmental or civic organizations,
382 and by individuals participating in programs for committed
383 delinquents and adults.

384
385 By July 1 of each year, each governmental agency and each
386 private entity designated to manage lands shall report to the
387 Secretary of Environmental Protection on the progress of
388 funding, staffing, and resource management of every project for
389 which the agency or entity is responsible.

390 Section 6. By December 1, 2025, the Department of
391 Environmental Protection shall submit a report to the Governor,
392 the President of the Senate, and the Speaker of the House of
393 Representatives which includes all of the following information
394 regarding the state park system:

395 (1) The number of state parks with amenities or areas that
396 have limited use or are temporarily closed due to needed repairs
397 or inadequate infrastructure necessary to support conservation-
398 based public recreation uses.

399 (2) The system's estimated budget allocation expenditures
400 for the 2023-2024 fiscal year, broken down by salaries and
401 benefits, equipment costs, and contracting costs for the
402 following categories: operations, maintenance and repair, park
403 improvement, and administrative overhead.

404 (3) The estimated costs associated with the facility
405 maintenance backlog by each state park, including a plan to
406 reduce or eliminate the facility maintenance backlog for the

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407 state park system by July 1, 2035, to ensure access to and the
408 safe enjoyment of such public lands for the residents of this
409 state and its visitors.

410 Section 7. This act shall take effect July 1, 2025.

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 200

INTRODUCER: Senator Berman

SUBJECT: Comprehensive Waste Reduction and Recycling Plan

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 200 directs the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2026, and convene a technical assistance group within the DEP to help develop the plan. The bill provides minimum criteria for the plan and directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.

The bill has no fiscal impact on state revenues or expenditures. **See Section V. Fiscal Impact Statement below.**

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

II. Present Situation:

Florida's Recycling Goal

In 2008, the Legislature set a statewide goal to recycle at least 75 percent of municipal solid waste (MSW) by 2020.¹ The goal includes only MSW² and is measured by weight.³ The DEP established numerous programs and initiatives to reach the 75 percent recycling goal. In 2010, the Legislature amended s. 403.706, F.S., to require counties to implement local recycling programs with specific interim goals.

¹ Section 403.7032, F.S.

² MSW is any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Section 403.706(5), F.S. MSW also includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. *Id.*

³ Department of Environmental Protection (DEP), *Florida and the 2020 75% Recycling Goal: Final Report*, 3, 8 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

Year	Interim Recycling Goal ⁴	Actual Statewide Recycling Rate ⁵
2012	40%	~48%
2014	50%	~50%
2016	60%	56%
2018	70%	49%
2020	75%	50%

While Florida achieved the interim goals for 2012 and 2014, the state’s recycling rate for 2016 fell short of the interim goal.⁶ Between 2016 and 2020, Florida’s statewide recycling rate continued to decline, with a rate of 52 percent in 2019 and 50 percent in 2020.⁷ Only three of Florida’s 36 large counties—Charlotte, Lee, and Pinellas—successfully met the 75 percent recycling goal by 2020.⁸ However, there is evidence that recycling rates are rebounding: the single-family recycling participation rate increased four percent from 2020 to 2023.⁹ Commercial recycling participation rates increased 6 percent during the same timeframe.¹⁰

Local Government Solid Waste and Recycling Responsibilities

Each Florida county has the authority and responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.¹¹ Counties may charge reasonable fees for the handling and disposal of solid waste at

⁴ Ch. 2010-143, s. 7, Laws of Fla; section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75 percent of municipal solid waste by 2020. *See also* s. 403.7032(2), F.S.

⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, 9, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>; DEP, *Florida and the 2020 75% Recycling Goal: 2019 Status Report, Vol. 1*, 9 (2019), available at <https://floridadep.gov/sites/default/files/Final%20Strategic%20Plan%202019%2012-13-2019%201.pdf>.

⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2.

⁷ *Id.* at 6. Notably, prior to the implementation of the 75 percent recycling goal, Florida’s recycling rate, which was calculated based on recycling traditional materials, was 30 percent. *Id.* If the same methodology was applied to 2020, the recycling rate would be only 25 percent. *Id.*

⁸ *Id.* at 9. “Large counties” are those with a population of over 100,000. *Id.*

⁹ DEP, *2023 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Single-Family%20Participation.pdf>; DEP, *2022 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2022%20Single-Family%20Participation.pdf>; DEP, *2021 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Single-Family%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Single-Family Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Single-Family%20Participation%20in%20Recycling.pdf>.

¹⁰ DEP, *2023 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2023%20Commercial%20Participation.pdf>; DEP, *2022 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2022%20Commercial%20Participation.pdf>; DEP, *2021 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2021%20Commercial%20Recycling%20Participation%20in%20Florida.pdf>; DEP, *2020 Commercial Participation in Recycling*, available at <https://floridadep.gov/sites/default/files/2020%20Commercial%20Participation%20in%20Recycling.pdf>.

¹¹ Section 403.706(1), F.S. Municipalities are also authorized to construct and operate solid waste disposal facilities if certain statutory requirements are met. Fla. Admin. Code Ch. 62-701.

their facilities.¹² Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or county contractor.¹³ Local governments are also authorized to provide for the collection of recyclable materials.¹⁴ A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.¹⁵

As discussed above, counties are required to implement recycling programs that include the statutory interim goals established in s. 403.706(2)(a), F.S.¹⁶ These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers;
- Aluminum cans;
- Steel cans;
- Glass;
- Plastic bottles;
- Cardboard;
- Office paper; and
- Yard trash.¹⁷

In addition, each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.¹⁸ Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs,¹⁹ and must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a specified service area for a county or municipality.²⁰

Certain activities are eligible for special credit towards achieving a county's recycling goals, including the use of solid waste as fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.²¹ To assess progress, counties must provide information on their solid waste management programs and recycling activities to the DEP by April 1st of each year.²²

The DEP may reduce or modify a county's recycling goal if the county demonstrates that:

¹² *Id.*

¹³ *Id.*

¹⁴ Section 403.706(21), F.S.

¹⁵ *Id.*

¹⁶ Section 403.706(2)(a), F.S.

¹⁷ Section 403.706(2)(f), F.S.

¹⁸ Section 403.706(3), F.S.

¹⁹ Section 403.706(2)(a), F.S.

²⁰ Section 403.706(9), F.S.

²¹ Section 403.706(4), F.S.

²² Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county's waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.²³

However, the goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county's waste-to-energy facility.²⁴

Local governments can require all residential properties, multifamily dwellings, apartment complexes, and industrial, commercial, and institutional establishments to create programs for the separation of recyclable materials designated by the local government.²⁵ Local governments can also require a commercial establishment to source-separate the recovered materials generated on the premises.²⁶ However, a local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator's right to sell such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or
- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.²⁷

The DEP's Recycling Report

The DEP was required to submit a report to the President of the Senate and the Speaker of the House of Representatives in years when the interim recycling goals established in s. 403.706(2)(a), F.S., were not met.²⁸ These reports had to identify additional programs or statutory changes needed to achieve the recycling goals.²⁹ In 2020, the DEP released its final report titled "Florida and the 2020 75% Recycling Goal."³⁰ The report explains that in 2020 alone, the amount of MSW generated in Florida was equivalent to over two tons per resident—approximately twice the national average.³¹ However, there is no universal methodology for measuring progress toward recycling goals, making it difficult to compare states' recycling rates. Moreover, Florida's MSW calculations do not account for tourists—while calculations by the

²³ Section 403.706(6), F.S.

²⁴ *Id.*

²⁵ Section 403.706(21), F.S. Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials and ensuring the collection of recovered materials as necessary to protect public health and safety. *Id.*

²⁶ Section 403.7046(2)(a), F.S.

²⁷ Section 403.7046(2), F.S.

²⁸ Section 403.706(2)(e), F.S.; *see* s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal in s. 403.706(2), F.S.

²⁹ Section 403.706(2)(e), F.S.

³⁰ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 2, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³¹ *Id.* at 8.

U.S. Environmental Protection Agency and other states do—thereby inflating the amount of MSW generated “per resident.”³²

In its final report, the DEP recommends convening a technical assistance group (TAG) to develop a comprehensive waste reduction and recycling plan for Florida. The TAG, if convened, would include the Florida Recycling Workgroup, local governments, and other interested parties, and the comprehensive plan would implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management³³ and waste diversion³⁴ concepts;
- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.³⁵

The DEP’s final report also provides recommendations from the Florida Recycling Workgroup and a group of local governments, including:

- Replacing the current 75 percent weight-based goal with a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;³⁶
- Using sustainable materials management to prioritize which materials to recycle based on environmental metrics and market availability and setting recycling goals for these specific materials; and
- Focusing on three strategies: education and outreach, funding and incentives to support local government recycling efforts, and developing recycling markets.³⁷

Recycling Education and Outreach

Education on the types of recycling services available, how materials are collected, and which materials are accepted is important for a successful recycling program. Because recycling programs within the state vary significantly, education should be tailored to local recycling programs.³⁸

Currently, the DEP operates several education programs, including:

- The Florida Food Waste Prevention Week, which focuses on engagement with local municipalities, universities, national food recovery networks, and the hospitality industry to raise awareness about food waste;³⁹

³² *Id.*

³³ Sustainable materials management is a term for alternative approaches to recycling that recognize the differences among waste components with respect to environmental and resource outcomes. Sustainable materials management focuses on using and reusing materials more productively over their life cycles. *Id.* at 4.

³⁴ Waste diversion is the process of diverting waste from landfills; it is the amount of material that is reduced, reused, and/or recycled per capita and can be measured by the amount of waste not being disposed of in landfills. Waste diversion reduces disposal costs and the burden on landfills. United States Environmental Protection Agency (EPA), *Waste Diversion at EPA*, <https://www.epa.gov/greeningepa/waste-diversion-epa> (last visited Feb. 7, 2025); DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4.

³⁵ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 4, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

³⁶ *Id.* at 4. There is a consensus in Florida’s recycling industry (as well as other states and at the federal level) that using a weight-based goal does not result in efficient or effective recycling. *Id.* at 6.

³⁷ *Id.* at 4.

³⁸ *Id.*

³⁹ See Food Waste Prevention Week, <https://www.foodwastepreventionweek.com/about-us> (last visited Feb. 7, 2025).

- The Rethink. Reset. Recycle. Program, which explains what items can be recycled and provides counties and municipalities with a variety of customized digital products illustrating correct preparation of recyclables prior to disposing of them;⁴⁰ and
- The Recycling Recognition Program, which encourages private businesses, institutions, schools, organizations, and the public to increase recycling by setting recycling goals.⁴¹

The DEP also developed a business recycling tracking tool (Re-TRAC) that allows organizations to track, compare, and report their recycling efforts.⁴²

The DEP's final report explains that the TAG, if convened, would propose an education and outreach approach that evaluates statewide solutions but is customized for local needs, including a possible application for mobile devices that provides recycling information based on location.

Local Government Assistance

In 1988, the Solid Waste Management Act required counties to initiate recycling programs to address the growing costs and environmental problems associated with solid waste disposal in the state. To aid counties in setting up recycling programs, the Legislature established the Recycling and Education Grant Program. Under the program, counties received funds for initial capital costs, operations, recycling education, market development, and special projects. The program sunset in 2001.

In its final report, the DEP recommends that the TAG evaluate the benefits and problems of the now defunct Recycling and Education Grant Program, make a recommendation to reinstate the program, or consider other means to provide recycling assistance to local governments.⁴³

Recycling Market Development

In order for the recycling industry to operate efficiently and provide reasonable returns on investments, there must be a market for finished goods that are manufactured from recycled materials. When the markets for these finished goods increase, the demand for recycled materials will increase, driving up profitability and incentivizing increased investments in the collection, sorting, processing, and manufacturing sectors.⁴⁴

To increase markets for recyclable materials, the DEP recommends in its final report that the following be considered when developing the comprehensive recycling plan:

- Tax incentives for usage of recycled materials as feed stocks in manufacturing processes;
- Tax incentives and credits to support materials recovery plant upgrades;
- Public/private partnerships to invest in new processing technologies;

⁴⁰ DEP, *Rethink. Reset. Recycle.*, <https://floridarecycles.org/> (last visited Feb. 7, 2025).

⁴¹ DEP, *Recycling Recognition Program*, <https://floridadep.gov/waste/waste-reduction/content/recycling-recognition-program> (last visited Jan. 27, 2025).

⁴² *Id.*; see also DEP, *Re-TRAC*, <https://app.re-trac.com/> (last visited Feb. 7, 2025).

⁴³ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5, available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

⁴⁴ *Id.* at 5.

- Investments in expansion of Recycling Business Assistance Center⁴⁵ activities;
- End-user purchase rebates for Florida Certified Compost; and
- Preference programs to use and purchase products made from recycled content material.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.7032, F.S., to direct the DEP to develop a comprehensive waste reduction and recycling plan by July 1, 2026, based on recommendations from the DEP’s “Florida and the 2020 75% Recycling Goal: Final Report.” The bill requires the DEP to create and convene a technical assistance group to help develop the plan.

The bill provides that the plan must:

- Identify recycling goals based on sustainable materials management and waste diversion; and
- Include a three-year plan to implement the following strategies:
 - Recycling education and outreach: The DEP must propose statewide solutions to provide local recycling information and education.
 - Local government recycling assistance: The DEP must evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing assistance to local governments.
 - Recycling materials market development: The DEP must consider and recommend plans to develop and promote markets for recycling materials.

The bill directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon completion of the comprehensive waste reduction and recycling plan. The bill requires that the report include any recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2 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.

⁴⁵ The Recycling Business Assistance Center was established in 2010 pursuant to s. 403.7032(5), F.S., to coordinate between state agencies and the private sector to develop new markets for recyclable materials locally and globally. DEP, *Recycling Business Assistance Center*, <https://floridadep.gov/waste/waste-reduction/content/recycling-business-assistance-center> (last visited Feb. 7, 2025).

⁴⁶ DEP, *Florida and the 2020 75% Recycling Goal: Final Report* at 5.

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 403.7032 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Berman

26-00224A-25

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A bill to be entitled

An act relating to a comprehensive waste reduction and recycling plan; amending s. 403.7032, F.S.; requiring the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan for this state by a specified date, based on certain department recommendations; requiring the department to create and convene a technical assistance group for a specified purpose; specifying minimum requirements for the comprehensive plan; requiring the department to submit a report to the Legislature upon completion of the comprehensive plan; specifying requirements for the report; providing an effective date.

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

Section 1. Subsection (6) is added to section 403.7032, Florida Statutes, to read:

403.7032 Recycling.—

(6) By July 1, 2026, the Department of Environmental Protection shall develop a comprehensive waste reduction and recycling plan for this state based on the recommendations contained in the department's "Florida and the 2020 75% Recycling Goal, Final Report." The department shall create and convene a technical assistance group to assist in the development of the plan.

(a) At a minimum, the plan must do all of the following:

1. Identify recycling goals based on sustainable materials management and waste diversion.

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2. Include a 3-year plan to implement all of the following strategies:

a. Recycling education and outreach. The department shall propose statewide solutions to provide local recycling information and education throughout this state.

b. Local government recycling assistance. The department shall evaluate the benefits and challenges of the former state Recycling and Education Grant Program and provide recommendations for reinstating the program or consider other means of providing recycling assistance to local governments.

c. Recyclable materials market development. The department shall consider and recommend plans to develop and promote markets for recyclable materials.

(b) Upon completion of the plan, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives, which must include recommendations for statutory changes necessary to achieve the recycling goals and strategies identified in the plan.

Section 2. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 408

INTRODUCER: Regulated Industries Committee and Senator Burgess

SUBJECT: Thoroughbred Permitholders

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 408 allows thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end. The live racing cannot end any earlier than four years after the date of the notice.

Additionally, the bill provides that the tax on handle for intertrack wagering is 0.5 percent if the host track and guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder that conducted a full schedule of live racing the preceding fiscal year.

The bill provides that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the Florida Gaming Control Commission (commission) a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.

Finally, the bill provides that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial year of licensure. Further, this section provides that a thoroughbred permitholder, who operates a cardroom facility, must continue to use at least 50 percent cardroom monthly net proceeds to supplement purses and breeder's

awards during the permitholders' next ensuing racing meet until he or she is no longer conducting live racing.

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

The bill takes effect July 1, 2025.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷
- Cardrooms⁸ at certain pari-mutuel facilities;⁹
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S., the Family Amusement Games Act;¹¹ and

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ See s. 849.16, F.S.

⁵ Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086(2)(c), F.S., defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 19, at <https://www.flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf>

(last April 9, 2025), which states that of 30 licensed permitholders, 29 operated at a pari-mutuel facility.

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ See s. 546.10, F.S.

- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹⁸ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹⁹

Pari-mutuel Wagering

Since approximately 1931, pari-mutuel wagering has been authorized in Florida for jai alai, greyhound racing, and horseracing. These activities are overseen and regulated²⁰ by the Division of Pari-Mutuel Wagering (division) at the commission, which is housed within the Department of Legal Affairs, Office of the Attorney General.²¹ The commission issues permits and operating licenses for pari-mutuel wagering activities. Only pari-mutuel wagering permitholder under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their facilities.

¹² See s. 849.085, F.S.

¹³ See s. 849.0931, F.S.

¹⁴ See s. 849.0935, F.S.

¹⁵ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ See s. 849.141, F.S.

¹⁷ Section 550.1625(1), F.S., “. . . legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁸ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹⁹ The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

²⁰ From 1932 to 1969, Florida’s pari-mutuel industry was regulated by the State Racing Commission. In 1970, the State Racing Commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.

²¹ See ss. 16.71-16.716, F.S.

Pari-mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (act)²² provides specific permitting and licensing requirements for the pari-mutuel industry.²³ Permitholders apply for an operating license annually to conduct pari-mutuel wagering activities.²⁴ Certain permitholders are also authorized to operate cardrooms²⁵ and slot machines at their facility.²⁶

Currently, there are three pari-mutuel operating licenses that were issued for Fiscal Year 2024-2025 to conduct live thoroughbred racing performances. These licenses and their locations include:²⁷

- Gulfstream Park Racing Association Inc., which operates at Gulfstream Park in Broward County.
- Gulfstream Park Thoroughbred After Racing Program, Inc., which operates at Gulfstream Park in Broward County.
- Tampa Bay Downs, Inc., which operates at Tampa Bay Downs in Hillsborough County.

Live Racing Requirements

Currently, only thoroughbred permitholders are required to conduct live racing in order to operate other pari-mutuel gaming activities. Greyhound permitholders are prohibited from conducting live racing, and jai alai permitholders, harness horse racing permitholders, and quarter horse racing permitholders have the option to conduct live racing or games.²⁸

A greyhound permitholder, jai alai permitholder, harness horse racing permitholder, or quarter horse racing permitholder that does not conduct live racing or games:²⁹

- Retains its permit.
- Is a pari-mutuel facility as defined in s. 550.002(23), F.S.
- Is eligible, but not required, to be a guest track, and if the permitholder is a harness horse racing permitholder, is eligible to be a host track for purposes of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.625, and 550.6305, F.S.
- Remains eligible for a cardroom license.

Intertrack Wagering Tax on Handle

Current law requires each permitholder to pay a tax on contributions to pari-mutuel pools, known as “handle,” on races or games conducted by the permitholder. The tax is imposed daily and is based on the total contributions to all pari-mutuel pools conducted during the daily performance.

²² See ch. 550, F.S.

²³ Section 550.054(1), F.S.

²⁴ Section 550.0115, F.S.

²⁵ Section 849.086, F.S.

²⁶ Section 551.104, F.S.

²⁷ Florida Gaming Control Commission, *Permit Holder Operating Licenses 2024-2025*, available at <https://flgaming.gov/pmw/tracks-frontons/permitholder-operating-licenses-2024-2025/> (last visited April 3, 2025).

²⁸ Section 550.01215(1)(b)1., F.S.

²⁹ *Id.*

If a permitholder conducts more than one performance daily, the tax is imposed on each performance separately.³⁰

The tax on handle for intertrack wagering is broken down into the following categories:³¹

- 2.0 percent of the handle if the host track is a horse track.
- 3.3 percent if the host track is a harness track.
- 5.5 percent if the host track is a dog track.
- 7.1 percent if the host track is a jai alai fronton.
- 0.5 percent if the host track and the guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder currently conducting a live race meet.

The tax on handle for intertrack wagering on rebroadcasts of simulcast thoroughbred horse races is 2.4 percent of the handle and 1.5 percent of the handle for intertrack wagering on rebroadcasts of simulcast harness horseraces. The tax is deposited into the Pari-mutuel Wagering Trust Fund.³²

Slot Machine Licensing

An application for a license to conduct slot machine gaming may be approved by the commission only after the voters of the county where the applicant's facility is located have authorized by referendum slot machines within pari-mutuel facilities in that county as specified in s. 23, Art. X of the State Constitution.³³ Currently, slot machines are only authorized in eight licensed pari-mutuel facilities located in Miami-Dade and Broward counties and on tribal property.³⁴

Slot machine licenses are only allowed to be issued to licensed pari-mutuel permitholders, and slot machine gaming may be conducted only at the eligible facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.³⁵

As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, slot machine licensees that hold a thoroughbred permit, may conduct no fewer than a full schedule of live racing or games as defined in s. 550.002(10), F.S. A permitholder's responsibility to conduct live races or games shall be reduced by the number of races or games that could not be conducted due to the direct result of fire, strike, war, hurricane, pandemic, or other disaster or event beyond the control of the permitholder.³⁶

³⁰ Section 550.0951(3), F.S.

³¹ Section 550.0951(3)(c)1., F.S.

³² *Id.*

³³ Section 551.104(2), F.S.

³⁴ Section 551.101, F.S.

³⁵ Section 551.104(3), F.S.

³⁶ Section 551.104(4)(c), F.S.

Slot Machine Gaming Locations and Operations

Section 32 of Art. X of the State Constitution, adopted pursuant to a 2004 initiative petition, authorized slot machines in licensed pari-mutuel facilities in Broward and Miami-Dade counties, if approved by county referendum. The voters in Broward and Miami-Dade counties approved slot machine gaming. Slot machine gaming in the state, by authorized slot machine gaming licensees at specified pari-mutuel facility locations, is limited to Broward and Miami-Dade counties, and as authorized by federal law and the 2021 Gaming Compact, in the tribal gaming facilities of the Seminole Tribe currently operating in Broward County, Collier County, Okeechobee County, and Hillsborough County.

Cardroom Licensing

An application for a license to conduct cardroom gaming may be approved by the commission upon proof that the local government where the applicant for such license desires to conduct cardroom gaming has voted to approve such activity by a majority vote of the governing body of the municipality or the governing body of the county if the facility is not located in a municipality.³⁷

Municipalities are authorized to prohibit the establishment of a cardroom on or after July 1, 2021, within their jurisdiction. This does not apply to a licensed pari-mutuel permitholder who held an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021 in the municipality's jurisdiction or to a cardroom that was previously approved by the municipality.³⁸

Only those persons holding a valid cardroom license issued by the commission may operate a cardroom. A cardroom license may only be issued to a licensed pari-mutuel permitholder, and an authorized cardroom may only be operated at the same facility at which the permitholder is authorized under its valid pari-mutuel wagering permit to conduct pari-mutuel wagering activities.³⁹

A pari-mutuel permitholder, other than a converted quarter horse to thoroughbred permitholder or a purchaser, transferee, or assignee holding a valid permit for the conduct of pari-mutuel wagering, may not be issued a license for the operation of a cardroom if the permitholder did not hold an operating license for the conduct of pari-mutuel wagering for fiscal year 2020-2021.⁴⁰

In order for an initial cardroom license to be issued to a converted quarter horse to thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least a full schedule of live racing.⁴¹

In order for a cardroom license to be renewed by a thoroughbred permitholder, the applicant must have requested, as part of its pari-mutuel annual license application, to conduct at least 90

³⁷ Section 849.086(16)(a), F.S.

³⁸ Section 849.086(16)(b), F.S.

³⁹ Section 849.086(5)(a), F.S.

⁴⁰ Section 849.086(5)(c), F.S.

⁴¹ *Id.*

percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto if the permitholder ran at least a full schedule of live racing or games in the prior year.⁴²

Horse Breeding and Racing in Florida

The Florida horse industry generates an annual \$12.8 billion impact on the gross domestic product of Florida, along with providing nearly 112,000 jobs.⁴³ The Florida Thoroughbred industry has, in addition to the economic impact, produced one Triple Crown winner, six Kentucky Derby winners, seven Preakness winners, six Belmont Stakes winners, and 52 national champions. Marion County (Ocala) has more horses and ponies than any other county in the United States.⁴⁴

The Florida Thoroughbred Breeders' and Owners' Association Inc., (Breeders) is a not-for-profit that represents more than 1,300 Thoroughbred breeders and owners in Florida. The Breeders work with the Department of Agriculture and Consumer Services (DACCS) to promote and market the industry both nationally and internationally, as well as providing awards to promote Florida Thoroughbreds in the industry.

The Florida Horseman's Benevolent & Protective Association Inc., (Horsemen) is a not-for-profit representing more than 5,000 Thoroughbred horse owners and trainers who do business in Florida. The organization promotes relationships with racetracks, community, and government.

The Horsemen representing the majority of the thoroughbred racehorse owners and trainers at any particular facility received a 1 percent distribution from the purses at that facility for authorized uses. The awards for breeders, trainers, and owners are generally provided for in statute, although the specific awards, procedures, and payments may vary according to adopted plans.

Tampa Bay Downs is one of America's oldest tracks, and is the only Thoroughbred racetrack on the west coast of Florida. It opened in 1926, and has been used for Thoroughbred racing for most of the intervening years, subject to economic downturns, wars, and natural disasters.⁴⁵

Gulfstream Park Racing, located between Fort Lauderdale and Miami, has been in operation since the 1940s, and known as the host of the G1 Florida Derby, a race that has produced the Kentucky Derby winner 25 times in 71 years.⁴⁶

⁴² *Id.*

⁴³ American Horse Council, *2023 Economic Impact Study of the U.S. Horse Industry*, Graphic referencing Florida impact available at <https://nwdistrict.ifas.ufl.edu/phag/2024/04/12/economic-impact-study-indicates-the-florida-equine-industry-remains-strong/#:~:text=Contributes%20%2412.8%20billion%20to%20the,%E2%80%93> (last visited April 9, 2025).

⁴⁴ *Id.*

⁴⁵ Tampa Bay Downs, *A Legacy in Thoroughbred Racing & More*, available at <https://www.tampabaydowns.com/visitor-info/history/> (last visited April 9, 2025).

⁴⁶ Kentucky Derby, *Florida Derby Race History*, available at <https://www.kentuckyderby.com/races/2025/03/florida-derby/> (last visited April 9, 2025).

Thoroughbred Purses and Awards

Thoroughbred purses represent the prize money distributed to the owners, trainers, and jockeys of the horses that finish in the top positions in a race. Awards are honors given to recognize outstanding achievements by horses, jockeys, trainers, owners, and breeders, typically on an annual basis.

A slot machine license may not be issued, or renewed, to an applicant holding a permit to conduct pari-mutuel wagering meets of thoroughbred racing unless the applicant has on file with the commission a binding written agreement between the applicant and the.⁴⁷

- Horsemen, governing the payment of purses on live thoroughbred races conducted at the licensee's pari-mutuel facility.
- Breeders, governing the payment of breeders', stallion, and special racing awards on live thoroughbred races conducted at the licensee's pari-mutuel facility.

The agreements may direct the payment of such purses and awards from revenues generated by any wagering or gaming the applicant is authorized to conduct under Florida law. All purses and awards are subject to the terms of ch. 550, F.S. All sums for breeders', stallion, and special racing awards are remitted monthly to the Breeders, for the payment of awards subject to the administrative fee authorized in s. 550.2625(3), F.S.⁴⁸

"Purse" means the cash portion of the prize for which a race or game is contested.⁴⁹ "Breeders' and stallions awards" means financial incentives paid to encourage the agricultural industry of breeding racehorses in this state.⁵⁰ Current law provides that "the purse structure and the availability of breeder awards are important factors in attracting the entry of well-bred horses in racing meets in this state which in turn helps to produce maximum racing revenues for the state and the counties."⁵¹

Each permitholder conducting a horserace meet is required to pay from the takeout withheld on pari-mutuel pools a sum for purses in accordance with the type of race performed.⁵² Each horseracing permitholder conducting any thoroughbred race is required to pay a sum on all pari-mutuel pools conducted during any such race for the payment of breeders', stallion, or special racing awards.⁵³

Florida Agricultural Promotional Campaign

In 1990, the Legislature created the Florida Agricultural Promotional Campaign Trust Fund (Trust Fund) to support the Florida Agricultural Promotional Campaign (campaign).⁵⁴ The goal of the campaign was to "increase consumer awareness and expand the market for Florida's

⁴⁷ Section 551.104(10)(a)1., F.S.

⁴⁸ *Id.*

⁴⁹ Section 550.002(28), F.S.

⁵⁰ Section 550.002(2), F.S.

⁵¹ Section 550.2625(1), F.S.

⁵² *See* s. 550.2625(2)(a), F.S.

⁵³ *See* s. 550.2625(3), F.S.

⁵⁴ Chapter 90-323, Laws of Fla., s. 16.

agricultural products.”⁵⁵ The Trust Fund, within the DACS, holds funding for implementing the campaign.⁵⁶

In 2023, the Legislature amended s. 212.20, F.S., to distribute \$27.5 million to the Trust Fund to be used by the DACS to “encourage breeding thoroughbred racehorses and the conducting of thoroughbred racing at thoroughbred tracks in Florida.”⁵⁷

Section 571.265, F.S., requires the funds to be distributed as follows:

- \$5 million to the Breeders, to be used for:
 - Purses or purse supplements for Florida-bred or Florida-sired horses that participate in Florida thoroughbred races.
 - Awards to breeders of Florida-bred horses that win, place, or show in Florida thoroughbred races.
 - Awards to owners of stallions who sired Florida-bred horses that win Florida thoroughbred stakes races, if the stallions are registered with the Breeders as Florida stallions.
 - Other racing incentives connected to Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races in Florida.
 - Awards administration.
 - Promotion of the Florida thoroughbred breeding industry.
- \$5 million to Tampa Bay Downs, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facilities and for the maintenance and operation of that facility, pursuant to an agreement with its local majority horsemen’s group.
- \$15 million to Gulfstream Park Racing Association, Inc., to be used as purses in thoroughbred races conducted at its pari-mutuel facility and for the maintenance and operation of its facilities, pursuant to an agreement with the Horsemen.
- \$2.5 million to be distributed as follows:
 - \$2 million to Gulfstream Park Racing Association, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the Breeders that participate in thoroughbred races at the permitholder’s pari-mutuel facility, pursuant to a written agreement filed with the DACS establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the Breeders, and the Horsemen.
 - \$500,000 to Tampa Bay Downs, Inc., to be used as purses and purse supplements for Florida-bred or Florida-sired horses registered with the association that participate in thoroughbred races at the permitholder’s pari-mutuel facility, pursuant to a written agreement filed with the DACS establishing the rates, procedures, and eligibility requirements entered into by the permitholder, the association, and the local majority horsemen’s group at the permitholder’s pari-mutuel facility.

On or before the first day of the August following each fiscal year in which a recipient under s. 571.265, F.S., received or used such funds, each such recipient must submit a report to the DACS detailing how all funds were used in the prior fiscal year.⁵⁸

⁵⁵ Section 571.22, F.S.

⁵⁶ Section 571.26, F.S.

⁵⁷ Chapter 2023-157, Laws of Fla., s. 42.

⁵⁸ Section 571.265(4), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 550.01215, F.S., to allow thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end. The live racing cannot end any earlier than four years after the date of the notice.

Section 2 amends s. 550.0951, F.S., to modify the requirement that a thoroughbred permitholder must *currently be conducting a live race meet* for the 0.5 percent applicable tax rate on handle for intertrack wagering to apply to the guest tracks outside the market area of the host and within the market area of a thoroughbred permitholder. The bill revises the criteria to apply if a thoroughbred permit holder *conducted a full schedule of live racing the preceding fiscal year*.

Section 3 amends s. 551.104, F.S., to provide that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's (Horsemen) Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., (Breeders) until a thoroughbred permitholder is no longer conducting live racing pursuant s. 550.01215, F.S.

Section 4 amends s. 849.086, F.S., to provide that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial state fiscal year of licensure or the state fiscal year immediately preceding the initial year. Further, this section provides that a thoroughbred permitholder, who operates a cardroom facility, must continue to use at least 50 percent cardroom monthly net proceeds to supplement purses and breeder's awards during the permitholders' next ensuing racing meet until the thoroughbred holder is no longer conducting live racing pursuant to s. 550.01215, F.S.

Sections 5-9, relating to ss. 550.3551, 550.615, 550.09511, and 550.6305, F.S., are reenacted for the purpose of incorporating the amendments being made by the bill.

Section 10 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:

Decoupling may displace families, eliminate jobs, and jeopardize 110,000 acres of horse farms. This could further degrade the horse breeding industry and thoroughbred racing in Florida.⁵⁹

C. Government Sector Impact:

In Fiscal Year 2023-24 the Florida Gaming Control Commission (commission) expended approximately \$640,000 in OPS dollars associated with occupational licensing and post-race specimen collection for the detection of impermissible substances in thoroughbred racing animals. The amount the commission would realize in the reduction of OPS expenditures would be dependent on the number of live racing performances reduced or eliminated by Florida Thoroughbred licensees.⁶⁰ However, the bill has no fiscal impact on state revenue or expenditures in Fiscal Year 2025-2026. In future years, the fiscal impact of the bill, is indeterminate dependent on the effects of decoupling.

The Federal Horse Racing and Integrity Authority (HISA) applies an annual assessment to all covered tracks nationwide to recoup its costs. The cost methodology is based on the number of live performances and total purses paid. Should a Florida thoroughbred track cease live racing, the overall costs would likely impact the potential annual assessment of all tracks nationwide.⁶¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁵⁹ Florida Gaming Control Commission, *2025 Agency Analysis Legislative Bill Analysis* (February 6, 2025), available at <https://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=36208> (last visited March 31, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

⁶⁰ *Id.*

⁶¹ *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 550.01215, 550.0951, 551.104, and 849.086.

This bill reenacts sections 550.3551, 550.615, 550.09515, 550.09511, and 550.6305 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 Regulated Industries on April 1, 2025:

The committee substitute:

- Allows thoroughbred permitholders who operate a slot machine facility or cardroom to decouple from the live racing requirements after giving notice on or after July 1, 2028, which contains the date that live racing will end, which cannot be earlier than four years after the date of the notice.
- Clarifies that the tax on handle for intertrack wagering is 0.5 percent if the host track and guest track are thoroughbred permitholders or if the guest track is located outside the market area of the host track and within the market area of a thoroughbred permitholder that conducted a full schedule of live racing the preceding fiscal year.
- Clarifies that a thoroughbred permitholder, in order to continue to operate slot machines, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.
- Provides that thoroughbred permitholders are no longer required to conduct at least 90 percent of the live performances during the initial year of licensure.
- Provides that a thoroughbred permitholder, in order to continue to operate a cardroom facility, must have on file with the commission a binding written agreement between the applicant and the Florida Horsemen's Benevolent and Protective Association, Inc., and with the Florida Thoroughbred Breeders' Association, Inc., until a thoroughbred permitholder is no longer conducting live racing pursuant to the new section of the bill.

- B. **Amendments:**

None.

By the Committee on Regulated Industries; and Senator Burgess

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1 A bill to be entitled
 2 An act relating to thoroughbred permitholders;
 3 amending s. 550.01215, F.S.; requiring certain
 4 thoroughbred permitholders to conduct a full schedule
 5 of live racing until such permitholders provide notice
 6 to the Florida Gaming Control Commission with certain
 7 information; providing that such notice is not valid
 8 unless it is delivered to the commission on or after a
 9 specified date; conforming provisions to changes made
 10 by the act; amending s. 550.0951, F.S.; revising the
 11 criteria for certain thoroughbred permitholders to pay
 12 the tax on handle for intertrack wagering; amending s.
 13 551.104, F.S.; conforming provisions to changes made
 14 by the act; amending s. 849.086, F.S.; deleting
 15 certain criteria a thoroughbred permitholder must meet
 16 as part of its pari-mutuel annual license application
 17 in order to have its cardroom license renewed;
 18 conforming provisions to changes made by the act;
 19 reenacting ss. 550.3551(3) and 550.615(2), F.S.,
 20 relating to the transmission of racing and jai alai
 21 information and commingling of pari-mutuel pools and
 22 intertrack wagering, respectively, to incorporate the
 23 amendment made to s. 550.01215, F.S., in references
 24 thereto; reenacting ss. 550.09515(5), 550.09511(3) (a),
 25 and 550.6305(9) (a), F.S., relating to thoroughbred
 26 horse taxes and abandoned interest in a permit for
 27 nonpayment of taxes; jai alai taxes and abandoned
 28 interest in a permit for nonpayment of taxes; and
 29 intertrack wagering, guest track payments, and

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30 accounting rules, respectively, to incorporate the
 31 amendment made to s. 550.0951, F.S., in references
 32 thereto; providing an effective date.
 33

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

36 Section 1. Paragraph (b) of subsection (1) of section
 37 550.01215, Florida Statutes, is amended to read:

38 550.01215 License application; periods of operation;
 39 license fees; bond.—

40 (1) Each permitholder shall annually, during the period
 41 between January 15 and February 4, file in writing with the
 42 commission its application for an operating license for a pari-
 43 mutuel facility for the conduct of pari-mutuel wagering during
 44 the next state fiscal year, including intertrack and simulcast
 45 race wagering. Each application for live performances must
 46 specify the number, dates, and starting times of all live
 47 performances that the permitholder intends to conduct. It must
 48 also specify which performances will be conducted as charity or
 49 scholarship performances.

50 (b)1. A greyhound permitholder may not conduct live racing.
 51 A jai alai permitholder, harness horse racing permitholder, or
 52 quarter horse racing permitholder may elect not to conduct live
 53 racing or games. A thoroughbred permitholder must conduct live
 54 racing pursuant to subparagraph 2. A greyhound permitholder, jai
 55 alai permitholder, harness horse racing permitholder, ~~or~~ quarter
 56 horse racing permitholder, or thoroughbred permitholder pursuant
 57 to subparagraph 2. that does not conduct live racing or games
 58 retains its permit; is a pari-mutuel facility as defined in s.

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59 550.002(23); if such permitholder has been issued a slot machine
 60 license, the facility where such permit is located remains an
 61 eligible facility as defined in s. 551.102(4), continues to be
 62 eligible for a slot machine license pursuant to s. 551.104(3),
 63 and is exempt from ~~ss. 551.104(10) and 551.114(2)~~ ~~ss-~~
 64 ~~551.104(4)(c) and (10) and 551.114(2)~~; is eligible, but not
 65 required, to be a guest track and, if the permitholder is a
 66 harness horse racing permitholder or a thoroughbred permitholder
 67 pursuant to subparagraph 2., to be a host track for purposes of
 68 intertrack wagering and simulcasting pursuant to ss. 550.3551,
 69 550.615, 550.625, and 550.6305; and remains eligible for a
 70 cardroom license.

71 2. A thoroughbred permitholder who operates a slot machine
 72 facility or cardroom shall conduct a full schedule of live
 73 racing until such permitholder notifies the commission that it
 74 will no longer conduct live racing. Notice under this
 75 subparagraph is not valid unless it is delivered to the
 76 commission on or after July 1, 2028, and contains the date on
 77 which the permitholder will no longer conduct live racing, which
 78 may not be earlier than 4 years after the date of the notice.

79 ~~3.2-~~ A permitholder or licensee may not conduct live
 80 greyhound racing or dogracing in connection with any wager for
 81 money or any other thing of value in the state. The commission
 82 may deny, suspend, or revoke any permit or license under this
 83 chapter if a permitholder or licensee conducts live greyhound
 84 racing or dogracing in violation of this subparagraph. In
 85 addition to, or in lieu of, denial, suspension, or revocation of
 86 such permit or license, the commission may impose a civil
 87 penalty of up to \$5,000 against the permitholder or licensee for

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88 a violation of this subparagraph. All penalties imposed and
 89 collected must be deposited with the Chief Financial Officer to
 90 the credit of the General Revenue Fund.

91 Section 2. Paragraph (c) of subsection (3) of section
 92 550.0951, Florida Statutes, is amended to read:

93 550.0951 Payment of daily license fee and taxes;
 94 penalties.-

95 (3) TAX ON HANDLE.-Each permitholder shall pay a tax on
 96 contributions to pari-mutuel pools, the aggregate of which is
 97 hereinafter referred to as "handle," on races or games conducted
 98 by the permitholder. The tax is imposed daily and is based on
 99 the total contributions to all pari-mutuel pools conducted
 100 during the daily performance. If a permitholder conducts more
 101 than one performance daily, the tax is imposed on each
 102 performance separately.

103 (c)1. The tax on handle for intertrack wagering is 2.0
 104 percent of the handle if the host track is a horse track, 3.3
 105 percent if the host track is a harness track, 5.5 percent if the
 106 host track is a dog track, and 7.1 percent if the host track is
 107 a jai alai fronton. The tax on handle for intertrack wagering is
 108 0.5 percent if the host track and the guest track are
 109 thoroughbred permitholders or if the guest track is located
 110 outside the market area of the host track and within the market
 111 area of a thoroughbred permitholder that conducted a full
 112 schedule of live racing the preceding fiscal year ~~currently~~
 113 ~~conducting a live race meet~~. The tax on handle for intertrack
 114 wagering on rebroadcasts of simulcast thoroughbred horseraces is
 115 2.4 percent of the handle and 1.5 percent of the handle for
 116 intertrack wagering on rebroadcasts of simulcast harness

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117 horseraces. The tax shall be deposited into the Pari-mutuel
118 Wagering Trust Fund.

119 2. The tax on handle for intertrack wagers accepted by any
120 dog track located in an area of the state in which there are
121 only three permitholders, all of which are greyhound
122 permitholders, located in three contiguous counties, from any
123 greyhound permitholder also located within such area or any dog
124 track or jai alai fronton located as specified in s. 550.615(6)
125 or (9), on races or games received from the same class of
126 permitholder located within the same market area is 3.9 percent
127 if the host facility is a greyhound permitholder and, if the
128 host facility is a jai alai permitholder, the rate shall be 6.1
129 percent except that it shall be 2.3 percent on handle at such
130 time as the total tax on intertrack handle paid to the
131 commission by the permitholder during the current state fiscal
132 year exceeds the total tax on intertrack handle paid to the
133 commission by the permitholder during the 1992-1993 state fiscal
134 year.

135 Section 3. Paragraph (a) of subsection (10) of section
136 551.104, Florida Statutes, is amended to read:

137 551.104 License to conduct slot machine gaming.—

138 (10) (a) 1. Until a thoroughbred permitholder is no longer
139 conducting live racing pursuant to s. 550.01215(1)(b)2., a ~~ne~~
140 slot machine license or renewal thereof may not ~~shall~~ be issued
141 to an applicant holding a permit under chapter 550 to conduct
142 pari-mutuel wagering meets of thoroughbred racing unless the
143 applicant has on file with the commission a binding written
144 agreement between the applicant and the Florida Horsemen's
145 Benevolent and Protective Association, Inc., governing the

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146 payment of purses on live thoroughbred races conducted at the
147 licensee's pari-mutuel facility. In addition, a ~~ne~~ slot machine
148 license or renewal thereof may not ~~shall~~ be issued to such an
149 applicant unless the applicant has on file with the commission a
150 binding written agreement between the applicant and the Florida
151 Thoroughbred Breeders' Association, Inc., governing the payment
152 of breeders', stallion, and special racing awards on live
153 thoroughbred races conducted at the licensee's pari-mutuel
154 facility. The agreement governing purses and the agreement
155 governing awards may direct the payment of such purses and
156 awards from revenues generated by any wagering or gaming the
157 applicant is authorized to conduct under ~~Florida~~ law. All purses
158 and awards are ~~shall be~~ subject to the terms of chapter 550. All
159 sums for breeders', stallion, and special racing awards are
160 ~~shall be~~ remitted monthly to the Florida Thoroughbred Breeders'
161 Association, Inc., for the payment of awards subject to the
162 administrative fee authorized in s. 550.2625(3).

163 2. A ~~Ne~~ slot machine license or renewal thereof may not
164 ~~shall~~ be issued to an applicant holding a permit under chapter
165 550 to conduct pari-mutuel wagering meets of quarter horse
166 racing unless the applicant has on file with the commission a
167 binding written agreement between the applicant and the Florida
168 Quarter Horse Racing Association or the association representing
169 a majority of the horse owners and trainers at the applicant's
170 eligible facility, governing the payment of purses on live
171 quarter horse races conducted at the licensee's pari-mutuel
172 facility. The agreement governing purses may direct the payment
173 of such purses from revenues generated by any wagering or gaming
174 the applicant is authorized to conduct under ~~Florida~~ law. All

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175 purses ~~are shall be~~ subject to the terms of chapter 550.

176 Section 4. Paragraph (c) of subsection (5) and paragraph
177 (d) of subsection (13) of section 849.086, Florida Statutes, are
178 amended to read:

179 849.086 Cardrooms authorized.—

180 (5) LICENSE REQUIRED; APPLICATION; FEES.—No person may
181 operate a cardroom in this state unless such person holds a
182 valid cardroom license issued pursuant to this section.

183 (c) Notwithstanding any other ~~provision of~~ law, a pari-
184 mutuel permitholder, other than a permitholder issued a permit
185 pursuant to s. 550.3345 or a purchaser, transferee, or assignee
186 holding a valid permit for the conduct of pari-mutuel wagering
187 approved pursuant to s. 550.054(15)(a), may not be issued a
188 license for the operation of a cardroom if the permitholder did
189 not hold an operating license for the conduct of pari-mutuel
190 wagering for fiscal year 2020-2021. In order for an initial
191 cardroom license to be issued to a thoroughbred permitholder
192 issued a permit pursuant to s. 550.3345, the applicant must have
193 requested, as part of its pari-mutuel annual license
194 application, to conduct at least a full schedule of live racing.
195 ~~In order for a cardroom license to be renewed by a thoroughbred~~
196 ~~permitholder, the applicant must have requested, as part of its~~
197 ~~pari-mutuel annual license application, to conduct at least 90~~
198 ~~percent of the total number of live performances conducted by~~
199 ~~such permitholder during either the state fiscal year in which~~
200 ~~its initial cardroom license was issued or the state fiscal year~~
201 ~~immediately prior thereto if the permitholder ran at least a~~
202 ~~full schedule of live racing or games in the prior year.~~

203 (13) TAXES AND OTHER PAYMENTS.—

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204 (d)1. Each jai alai permitholder that conducts live
205 performances and operates a cardroom facility shall use at least
206 4 percent of such permitholder's cardroom monthly gross receipts
207 to supplement jai alai prize money during the permitholder's
208 next ensuing pari-mutuel meet.

209 2. Until a thoroughbred permitholder is no longer
210 conducting live racing pursuant to s. 550.01215(1)(b)2., each
211 thoroughbred permitholder ~~or harness horse racing permitholder~~
212 that conducts live performances and operates a cardroom facility
213 shall use at least 50 percent of such permitholder's cardroom
214 monthly net proceeds as follows: 47 percent to supplement purses
215 and 3 percent to supplement breeders' awards during the
216 permitholder's next ensuing racing meet.

217 3. A ~~no~~ cardroom license or renewal thereof may not shall
218 be issued to an applicant holding a permit under chapter 550 to
219 conduct pari-mutuel wagering meets of quarter horse racing and
220 conducting live performances unless the applicant has on file
221 with the commission a binding written agreement between the
222 applicant and the Florida Quarter Horse Racing Association or
223 the association representing a majority of the horse owners and
224 trainers at the applicant's eligible facility, governing the
225 payment of purses on live quarter horse races conducted at the
226 licensee's pari-mutuel facility. The agreement governing purses
227 may direct the payment of such purses from revenues generated by
228 any wagering or gaming the applicant is authorized to conduct
229 under Florida law. All purses are shall be subject to the terms
230 of chapter 550.

231 Section 5. For the purpose of incorporating the amendment
232 made by this act to section 550.01215, Florida Statutes, in a

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233 reference thereto, subsection (3) of section 550.3551, Florida
234 Statutes, is reenacted to read:

235 550.3551 Transmission of racing and jai alai information;
236 commingling of pari-mutuel pools.—

237 (3) Any horse track licensed under this chapter may receive
238 broadcasts of horseraces conducted at other horse racetracks
239 located outside this state at the racetrack enclosure of the
240 licensee, if the horse track conducted a full schedule of live
241 racing during the preceding state fiscal year, or if the horse
242 track does not conduct live racing as authorized under s.
243 550.01215.

244 (a) All broadcasts of horseraces received from locations
245 outside this state must comply with the provisions of the
246 Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. ss.
247 3001 et seq.

248 (b) Wagers accepted at the horse track in this state may
249 be, but are not required to be, included in the pari-mutuel
250 pools of the out-of-state horse track that broadcasts the race.
251 Notwithstanding any contrary provisions of this chapter, if the
252 horse track in this state elects to include wagers accepted on
253 such races in the pari-mutuel pools of the out-of-state horse
254 track that broadcasts the race, from the amount wagered by
255 patrons at the horse track in this state and included in the
256 pari-mutuel pools of the out-of-state horse track, the horse
257 track in this state shall deduct as the takeout from the amount
258 wagered by patrons at the horse track in this state and included
259 in the pari-mutuel pools of the out-of-state horse track a
260 percentage equal to the percentage deducted from the amount
261 wagered at the out-of-state racetrack as is authorized by the

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262 laws of the jurisdiction exercising regulatory authority over
263 the out-of-state horse track.

264 (c) All forms of pari-mutuel wagering are allowed on races
265 broadcast under this section, and all money wagered by patrons
266 on such races shall be computed as part of the total amount of
267 money wagered at each racing performance for purposes of
268 taxation under ss. 550.0951, 550.09512, and 550.09515. Section
269 550.2625(2)(a), (b), and (c) does not apply to any money wagered
270 on races broadcast under this section. Similarly, the takeout
271 shall be increased by breaks and uncashed tickets for wagers on
272 races broadcast under this section, notwithstanding any contrary
273 provision of this chapter.

274 Section 6. For the purpose of incorporating the amendment
275 made by this act to section 550.01215, Florida Statutes, in a
276 reference thereto, subsection (2) of section 550.615, Florida
277 Statutes, is reenacted to read:

278 550.615 Intertrack wagering.—

279 (2) Except as provided in subsection (1), a pari-mutuel
280 permitholder that has met the applicable requirement for that
281 permitholder to conduct live racing or games under s.
282 550.01215(1)(b), if any, for fiscal year 2020-2021 is qualified
283 to, at any time, receive broadcasts of any class of pari-mutuel
284 race or game and accept wagers on such races or games conducted
285 by any class of permitholders licensed under this chapter.

286 Section 7. For the purpose of incorporating the amendment
287 made by this act to section 550.0951, Florida Statutes, in a
288 reference thereto, subsection (5) of section 550.09515, Florida
289 Statutes, is reenacted to read:

290 550.09515 Thoroughbred horse taxes; abandoned interest in a

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291 permit for nonpayment of taxes.-

292 (5) Notwithstanding the provisions of s. 550.0951(3)(c),
 293 the tax on handle for intertrack wagering on rebroadcasts of
 294 simulcast horseraces is 2.4 percent of the handle; provided
 295 however, that if the guest track is a thoroughbred track located
 296 more than 35 miles from the host track, the host track shall pay
 297 a tax of .5 percent of the handle, and additionally the host
 298 track shall pay to the guest track 1.9 percent of the handle to
 299 be used by the guest track solely for purses. The tax shall be
 300 deposited into the Pari-mutuel Wagering Trust Fund.

301 Section 8. For the purpose of incorporating the amendment
 302 made by this act to section 550.0951, Florida Statutes, in a
 303 reference thereto, paragraph (a) of subsection (3) of section
 304 550.09511, Florida Statutes, is reenacted to read:

305 550.09511 Jai alai taxes; abandoned interest in a permit
 306 for nonpayment of taxes.-

307 (3)(a) Notwithstanding the provisions of subsection (2) and
 308 s. 550.0951(3)(c)1., any jai alai permitholder which is
 309 restricted under Florida law from operating live performances on
 310 a year-round basis is entitled to conduct wagering on live
 311 performances at a tax rate of 3.85 percent of live handle. Such
 312 permitholder is also entitled to conduct intertrack wagering as
 313 a host permitholder on live jai alai games at its fronton at a
 314 tax rate of 3.3 percent of handle at such time as the total tax
 315 on intertrack handle paid to the commission by the permitholder
 316 during the current state fiscal year exceeds the total tax on
 317 intertrack handle paid to the former Division of Pari-mutuel
 318 Wagering by the permitholder during the 1992-1993 state fiscal
 319 year.

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320 Section 9. For the purpose of incorporating the amendment
 321 made by this act to section 550.0951, Florida Statutes, in a
 322 reference thereto, paragraph (a) of subsection (9) of section
 323 550.6305, Florida Statutes, is reenacted to read:

324 550.6305 Intertrack wagering; guest track payments;
 325 accounting rules.-

326 (9) A host track that has contracted with an out-of-state
 327 horse track to broadcast live races conducted at such out-of-
 328 state horse track pursuant to s. 550.3551(5) may broadcast such
 329 out-of-state races to any guest track and accept wagers thereon
 330 in the same manner as is provided in s. 550.3551.

331 (a) For purposes of this section, "net proceeds" means the
 332 amount of takeout remaining after the payment of state taxes,
 333 purses required pursuant to s. 550.0951(3)(c)1., the cost to the
 334 permitholder required to be paid to the out-of-state horse
 335 track, and breeders' awards paid to the Florida Thoroughbred
 336 Breeders' Association and the Florida Standardbred Breeders and
 337 Owners Association, to be used as set forth in s. 550.625(2)(a)
 338 and (b).

339 Section 10. This act shall take effect July 1, 2025.

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 496

INTRODUCER: Regulated Industries Committee and Senator McClain

SUBJECT: Timeshare Management Firms

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 496 revises regulations related to timeshare plans and their management. It clarifies that timeshare plans are governed by ch. 721, F.S., rather than created under that chapter. The bill provides that community association managers (CAMs) and CAM firms who manage timeshare plans are subject to s. 721.13, F.S., relating to the managing entities of timeshare plans, rather than to part VIII of ch. 468, F.S., relating to the regulation of CAMs, including record-keeping requirements that are applicable to the managing entities of timeshare plans.

The bill also exempts CAMs and CAM firms managing timeshares from the conflict-of-interest provisions that are applicable to the CAMs and community associations, such as condominium and homeowners' associations. The bill provides that CAMs and CAM firms managing timeshares are subject to the related party transaction disclosure that the managing entity of timeshare plans must make in the annual budget. Under current law, CAMs managing a community association must disclose any activity or proposed service which may reasonably be construed by the association's board to be a conflict of interest, and associations are required to follow a process for addressing potential conflicts of interest, such as considering multiple bids for the activity or proposed service.

The bill provides that timeshare management firms and their licensed employees are subject to the regulations governing timeshare managing entities, including violations related to refusal to mail any material requested by the purchaser and any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers. The bill also includes the timeshare management

firm, and any individual licensed as a CAM employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for an exemption.

Additionally, the bill requires timeshare boards to meet at least once annually, instead of at least once each quarter as required for the boards of condominium associations.

The bill provides that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill has an insignificant negative fiscal impact on state revenues and expenditures that can be absorbed within current resources. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

A timeshare interest is a form of ownership of real and personal property.¹ In a timeshare, multiple parties hold the right to use a condominium unit or a cooperative unit. Each owner of a timeshare interest is allotted a period of time (typically one week) during which the owner has the exclusive right to use the property.

The Florida Vacation Plan and Timesharing Act, ch. 721, F.S., establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers and prospective purchasers.² Chapter 721, F.S., applies to all timeshare plans consisting of more than seven timeshare periods over a period of at least three years when the accommodations and facilities are located or offered within this state.³ Part I of ch. 721, F.S., relates to vacation plans and timesharing, and part II of ch. 721, F.S., relates to multisite vacation and timeshare plans that are also known as vacation clubs.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) of the Department of Business and Professional Regulation (DBPR or department) administers ch. 721, F.S.

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.,”⁴ the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common

¹ See s. 721.05(36), F.S.

² Section 721.02(2) and (3), F.S.

³ Section 721.03, F.S.

⁴ Section 718.103(11), F.S.

elements, and members of the condominium association.⁵ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.⁶ The association that operates a condominium, including a timeshare condominium, must be a Florida corporation for profit or a Florida corporation not for profit.⁷

A condominium association is administered by a board of directors referred to as a “board of administration.”⁸ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.⁹

Section 718.112(2)(c), F.S., requires the board of administration for a condominium association of 10 or more units to meet at least once each quarter. At least four times per year, the meeting agenda must include an opportunity for members to ask questions. Members have the right to ask questions at meetings with respect to reports on the status of construction or repair projects, status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium.

Definitions - Timeshares

The term “timeshare plan” means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, where a purchaser, for consideration, receives ownership rights in or a right to use accommodations and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years.¹⁰ The term includes both personal property timeshare and real property timeshare plans.¹¹

A “timeshare unit” is an accommodation of a timeshare plan which is divided into timeshare periods or a condominium unit in which timeshare estates have been created.¹²

A “timeshare estate” is a right to occupy a timeshare unit, coupled with a freehold estate or an estate for years with a future interest in a timeshare property or a specified portion thereof.¹³ The term also includes an interest in a condominium unit, a cooperative unit, or a trust. Whether the

⁵ See s. 718.103, F.S., for the terms used in the Condominium Act.

⁶ *Id.*

⁷ Section 718.111(1)(a), F.S.

⁸ Section 718.103(4), F.S.

⁹ Section 718.103(2), F.S.

¹⁰ Section 721.05(39), F.S.

¹¹ Section 721.05(39)(a), F.S., defines a “personal property timeshare plan,” as a timeshare plan in which the accommodations are comprised of personal property that is not permanently affixed to real property. Section 721.05(39)(b), F.S., defines a “real property timeshare plan,” as a timeshare plan in which the accommodations of the timeshare plan are comprised of or permanently affixed to real property.

¹² See ss. 721.05(41) and 718.103(26), F.S.

¹³ Section 721.05(34), F.S.

term includes both direct and indirect interests in trusts is not specified. An example of an indirect interest in a trust is the interest of a trust beneficiary's spouse or other dependent.

A "timeshare license" is the right to occupy a timeshare unit, which right is not a personal property timeshare interest or a timeshare estate.¹⁴ A "timeshare interest" is a timeshare estate, a personal property timeshare interest, or a timeshare license.¹⁵

Timeshare Managing Entity

Section 721.13(1), F.S., requires the developer to provide a managing entity for each timeshare plan. The managing entity operates or maintains the timeshare plan.¹⁶ Section 721.13, F.S., provides the duties of a managing entity. The managing entity may be the developer, a separate manager or management firm, or an owners' association.¹⁷

Section 721.13(1)(e), F.S., requires that any managing entity performing community association management must comply with part VIII of ch. 468, F.S. The managing entity must act in the capacity of a fiduciary to the purchasers of the timeshare plan.¹⁸

The managing entity must arrange for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the DBPR, in accordance with generally accepted auditing standards. The financial statements must be prepared on an accrual basis using fund accounting and presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board and officers of the owners' association no later than five calendar months after the end of the timeshare plan's fiscal year.¹⁹

The annual budget must contain, as a footnote or otherwise, any related party transaction disclosures or notes which appear in the audited financial statements of the managing entity for the previous budget year. A copy of the final budget must be filed with the division for review within 30 days after the beginning of each fiscal year.²⁰

As a nonprofit corporation, timeshare associations are subject to the provisions of ch. 617, F.S., which provide that a conflict-of-interest transaction is not void or voidable if:²¹

- The fact of such relationship or interest is disclosed or known to the board which authorizes the contract by a vote sufficient for the purpose without counting the votes of such interested directors;
- The fact of such relationship or interest is disclosed to the members entitled to vote on such contract, if any, and they authorize it by vote or written consent; or

¹⁴ Section 721.05(37), F.S.

¹⁵ Section 721.05(36), F.S.

¹⁶ See s. 721.05(22), F.S., defining the term "managing entity."

¹⁷ Section 721.13(1)(a), F.S.

¹⁸ Section 721.13(2)(a), F.S.

¹⁹ Section 721.13(3)(e), F.S.

²⁰ Section 721.13(3)(c)1., F.S.

²¹ Section 617.0832, F.S.

- The contract or transaction is fair and reasonable as to the corporation at the time it is authorized by the board, a committee, or the members.

Community Association Managers

Community association managers (CAMs) are licensed and regulated by the DBPR pursuant to part VIII of ch. 468, F.S. A license is required to practice community association management.²²

The term “community association” means:²³

residential homeowners' association in which membership is a condition of ownership of a unit in a planned unit development, or of a lot for a home or a mobile home, or of a townhouse, villa, condominium, cooperative, or other residential unit which is part of a residential development scheme and which is authorized to impose a fee which may become a lien on the parcel.

Section 468.431(2), F.S., defines “community association management” to mean:

any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community and do not assist in any of the management services.²⁴

Community association managers are regulated by the seven-member Regulatory Council of Community Association Managers. Five of the members must be licensed CAMs, one of whom must be a CAM for a timeshare. The other two must not be CAMs. Members are appointed to four-year terms by the Governor and confirmed by the Senate.²⁵

To become licensed as a CAM, a person must apply to the DBPR to take the licensure examination and submit to a background check. Upon determination that the applicant is of good moral character, the applicant must attend a department-approved in-person training prior to taking the examination.²⁶ Community association managers must successfully complete an exam

²² Section 468.432(1), F.S.

²³ Section 468.431(1), F.S.

²⁴ Section 468.431(2), F.S.

²⁵ Section 468.4315(1), F.S.

²⁶ Section 468.433, F.S.

and pay a fee to become licensed. They must also complete continuing education hours as approved by the council to maintain their licenses.²⁷

CAM Practice Standards and Conflicts of Interest

Section 468.4334, F.S., delineates the professional practice standards for CAMs and CAM firms, including the duty to “discharge the duties performed on behalf of the association as authorized by [ch. 468, F.S.], loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.”

Section 468.4334(4), F.S., requires CAMs and CAM firms to return all community association records in their possession within 20 business days of termination of a services agreement or a written request, whichever occurs first, with license suspension and civil penalties per day for up to 10 business days for noncompliance. These requirements do not apply to timeshare plans created under ch. 721, F.S. Instead, the applicable time periods for timeshare plans are provided in s. 721.14(4)(b), F.S., relating to the discharge of a managing entity, which provides a 90-day period for the manager or management firm to transfer records after the termination of a managing entity. Section 721.14(2)(a), F.S., provides that an owners' association and a manager or management firm may, in the management contract or other written document, agree to the transition procedures and related time periods to be followed in the event the manager or management firm is discharged, i.e., termination of the management contract.

Section 468.4335, F.S., provides conflict of interest disclosure requirements for CAMs and CAM firms and a process for associations to approve contracts with a CAM or CAM firm, or a relative of such persons,²⁸ that may present a conflict of interest.

A CAM or CAM firm, including the directors, officers, persons with a financial interest in the CAM firm and any relatives of such persons, must disclose to the board of a community association any activity which may reasonably be construed by the board to be a conflict of interest. There is a rebuttable presumption of an existing conflict of interest if a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or the relative of such persons:²⁹

- Enters into a contract for goods or services with the association, other than community association management services; and
- Holds an interest in a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.

If a community association receives and considers a bid to provide a good or service that exceeds \$2,500, other than community association management services, from a CAM or CAM firm, including directors, officers, persons with a financial interest in a CAM firm, or a relative of such

²⁷ Sections 468.4336 and 468.4337, F.S.

²⁸ Section 568.4335(6), F.S., provides that the term “relative” means a relative within the third degree of consanguinity by blood or marriage.

²⁹ Section 568.4335(1), F.S.

persons, the association must also solicit multiple bids from other third-party providers of such good or service.³⁰

The proposed activity that may be a conflict of interest must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to the board's meeting agenda and entered into the written minutes of the meeting. The board must approve the contracts with a potential conflict of interest, and all management contracts, by an affirmative vote of two-thirds of all directors present.³¹

If the contract is canceled because the board finds that the CAM or CAM firm has violated the disclosure requirements, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fee, liquidated damages, or other form of penalty for such cancellation.³²

If the activity has not been properly disclosed as a conflict of interest or potential conflict of interest, the contract is voidable and terminates upon the association filing a written notice terminating the contract with the consent of at least 20 percent of the voting interests of the association for the written notice terminating the management services contract.³³

Section 468.436(2)(a), F.S., provides grounds to discipline licensed CAMs and CAM firms for failure to disclose a conflict of interest as required under s. 468.4335, F.S.³⁴

Section 468.438, F.S., requires a CAM firm acting as managing entity of a timeshare plan pursuant to ch. 721, F.S., can only be required to employ at least one individual licensed under part VIII of ch. 468, F.S., at each noncontiguous geographic location at which the management firm provides community association management. No other person providing community association management on behalf of such management firms can be required to hold a license pursuant to this part, provided that any community association management provided is performed under the direct supervision and control of a licensed CAM. A licensed CAM employed by a timeshare management firm assumes responsibility for all community association management performed by unlicensed persons employed by the timeshare management firm.

III. Effect of Proposed Changes:

The bill amends s. 468.4334(4), F.S., to provide that timeshare plans are governed by ch. 721, F.S., instead of created under ch. 721, F.S. It also specifies that s. 721.14(4), F.S., applies for the return of records requirements in s. 468.4334(4), F.S.

The bill creates s. 468.4335(7), F.S., to provide that the conflict-of-interest provisions in s. 468.4335, F.S., for community association managers (CAMs) and CAM firms do not apply to community association management firms that manage a timeshare plan governed by ch. 721, F.S., and that must provide the disclosure under s. 721.13(13)(c)1., F.S.

³⁰ Section 568.4335(2), F.S.

³¹ Section 568.4335(3), F.S.

³² Section 568.4335(4), F.S.,

³³ Section 568.4335(5), F.S.,

³⁴ Section 568.436(2)b.7., F.S.,

The bill creates s. 468.438(3), F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., who is employed by a timeshare management firm are governed by ch. 721, F.S., and not by s. 468.4335, F.S.

The bill deletes s. 721.13(1)(e), F.S., requiring that any managing entity performing community association management must comply with part VIII of ch. 468, F.S.

The bill amends s. 721.13(4), F.S., to provide that it is a violation of ch. 721., F.S., for the board of administration or the manager or management firm to refuse to mail any material requested by the purchaser to be mailed, provided the sole purpose of the materials is to advance legitimate owners' association business. The bill deletes the provision that any failure of managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or otherwise comply with that section is a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(10), F.S., to provide that any failure of the managing entity to faithfully discharge the fiduciary duty to purchasers imposed by s. 721.13, F.S., or to otherwise comply with the provisions of that section is a violation of ch. 721, F.S., and deletes the provision that such failure is also a violation of part VIII of ch. 468, F.S.

The bill amends s. 721.13(13)(a), F.S., which requires an officer, director, or agent of an owners' association to discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, to include as subject to this requirement a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm.

The bill also includes the management firm and any individual licensed under part VIII of ch. 68, F.S., employed by the timeshare management firm, in the exemption from liability for monetary damages in s. 721.13(13)(a), F.S., as provided in s. 617.0834, F.S., unless the officer, director, agent, or firm does not qualify for exemption for the reasons specified in this paragraph and in s. 617.0834, F.S.³⁵

The bill creates s. 721.13(13)(b), F.S., to provide that the board of administration of a timeshare condominium is required to meet only once each year, unless additional board meetings are called pursuant to a timeshare instrument.

The bill creates s. 721.13(13)(c)1., F.S., to provide that, if a management firm provides goods or services through arrangements with a parent, affiliate, or subsidiary of the timeshare management firm, the existence of such arrangements must be disclosed annually to the members of that owners' association pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special

³⁵ Sections 721.13(13)(a) and 617.0834, F.S., provide that the exemption from liability for monetary damages does not apply if breach or failure duties constitutes a violation of criminal law; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

The bill amends s. 721.13(13)(c)2., F.S., to provide that a timeshare management firm and any individual licensed under part VIII of ch. 468, F.S., employed by the timeshare management firm are governed by ss. 721.13 and 468.438, F.S.

Section 721.1(2), F.S., relating to the discharge of a managing entity, is reenacted by the bill to incorporate the amendment made to s. 721.13, 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:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an insignificant negative fiscal impact on the Department of Business and Professional Regulation (DBPR); however, the bill is not expected to affect state government revenues and expenditures. According to the DBPR, updates to the DBPR's

licensing computer systems, Versa Regulation, Versa Online, and the QLIK Reporting System to make required configuration changes due to the bill will be made with existing DBPR resources.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.4334, 468.4335, 468.438, and 721.13.

The bill reenacts section 721.14 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 Regulated Industries on April 1, 2025:

The committee substitute:

- Amends s. 468.4335(7), F.S., to provide that community association managers (CAMs) and CAM firms that manage a timeshare plan governed by ch. 721, F.S., must provide the disclosure under s. 721.13(13)(c)1., F.S., which requires the managing entities of timeshare plans to provide a related party transaction disclosure in the annual budget;
- Amends s. 468.438(3), F.S., to provide that timeshare management firms are not subject to the conflict-of-interest provisions in s. 468.4335, F.S., for CAMs and CAM firms; and
- Amends s. 721.13(13)(c)1., F.S., to provide that the disclosure in an explanatory note to the annual budget of the fact that goods or services are being provided by a related party of the timeshare management firm or owners' association may be made as an explanatory note to the annual budget pursuant to s. 721.13(13)(c)1., F.S., in the management contract, or by mail sent to each owner's notice address, in the notice of an annual or special meeting of the owners, by posting on the website of the applicable timeshare plan, or by any owner communication used by the managing entity.

- B. **Amendments:**

None.

³⁶ See Department of Business and Professional Regulation, *2025 Agency Legislative Bill Analysis for SB 496* at 6 (Feb. 10, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

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 Regulated Industries; and Senator McClain

580-03182-25

2025496c1

1 A bill to be entitled
 2 An act relating to timeshare management firms;
 3 amending s. 468.4334, F.S.; conforming provisions to
 4 changes made by the act; amending s. 468.4335, F.S.;
 5 revising applicability for provisions governing
 6 conflicts of interest between community association
 7 managers or community association management firms and
 8 certain persons with a financial interest in such
 9 associations; amending s. 468.438, F.S.; providing
 10 construction; amending s. 721.13, F.S.; deleting a
 11 provision requiring managing entities that perform
 12 community association management to comply with
 13 certain provisions related to community association
 14 management firms; requiring timeshare management firms
 15 and individuals employed by timeshare management firms
 16 to discharge their duties in good faith; exempting
 17 such firms and individuals from liability for monetary
 18 damages; requiring the board of administration of a
 19 timeshare condominium to meet once per year; providing
 20 an exception; requiring disclosure of certain
 21 information annually to certain persons if a timeshare
 22 management firm or an owners' association provides
 23 goods and services through arrangements with specified
 24 entities; providing construction; reenacting s.
 25 721.14(2), F.S., relating to discharge of a managing
 26 entity, to incorporate the amendment made to s.
 27 721.13, F.S., in a reference thereto; providing an
 28 effective date.
 29

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

31
 32 Section 1. Subsection (4) of section 468.4334, Florida
 33 Statutes, is amended to read:

34 468.4334 Professional practice standards; liability;
 35 community association manager requirements; return of records
 36 after termination of contract.—

37 (4) A community association manager or a community
 38 association management firm shall return all community
 39 association official records within its possession to the
 40 community association within 20 business days after termination
 41 of a contractual agreement to provide community association
 42 management services to the community association or receipt of a
 43 written request for return of the official records, whichever
 44 occurs first. A notice of termination of a contractual agreement
 45 to provide community association management services must be
 46 sent by certified mail, return receipt requested, or in the
 47 manner required under such contractual agreement. The community
 48 association manager or community association management firm may
 49 retain, for up to 20 business days, those records necessary to
 50 complete an ending financial statement or report. If an
 51 association fails to provide access to or retention of the
 52 accounting records to prepare an ending financial statement or
 53 report, the community association manager or community
 54 association management firm is relieved from any further
 55 responsibility or liability relating to the preparation of such
 56 ending financial statement or report. Failure of a community
 57 association manager or a community association management firm
 58 to timely return all of the official records within its

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59 possession to the community association creates a rebuttable
 60 presumption that the community association manager or community
 61 association management firm willfully failed to comply with this
 62 subsection. A community association manager or a community
 63 association management firm that fails to timely return
 64 community association records is subject to suspension of its
 65 license under s. 468.436, and a civil penalty of \$1,000 per day
 66 for up to 10 business days, assessed beginning on the 21st
 67 business day after termination of a contractual agreement to
 68 provide community association management services to the
 69 community association or receipt of a written request from the
 70 association for return of the records, whichever occurs first.
 71 However, for a timeshare plan governed by created under chapter
 72 721, s. 721.14(4) applies the time periods provided in s.
 73 721.14(4)(b) apply.

74 Section 2. Subsection (7) is added to section 468.4335,
 75 Florida Statutes, to read:

76 468.4335 Conflicts of interest.—

77 (7) This section does not apply to a community association
 78 manager or a community association management firm that manages
 79 a timeshare plan governed by chapter 721 and that must provide
 80 disclosure under s. 721.13(13)(c)1.

81 Section 3. Subsection (3) is added to section 468.438,
 82 Florida Statutes, to read:

83 468.438 Timeshare management firms.—

84 (3) A timeshare management firm and any individual licensed
 85 under this part who is employed by a timeshare management firm
 86 are governed by s. 721.13 and not by s. 468.4335.

87 Section 4. Paragraph (e) of subsection (1) and subsections

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88 (4), (10), and (13) of section 721.13, Florida Statutes, are
 89 amended to read:

90 721.13 Management.—

91 (1)

92 ~~(e) Any managing entity performing community association~~
 93 ~~management must comply with part VIII of chapter 468.~~

94 (4) The managing entity shall maintain among its records
 95 and provide to the division upon request a complete list of the
 96 names and addresses of all purchasers and owners of timeshare
 97 units in the timeshare plan. The managing entity shall update
 98 this list no less frequently than quarterly. Pursuant to
 99 paragraph (3)(d), the managing entity may not publish this
 100 owner's list or provide a copy of it to any purchaser or to any
 101 third party other than the division. However, the managing
 102 entity shall mail to those persons listed on the owner's list
 103 materials provided by any purchaser, upon the written request of
 104 that purchaser, if the purpose of the mailing is to advance
 105 legitimate owners' association business, such as a proxy
 106 solicitation for any purpose, including the recall of one or
 107 more board members elected by the owners or the discharge of the
 108 manager or management firm. The use of any proxies solicited in
 109 this manner must comply with the provisions of the timeshare
 110 instrument and this chapter. A mailing requested for the purpose
 111 of advancing legitimate owners' association business shall occur
 112 within 30 days after receipt of a request from a purchaser. The
 113 board of administration of the owners' association shall be
 114 responsible for determining the appropriateness of any mailing
 115 requested pursuant to this subsection. The purchaser who
 116 requests the mailing must reimburse the owners' association in

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117 advance for the owners' association's actual costs in performing
 118 the mailing. It ~~is shall be~~ a violation of this chapter ~~and, if~~
 119 ~~applicable, of part VIII of chapter 468,~~ for the board of
 120 administration or the manager or management firm to refuse to
 121 mail any material requested by the purchaser to be mailed,
 122 provided the sole purpose of the materials is to advance
 123 legitimate owners' association business. If the purpose of the
 124 mailing is a proxy solicitation to recall one or more board
 125 members elected by the owners or to discharge the manager or
 126 management firm and the managing entity does not mail the
 127 materials within 30 days after receipt of a request from a
 128 purchaser, the circuit court in the county where the timeshare
 129 plan is located may, upon application from the requesting
 130 purchaser, summarily order the mailing of the materials solely
 131 related to the recall of one or more board members elected by
 132 the owners or the discharge of the manager or management firm.
 133 The court shall dispose of an application on an expedited basis.
 134 In the event of such an order, the court may order the managing
 135 entity to pay the purchaser's costs, including attorney
 136 ~~attorney's~~ fees reasonably incurred to enforce the purchaser's
 137 rights, unless the managing entity can prove it refused the
 138 mailing in good faith because of a reasonable basis for doubt
 139 about the legitimacy of the mailing.

140 (10) Any failure of the managing entity to faithfully
 141 discharge the fiduciary duty to purchasers imposed by this
 142 section or to otherwise comply with ~~the provisions of this~~
 143 section ~~is shall be~~ a violation of this chapter ~~and of part VIII~~
 144 ~~of chapter 468.~~

145 (13) (a) Notwithstanding ~~any provisions of~~ chapter 607,

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146 chapter 617, or chapter 718, an officer, a director, or an agent
 147 of an owners' association, including a timeshare management firm
 148 and any individual licensed under part VIII of chapter 468
 149 employed by the timeshare management firm, shall discharge its
 150 ~~his or her~~ duties in good faith, with the care an ordinarily
 151 prudent person in a like position would exercise under similar
 152 circumstances, and in a manner ~~it he or she~~ reasonably believes
 153 to be in the interests of the owners' association. An officer, a
 154 director, or an agent of an owners' association, including a
 155 timeshare management firm and any individual licensed under part
 156 VIII of chapter 468 employed by the timeshare management firm,
 157 are shall be exempt from liability for monetary damages in the
 158 same manner as provided in s. 617.0834 unless such officer,
 159 director, ~~or agent, or firm~~ breached or failed to perform its
 160 ~~his or her~~ duties and the breach of, or failure to perform, its
 161 ~~his or her~~ duties constitutes a violation of criminal law as
 162 provided in s. 617.0834; constitutes a transaction from which
 163 the officer or director derived an improper personal benefit,
 164 either directly or indirectly; or constitutes recklessness or an
 165 act or omission that was in bad faith, with malicious purpose,
 166 or in a manner exhibiting wanton and willful disregard of human
 167 rights, safety, or property.

168 (b) Notwithstanding chapter 718, the board of
 169 administration of a timeshare condominium is required to meet
 170 only once each year, unless additional board meetings are called
 171 pursuant to a timeshare instrument.

172 (c)1. If a timeshare management firm or an owners'
 173 association provides goods or services through a parent, an
 174 affiliate, or a subsidiary of a timeshare management firm, the

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175 fact that a related party provides goods or services must be
 176 disclosed annually to the members of that owners' association as
 177 an explanatory note to the annual budget pursuant to
 178 subparagraph (3)(c)1. or in the management contract, or by mail
 179 sent to each owner's notice address, in the notice of an annual
 180 or special meeting of the owners, by posting on the website of
 181 the applicable timeshare plan, or by any owner communication
 182 used by the managing entity.

183 2. A timeshare management firm and any individual licensed
 184 under part VIII of chapter 468 employed by the timeshare
 185 management firm are governed by this section and s. 468.438.

186 Section 5. For the purpose of incorporating the amendment
 187 made by this act to section 721.13, Florida Statutes, in a
 188 reference thereto, subsection (2) of section 721.14, Florida
 189 Statutes, is reenacted to read:

190 721.14 Discharge of managing entity.—

191 (2) In the event the manager or management firm is
 192 discharged, the board of administration of the owners'
 193 association shall remain responsible for operating and
 194 maintaining the timeshare plan pursuant to the timeshare
 195 instrument and s. 721.13(1). If the board of administration
 196 fails to do so, any timeshare owner may apply to the circuit
 197 court within the jurisdiction of which the accommodations and
 198 facilities lie for the appointment of a receiver to manage the
 199 affairs of the owners' association and the timeshare plan. At
 200 least 30 days before applying to the circuit court, the
 201 timeshare owner shall mail to the owners' association and post
 202 in a conspicuous place on the timeshare property a notice
 203 describing the intended action. If a receiver is appointed, the

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204 owners' association shall be responsible as a common expense of
 205 the timeshare plan, for payment of the salary and expenses of
 206 the receiver, relating to the discharge of her or his duties and
 207 obligations as receiver, together with the receiver's court
 208 costs, and reasonable attorney's fees. The receiver shall have
 209 all powers and duties of a duly constituted board of
 210 administration and shall serve until discharged by the circuit
 211 court.

212 Section 6. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 622

INTRODUCER: Regulated Industries Committee and Senator Rodriguez and others

SUBJECT: Jai Alai Permitholders

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 622 provides that holders of a valid pari-mutuel permit are entitled to lease their pari-mutuel permitted facilities to any jai alai permitholder within a 35-mile radius. This changes the current restriction that only allows holders of valid pari-mutuel permits lease their facilities to any other holder of a same class valid pari-mutuel permit. The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct specified gaming activities at the leased premises.

The bill is not expected to affect state revenues and expenditures. See Section V., Fiscal Impact Statement.

The bill takes July 1, 2025.

II. Present Situation:

Pari-Mutuel Wagering in Florida

Since approximately 1931, pari-mutuel wagering (PMW) activities have been authorized in Florida for jai alai, greyhound racing, and horseracing. Pari-mutuel wagering is a system of betting where all bets are placed into a pool and the payout is *then* distributed among the winners, proportionally to their wagers, after deducting a percentage for the house.

These activities are overseen and regulated¹ by the Division of Pari-Mutuel Wagering (division) within the Florida Gaming Control Commission (commission), which is housed for administrative purposes within the Department of Legal Affairs, Office of the Attorney General.² The commission issues permits and operating licenses for PMW activities. Only pari-mutuel wagering permitholders under certain conditions are authorized to conduct other gaming activities like operating a cardroom or operating slot machines at their PMW facilities.

Pari-Mutuel Wagering Permitting and Licensure

The Florida Pari-mutuel Wagering Act (Act)³ provides specific permitting and licensing requirements for the conduct of the pari-mutuel industry.⁴ Pari-mutuel wagering activities are limited to operators who have received a permit from the division, which is then subject to ratification by county referendum.⁵ Permitholders apply for an operating license annually to conduct PMW activities.⁶ Certain permitholders are also authorized to operate cardrooms⁷ and slot machines at their facility.⁸

The Act generally requires that any transfer or assignment of a permit receive prior approval⁹ by the commission, which must determine the eligibility¹⁰ of persons and entities to hold a permit. Similarly, if a permit is held by a corporation or business entity other than an individual, the transfer of ten percent or more of the stock or other evidence of ownership or equity in the permitholder may not be made without the prior approval of the transferee by the commission.¹¹

The Act restricts pari-mutuel permitholders from being issued an operating license to conduct PMW, slot machine gaming, or the operation of a cardroom if the permitholder did not hold an operating license for the conduct of PMW for Fiscal Year 2020-2021.¹²

The Act restricts pari-mutuel permitholders from holding a permit to conduct PMW and associated cardroom or slot machine licenses¹³ unless the permitholder, other than a limited thoroughbred permitholder, held an operating license for the conduct of PMW for Fiscal Year 2020-2021.¹⁴

¹ From 1932 to 1969, Florida's pari-mutuel industry was regulated by the State Racing Commission. In 1970, the commission became a division within the Department of Business Regulation, which, in 1993, became the Department of Business and Professional Regulation.

² See ss. 16.71-16.716, F.S.

³ Chapter 550, F.S.

⁴ Section 550.054(1), F.S.

⁵ Section 550.054(2), F.S.

⁶ Section 550.0115, F.S.

⁷ Section 849.086, F.S.

⁸ Section 551.104, F.S.

⁹ There is one exception to the prior-approval requirement in s. 550.054(11)(a), F.S., which is that the holder of a permit converted to a jai alai permit "may lease or build anywhere within the county in which its permit is located." As of 2021, such conversions are prohibited. See s. 550.054(15)(d), F.S.

¹⁰ See s. 550.1815, F.S.

¹¹ Section 550.054(11)(b), F.S.

¹² Section 550.01215(1)(d), F.S.

¹³ Under s. 551.114(4), F.S., designated slot machine gaming areas must be located at the address specified in the licensed permitholder's slot machine license issued for Fiscal Year 2020-2021.

¹⁴ Section 550.054(15)(a), F.S.

The Act specifies that permits held on January 1, 2021, are deemed valid,¹⁵ but new permits for pari-mutuel wagering may not be approved or issued.¹⁶

The commission is required to revoke the permit of any permit holder, other than a limited thoroughbred permit holder, who did not hold an operating license for the conduct of PMW for Fiscal Year 2020- 2021. A permit revoked under this provision is void and may not be reissued.¹⁷

Those pari-mutuel permits approved under ch. 550, F.S., are issued to the specific location in the permit application and for a specific type of pari-mutuel activity. Authorized pari-mutuel permit types include: greyhound racing, jai alai, thoroughbred racing, quarter horse racing, and harness horse racing.

Leasing of Pari-Mutuel Facilities

Florida allows holders of pari-mutuel permits to lease any and all of their facilities to any other holder of a same class valid pari-mutuel permit.¹⁸ There is a requirement that the facility be located within a 35-mile radius of the lessee.¹⁹ Once a lease agreement is in place, the lessee is entitled to a permit and license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premise.²⁰

Florida defines the same class of races, games or permit as:

With respect to a jai alai permit holder, jai alai games or other jai alai permit holders; with respect to a greyhound permit holder, other greyhound permit holders conducting pari-mutuel wagering; with respect to a thoroughbred permit holder, thoroughbred races or other thoroughbred permit holders; with respect to a harness permit holder, harness races or other harness permit holders; with respect to a quarter horse permit holder, quarter horse races or other quarter horse permit holders.²¹

During Fiscal Year 2024-2025, approximately six pari-mutuel operating licenses are operating by lease at another same class pari-mutuel permit holder's permitted facility under s. 550.475, F.S.²²

Jai Alai

Jai alai is a fast-paced sport involving players hurling a ball against a wall, that can be configured in various ways, typically involving single players, teams of two, or in modern leagues, teams of

¹⁵ Section 550.054(15)(b), F.S.

¹⁶ Section 550.054(15)(c), F.S.

¹⁷ Section 550.054(9)(c), F.S.

¹⁸ Section 550.475, F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 550.002(31), F.S.

²² See Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 622* at 2 (March 4, 2025) (on file with the Senate Committee on Regulated Industries).

six. Beginning in the early 20th century in Florida, jai alai experienced great popularity but has since seen a decline in popularity throughout the 21st century.

There are approximately 10 jai alai operating licenses operating at seven permitted facilities.²³ During Fiscal Year 2023-2024, jai alai permitholders brought in less than \$1,000,000 in revenue from the pari-mutuel handle.²⁴ In Fiscal Year 2023-2024, only Dania Jai Alai and Magic City Jai Alai were conducting live jai alai games.

III. Effect of Proposed Changes:

Section 1 amends s. 550.475, F.S., to allow a pari-mutuel permit holder to lease their facilities to *any* jai alai permitholder when located within a 35-mile radius.

This amends the current law to allow a pari-mutuel permit holder to lease their facilities to jai alai permitholders, even if the jai alai permitholder *is not* in the same class as the pari-mutuel holder, (i.e., thoroughbred permit holder could lease their premises to a jai alai permitholder).

The bill also removes the authority for these permitholders to be entitled to obtain an additional permit; however, they may apply for a license to conduct intertrack wagering and operate its race meet or jai alai games activities at the leased premises.

Sections 2 and 3 reenacts ss. 550.54 and 550.615, F.S., for the purpose of incorporating the amendments being made by the bill.

Section 4 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.

²³ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited March 24, 2025).

²⁴ *Id.*

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive economic impact on businesses by opening up more opportunities for lessors and lessees of pari-mutuel wagering facilities. The amount of additional revenue that may be generated is unknown.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 550.475 of the Florida Statutes.

This bill reenacts sections 550.054 and 550.615 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 Regulated Industries on March 25, 2025:

The committee substitute provides that a holder of a valid pari-mutuel permit may lease their pari-mutuel permitted facilities to any other holder of a same class valid or to any jai alai permitholder.

Additionally, the committee substitute provides that such lessee may apply (as opposed to being entitled) for a license to conduct intertrack wagering and operate its race meet or jai alai games at the leased premises.

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 Regulated Industries; and Senators Rodriguez and Calatayud

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1 A bill to be entitled
 2 An act relating to jai alai permitholders; amending s.
 3 550.475, F.S.; providing that holders of a valid pari-
 4 mutuel permit may lease their pari-mutuel permitted
 5 facilities to any other holder of the same pari-mutuel
 6 permit or to any jai alai permitholder when located
 7 within a specified radius of each other; authorizing
 8 such lessee to apply for a license, rather than be
 9 entitled to a permit and license, to conduct specified
 10 gaming activities at the leased premises; reenacting
 11 ss. 550.054(14)(b) and 550.615(8), F.S., relating to
 12 application for permit to conduct pari-mutuel wagering
 13 and intertrack wagering, respectively, to incorporate
 14 the amendment made to s. 550.475, F.S., in references
 15 thereto; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 550.475, Florida Statutes, is amended to
 20 read:

21 550.475 Lease of pari-mutuel facilities by pari-mutuel
 22 permitholders.—Holders of valid pari-mutuel permits for the
 23 conduct of any pari-mutuel wagering in this state ~~may be~~
 24 ~~entitled to lease any and all of their pari-mutuel permitted~~
 25 facilities to any other holder of a same class valid pari-mutuel
 26 permit or to any jai alai permitholder, when located within a
 27 35-mile radius of each other; and such lessee may apply for a ~~is~~
 28 ~~entitled to a permit and license to conduct intertrack wagering~~
 29 and operate its race meet or jai alai games at the leased

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30 premises.

31 Section 2. For the purpose of incorporating the amendment
 32 made by this act to section 550.475, Florida Statutes, in a
 33 reference thereto, paragraph (b) of subsection (14) of section
 34 550.054, Florida Statutes, is reenacted to read:

35 550.054 Application for permit to conduct pari-mutuel
 36 wagering.—

37 (14)

38 (b) The commission, upon application from the holder of a
 39 jai alai permit meeting all conditions of this section, shall
 40 convert the permit and shall issue to the permitholder a permit
 41 to conduct greyhound racing. A permitholder of a permit
 42 converted under this section shall be required to apply for and
 43 conduct a full schedule of live racing each fiscal year to be
 44 eligible for any tax credit provided by this chapter. The holder
 45 of a permit converted pursuant to this subsection or any holder
 46 of a permit to conduct greyhound racing located in a county in
 47 which it is the only permit issued pursuant to this section who
 48 operates at a leased facility pursuant to s. 550.475 may move
 49 the location for which the permit has been issued to another
 50 location within a 30-mile radius of the location fixed in the
 51 permit issued in that county, provided the move does not cross
 52 the county boundary and such location is approved under the
 53 zoning regulations of the county or municipality in which the
 54 permit is located, and upon such relocation may use the permit
 55 for the conduct of pari-mutuel wagering and the operation of a
 56 cardroom. The provisions of s. 550.6305(9)(d) and (f) shall
 57 apply to any permit converted under this subsection and shall
 58 continue to apply to any permit which was previously included

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59 under and subject to such provisions before a conversion
60 pursuant to this section occurred.

61 Section 3. For the purpose of incorporating the amendment
62 made by this act to section 550.475, Florida Statutes, in a
63 reference thereto, subsection (8) of section 550.615, Florida
64 Statutes, is reenacted to read:

65 550.615 Intertrack wagering.—

66 (8) In any three contiguous counties of the state where
67 there are only three permitholders, all of which are greyhound
68 permitholders, if any permitholder leases the facility of
69 another permitholder for all or any portion of the conduct of
70 its live race meet pursuant to s. 550.475, such lessee may
71 conduct intertrack wagering at its pre-lease permitted facility
72 throughout the entire year.

73 Section 4. This act shall take effect July 1, 2025.

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 712

INTRODUCER: Community Affairs Committee and Senator Grall

SUBJECT: Construction Regulations

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 712 contains a variety of provisions related to construction and development. The bill:

- Requires the Department of Environmental Protection (DEP) to adopt standards for the installation of synthetic turf on residential property and prohibits local governments from adopting regulations inconsistent with those.
- Requires local governments to approve or deny change orders from their contractors within 30 days.
- Prohibits the state and political subdivisions from penalizing large volume construction bidders or rewarding small volume bidders in the bidding process for public works projects.
- Prohibits local building departments from requiring copies of contracts and associated documents in order to apply for or receive a building permit.
- Adds surveillance cameras to the scope of certification for alarm system contractors;
- Requires that standards for mass timber as construction materials be amended to the Florida Building Code.
- Exempts systems and equipment on spaceport territory involved in space launch vehicles, payloads, or spacecraft from the Building Code.

The bill has no impact on state revenue or expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

II. Present Situation:

Synthetic Turf

Synthetic turf, also known as “artificial grass,” is a surface that closely replicates the look and feel of natural grass. Synthetic turf is a type of landscaping that eliminates the potentially unpredictable growth of natural grass.¹ Current law prohibits homeowners’ associations from restricting property owners or their tenants from installing, displaying, or storing synthetic turf that is not visible from the parcel’s frontage or an adjacent parcel.² However, there is no law restricting local governments from regulating synthetic turf.

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.³ Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.⁴ Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.⁵

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.⁶

Where state preemption applies, a local government may not exercise authority in that area.⁷ Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.⁸

Prompt Payments for Public Construction Contracts

Contracts between local governments and private contractors for construction of public projects are subject to prompt payment requirements. The Local Government Prompt Payment Act⁹

¹ Kevin Sullivan, *Artificial Turf 101: A Comprehensive Guide to Synthetic Grass*, Turf Network Directory & Information Hub, available at <https://turfnetwork.org/artificial-turf-101/> (last visited Mar. 26, 2025).

² Section 720.3045, F.S.

³ Art. VIII, s. 1(f), Fla. Const.

⁴ Art. VIII, s. 1(g), Fla. Const.

⁵ Art. VIII, s. 2(b); *see also* Section 166.021(1), F.S.

⁶ Preemption Definition, Black’s Law Dictionary (12th ed. 2024).

⁷ *D’Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

⁸ *See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁹ Part VII, Ch. 218, F.S.

provides for timely payment by local governmental entities¹⁰ to construction contractors.¹¹ The collection of statutes provides timelines for payment, schedules for interest on late payments, and dispute resolution processes.¹²

Change Orders

A “change order” is an amendment to a construction contract that changes the contractor’s scope of work. Most change orders modify the work required by the contract or adjust the amount of time the contractor has to complete the work, or both.¹³

Competitive Solicitation of Construction Services

Current law specifies construction services procurement procedures for public property and public owned buildings.¹⁴ The Department of Management Services (DMS) is responsible for establishing by rule procedures to:¹⁵

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts.¹⁶
- Award each state agency construction project to the lowest qualified bidder.¹⁷
- Govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state.¹⁸
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.¹⁹

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.²⁰ A county, municipality, special district, or other political subdivision seeking to construct or improve a public building must competitively bid the project if the estimated cost is in excess of \$300,000.²¹

¹⁰ A county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof. Section 218.72(5), F.S.

¹¹ A contractor is one who contracts directly with a local government to provide construction services. Section 218.72(3), F.S.

¹² Section 218.71, F.S.

¹³ Luke J. Farley, Sr., *Construction 101: The Basics of Change Orders*, American Bar Association (October 8, 2018)

https://www.americanbar.org/groups/construction_industry/publications/under_construction/2018/fall/construction-101/ (last visited Mar. 26, 2025).

¹⁴ See ch. 255, F.S.

¹⁵ Section 255.29, F.S.

¹⁶ Rules 60D-5.004 and F.A.C.

¹⁷ Rule 60D-5.007, F.A.C.

¹⁸ Rule 60D-5.008, F.A.C.

¹⁹ Rule 60D-5.0082, F.A.C.

²⁰ See s. 255.0525, F.S.; see also Rules 60D-5.002 and 60D-5.0073, F.A.C.

²¹ Section 255.20(1), F.S. For electrical work, local governments must competitively bid projects estimated to cost over \$75,000.

Prohibited Local Government Preferences in Contracts for Construction Services

In a competitive solicitation²² for construction services that is paid for with state-appropriated funds, a local government may not use a local ordinance or regulation that provides a preference based upon a contractor, subcontractor, or material supplier or carrier:²³

- Maintaining an office or place of business within a particular local jurisdiction;
- Hiring employees or subcontractors from within a particular local jurisdiction; or
- Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

A local government that will use state-appropriated funds to pay for construction services must disclose in the solicitation document that any of the aforementioned preferences will be prohibited.²⁴

Public Works Projects

A public works project is an activity that is paid for with any state-appropriated funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any political subdivision.²⁵

Prohibited Local Government Preferences in Public Works Projects

Except as required by federal or state law, the state or any political subdivision²⁶ that contracts for a public works project may not:²⁷

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the headquarters or offices of the party, unless the local government is the sole source of funding for the project;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
 - Pay employees a predetermined amount of wages or prescribe any wage rate;
 - Provide employees a specified type, amount, or rate of employee benefits;
 - Control, limit, or expand staffing; or
 - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.

²² “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate. Section 255.248, F.S.

²³ Section 255.0991(2), F.S.

²⁴ Section 255.0991(3), F.S.

²⁵ Section 255.0992(1)(b), F.S.

²⁶ “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. *See s. 255.0992(1)(a), F.S.*

²⁷ Section 255.0992, F.S.

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.²⁸ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.²⁹

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.³⁰ A local building department or enforcement agency must post each type of building permit application on its website.³¹ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.³²

A local government may not require a contract between a builder and an owner for the issuance of a building permit, or as a requirement for the submission of a building permit application.³³

III. Effect of Proposed Changes:

Section 1 creates s. 125.572, F.S., to direct the DEP to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size. These standards must take into account material type, permeability, stormwater management, potable water conservation, water quality, proximity to vegetation, and other environmental conditions.

Upon the adoption of such standards, the section prohibits local governments from adopting or enforcing any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf on his or her land that complies with these standards.

The section also prohibits a local government from adopting or enforcing any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent to the standards adopted.

The term "synthetic turf" is defined to mean "a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas."

The bill directs the DEP to adopt rules to implement the section.

²⁸ Section 553.72(2), F.S.

²⁹ See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

³⁰ See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

³¹ Section 553.79(1)(b), F.S.

³² Section 105.3, 2023 Florida Building Code.

³³ Section 553.79(1)(f), F.S.

Section 2 creates s. 218.755, F.S., to provide that if a local government receives a price quote for a change order from its contractor, which meets all statutory and contractual requirements, the local government must provide written notice to the contractor approving or denying the price quote within 30 days.

If a local government denies the price quote, the written notice must specify the alleged deficiencies in the quote and list the actions necessary to remedy the deficiencies. If a local government fails to provide such information in the written denial notice then it is liable to the contractor for any additional labor, staffing, materials, supplies, equipment, and overhead associated with the change order.

A contract between a local government and a contractor may not alter these provisions.

Section 3 amends s. 255.0992, F.S., to provide that the state or any political subdivision which contracts for public works may not penalize a bidder for performing a larger volume of construction work for the state or political subdivision or reward a bidder for performing a smaller volume of construction work for the state or political subdivision.

Section 4 amends s. 489.505, F.S., to include surveillance cameras in the scope of work used to define certified alarm system contractors. Specifically, the bill provides that the scope of certification for alarm system contractors newly includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of providing surveillance cameras.

Section 5 amends s. 553.73, F.S., to provide that, by January 1, 2026, or the next update of the Florida Building Code (currently scheduled for the end of 2026), the Florida Building Commission must amend the Florida Building Code to be consistent with the International Building Code provisions recognizing tall mass timber as allowable material for construction types IV-A, IV-B, IV-C, and IV-HT.³⁴

The section also provides total exemption from the Florida Building Code for any system or equipment, whether affixed or movable, which is located on property within a spaceport territory,³⁵ and which is used for the production, erection, alteration, modification, repair, launch, processing, recovery, transport, integration, fueling, conditioning, or equipping of a space launch vehicle, payload, or spacecraft.

Section 6 amends s. 553.79, F.S., to provide that a local enforcement agency may not require a copy of a contract between a builder and an owner or any ancillary documents such as letters of

³⁴ Mass timber is a category of engineered wood products designed to be strong and fire-resistant enough for use in large-scale construction. The International Building Code maintains regulations specifying fire-resistance ratings, maximum heights and floor areas for construction using mass timber products, and classification of construction types using mass timber.

³⁵ Section 331.304, F.S., provides areas that are designated as spaceport territory. The list includes Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Eglin Air Force Base, Cecil Airport in Duval County, Homestead Air Force Base, Tyndall Air Force Base, and certain other properties.

intent, material costs lists, labor costs, or overhead or profit statements, as a requirement to apply for or receive a building permit.

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:

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:

Requiring local governments to process change orders within 30 days may lead to a decrease in construction time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 255.0992, 489.505, 553.73, 553.79, and 497.271.

This bill creates the following sections of the Florida Statutes: 125.572 and 218.755.

IX. Additional Information:

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

CS by Community Affairs on March 31, 2025:

The committee substitute:

- Revises the turf preemption to require that the Department of Environmental Protection adopt standards for installation on residential properties smaller than one acre. The general preemption takes effect when those standards are adopted.
- Introduces three new subjects to the bill: adding surveillance cameras to the scope of certification for certified alarm system contractors; requiring that the Florida Building Commission include certain standards for mass timber in the Florida Building Code; and exempting systems and equipment involved in the launch of spacecraft from the Florida Building Code.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.572, Florida Statutes, is created to
read:

125.572 Regulation of synthetic turf.-

(1) As used in this section, the term "synthetic turf"
means a manufactured product that resembles natural grass and is
used as a surface for landscaping and recreational areas.



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11 (2) The Department of Environmental Protection shall adopt
12 minimum standards for the installation of synthetic turf on
13 single-family residential properties 1 acre or less in size. The
14 standards must take into account material type, color,
15 permeability, stormwater management, potable water conservation,
16 water quality, proximity to trees and other vegetation, and
17 other factors impacting environmental conditions of adjacent
18 properties.

19 (3) Upon the Department of Environmental Protection
20 adopting rules pursuant to subsection (4), a local government
21 may not:

22 (a) Adopt or enforce any ordinance, resolution, order,
23 rule, or policy that prohibits, or is enforced to prohibit, a
24 property owner from installing synthetic turf that complies with
25 Department of Environmental Protection standards adopted
26 pursuant to this section which apply to single-family
27 residential property.

28 (b) Adopt or enforce any ordinance, resolution, order,
29 rule, or policy that regulates synthetic turf which is
30 inconsistent with the Department of Environmental Protection
31 standards adopted pursuant to this section which apply to
32 single-family residential property.

33 (4) The Department of Environmental Protection shall adopt
34 rules to implement this section.

35 Section 2. Section 218.755, Florida Statutes, is created to
36 read:

37 218.755 Prompt processing of change orders.—Beginning on or
38 after July 1, 2025, if a local governmental entity receives from
39 its contractor a price quote for a change order issued by the



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40 local governmental entity, and the price quote conforms to all
41 statutory requirements and contractual requirements for the
42 project, the local governmental entity must approve or deny the
43 price quote and send written notice of such decision to the
44 contractor within 30 days after receipt of such quote. Any
45 denial notice must specify the alleged deficiencies in the price
46 quote and the actions necessary to remedy those deficiencies. If
47 the local governmental entity fails to provide such information
48 on a denial notice, it is liable to the contractor for all
49 additional labor, staffing, materials, supplies, equipment, and
50 overhead associated with the change order. A contract between a
51 local governmental entity and a contractor may not alter the
52 local governmental entity's duties under this section.

53 Section 3. Paragraph (d) is added to subsection (2) of
54 section 255.0992, Florida Statutes, to read:

55 255.0992 Public works projects; prohibited governmental
56 actions.-

57 (2) Except as required by federal or state law, the state
58 or any political subdivision that contracts for a public works
59 project may not take the following actions:

60 (d) Penalize a bidder for performing a larger volume of
61 construction work for the state or political subdivision or
62 reward a bidder for performing a smaller volume of construction
63 work for the state or political subdivision.

64 Section 4. Paragraph (b) of subsection (1) of section
65 399.035, Florida Statutes, is amended to read:

66 399.035 Elevator accessibility requirements for the
67 physically handicapped.-

68 (1) Each elevator, the installation of which is begun after



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69 October 1, 1990, must be made accessible to physically
70 handicapped persons with the following requirements:

71 (b) Each elevator car interior must have a support rail on
72 at least one wall. All support rails must be smooth and have no
73 sharp edges and must not be more than 1 1/2 inches thick or 2
74 1/2 inches in diameter. At least one support rail ~~Support rails~~
75 must be continuous and a minimum length of 42 inches overall.
76 The inside surface of support rails must be 1 1/2 inches clear
77 of the car wall. The distance from the top of the support rail
78 to the finished car floor must be at least 31 inches and not
79 more than 33 inches. Padded or tufted material or decorative
80 materials such as wallpaper, vinyl, cloth, or the like may not
81 be used on support rails.

82 Section 5. Paragraphs (j), (k), and (l) of subsection (3)
83 of section 489.105, Florida Statutes, are amended to read:

84 489.105 Definitions.—As used in this part:

85 (3) "Contractor" means the person who is qualified for, and
86 is only responsible for, the project contracted for and means,
87 except as exempted in this part, the person who, for
88 compensation, undertakes to, submits a bid to, or does himself
89 or herself or by others construct, repair, alter, remodel, add
90 to, demolish, subtract from, or improve any building or
91 structure, including related improvements to real estate, for
92 others or for resale to others; and whose job scope is
93 substantially similar to the job scope described in one of the
94 paragraphs of this subsection. For the purposes of regulation
95 under this part, the term "demolish" applies only to demolition
96 of steel tanks more than 50 feet in height; towers more than 50
97 feet in height; other structures more than 50 feet in height;



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98 and all buildings or residences. Contractors are subdivided into
99 two divisions, Division I, consisting of those contractors
100 defined in paragraphs (a)-(c), and Division II, consisting of
101 those contractors defined in paragraphs (d)-(q):

102 (j) "Commercial pool/spa contractor" means a contractor
103 whose scope of work includes ~~involves~~, but is not limited to,
104 all phases of the construction, repair, renovation, remodel,
105 deconstruction, and servicing of a ~~any~~ swimming pool, ~~or~~ hot
106 tub, ~~or~~ spa, splash pad or other interactive water feature,
107 decorative water feature, public bathing place, or swimming pool
108 or spa appurtenance, whether public, private, or otherwise,
109 regardless of use.

110 1. The scope of such work includes, but is not limited to,
111 all of the following:

112 a. The scope of work of a swimming pool/spa servicing
113 contractor.

114 b. The connection, replacement, disconnection, or
115 reconnection of power wiring on the load side of the dedicated
116 existing electrical circuit disconnect means for swimming pool,
117 spa, hot tub, or interactive water feature equipment.

118 c. The installation of equipotential bonding; swimming
119 pool, spa, or hot tub lighting; light transformers; light
120 conduit; and any cleaning or sanitizing equipment that requires
121 at least partial disassembling.

122 d. The construction of uninhabitable equipment rooms or
123 housing for swimming pool, spa, hot tub, or interactive water
124 feature equipment for the protection of the equipment from
125 outside elements or preventing unauthorized access.

126 e. The excavation and earthmoving required for the



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127 installation of swimming pools, spas, hot tubs, or interactive
128 water features and the operation of construction pumps for
129 dewatering purposes for swimming pool, spa, hot tub, or
130 interactive water feature excavation sites and draining swimming
131 pools, spas, hot tubs, or interactive water features.

132 f. The installation of rebar or similar support materials
133 for swimming pool, spa, hot tub, or interactive water feature
134 structures, and the shaping and shooting of gunite dry mix and
135 wet mix, concrete, or similar product mix used in the
136 construction of swimming pools, spas, hot tubs, or interactive
137 water features.

138 g. The installation of fiberglass swimming pool, spa, or
139 hot tub shells and vinyl swimming pool, spa, or hot tub liners.

140 h. The application and removal of all interior swimming
141 pool, spa, hot tub, or interactive water feature finishes.

142 i. The construction, maintenance, or remodel of decorative
143 or interactive water features, displays, or areas that use
144 recirculated water, including fountains, waterfalls, and spray
145 nozzles.

146 j. The installation of all swimming pool, spa, hot tub, or
147 interactive water feature piping, including, but not limited to,
148 drain piping, perimeter piping, and circulation or filter piping
149 used in the construction of swimming pools, spas, hot tubs, or
150 decorative or interactive water feature displays or areas.

151 k. The construction and installation of retaining walls,
152 concrete flatwork, pavers and bricks, and footings for the
153 construction of a swimming pool, spa, hot tub, or interactive
154 water feature, whether newly constructed or additions to or
155 remodels of existing swimming pools, spas, hot tubs, or



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156 interactive water features ~~The installation, repair, or~~
157 ~~replacement of existing equipment, any cleaning or equipment~~
158 ~~sanitizing that requires at least a partial disassembling,~~
159 ~~excluding filter changes, and the installation of new pool/spa~~
160 ~~equipment, interior finishes, the installation of package pool~~
161 ~~heaters, the installation of all perimeter piping and filter~~
162 ~~piping, and the construction of equipment rooms or housing for~~
163 ~~pool/spa equipment, and also includes the scope of work of a~~
164 ~~swimming pool/spa servicing contractor.~~

165 2. The scope of ~~such~~ work does not include direct
166 connections to a sanitary sewer system or to potable water
167 lines, the installation or upgrade of dedicated electrical
168 disconnect or electrical circuits, or any work inside a main
169 electrical panel. ~~The installation, construction, modification,~~
170 ~~or replacement of equipment permanently attached to and~~
171 ~~associated with the pool or spa for the purpose of water~~
172 ~~treatment or cleaning of the pool or spa requires licensure;~~
173 ~~however,~~

174 3. The use ~~usage~~ of swimming pool, spa, hot tub, or
175 interactive water feature ~~such~~ equipment for the purposes of
176 water treatment or cleaning does not require licensure unless
177 such use ~~the usage~~ involves installation ~~construction,~~
178 modification, or replacement of such equipment. Water treatment
179 that does not require such equipment; filter media changes; or
180 the cleaning of a swimming pool, spa, hot tub, or interactive
181 water feature, or its associated equipment, which does not
182 affect the structural integrity of the swimming pool, spa, hot
183 tub, or interactive water feature, does not require a license.
184 ~~In addition, a license is not required for the cleaning of the~~



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185 ~~pool or spa in a way that does not affect the structural~~
186 ~~integrity of the pool or spa or its associated equipment.~~
187 (k) “Residential pool/spa contractor” means a contractor
188 whose scope of work is the same as a commercial pool/spa
189 contractor under paragraph (j), except a residential pool/spa
190 contractor may not construct any new commercial swimming pool,
191 spa, hot tub, or public bathing place means a contractor whose
192 scope of work involves, but is not limited to, the construction,
193 repair, and servicing of a residential swimming pool, or hot tub
194 or spa, regardless of use. The scope of work includes the
195 installation, repair, or replacement of existing equipment, any
196 cleaning or equipment sanitizing that requires at least a
197 partial disassembling, excluding filter changes, and the
198 installation of new pool/spa equipment, interior finishes, the
199 installation of package pool heaters, the installation of all
200 perimeter piping and filter piping, and the construction of
201 equipment rooms or housing for pool/spa equipment, and also
202 includes the scope of work of a swimming pool/spa servicing
203 contractor. The scope of such work does not include direct
204 connections to a sanitary sewer system or to potable water
205 lines. The installation, construction, modification, or
206 replacement of equipment permanently attached to and associated
207 with the pool or spa for the purpose of water treatment or
208 cleaning of the pool or spa requires licensure; however, the
209 usage of such equipment for the purposes of water treatment or
210 cleaning does not require licensure unless the usage involves
211 construction, modification, or replacement of such equipment.
212 Water treatment that does not require such equipment does not
213 require a license. In addition, a license is not required for



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214 ~~the cleaning of the pool or spa in a way that does not affect~~
215 ~~the structural integrity of the pool or spa or its associated~~
216 ~~equipment.~~

217 (1) "Swimming pool/spa servicing contractor" means a
218 contractor whose scope of work includes ~~involves~~, but is not
219 limited to, all aspects of the repair, renovation, remodeling,
220 or and servicing of a swimming pool, ~~or~~ hot tub, ~~or~~ spa, splash
221 pad or other interactive water feature, decorative water
222 feature, public bathing place, or swimming pool or spa
223 appurtenance, whether public or private, or otherwise,
224 regardless of use.

225 1. The scope of work includes, but is not limited to, all
226 of the following:

227 a. The installation, repair, or replacement of all swimming
228 pool, spa, hot tub, or interactive water feature equipment,
229 including, but not limited to, pool pumps; filters; feeders;
230 controllers; and swimming pool, spa, or hot tub heaters, whether
231 electric, gas, or solar.

232 b. The connection, replacement, disconnection, or
233 reconnection of power wiring on the load side of the dedicated
234 existing electrical circuit disconnect means for swimming pool,
235 spa, hot tub, or interactive water feature equipment.

236 c. The repair or replacement of equipotential bonding;
237 swimming pool, spa, or hot tub lighting; light transformers;
238 light conduit; and any cleaning or sanitizing equipment that
239 requires at least partial disassembling.

240 d. The repair of uninhabitable equipment rooms or housing
241 for swimming pool, spa, hot tub, or interactive water feature
242 equipment.



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243 e. The repair or replacement of all perimeter piping and
244 filter piping.

245 f. The substantial or complete draining of a swimming pool,
246 spa, or hot tub for repair or renovation and the operation of
247 construction pumps for dewatering purposes for drained swimming
248 pools, spas, hot tubs, or interactive water features.

249 g. The removal and reapplication of all interior swimming
250 pool, spa, hot tub, or interactive water feature finishes.

251 h. The installation, repair, or replacement of all tile and
252 coping for a swimming pool, spa, hot tub, or interactive water
253 feature ~~the repair or replacement of existing equipment, any~~
254 ~~cleaning or equipment sanitizing that requires at least a~~
255 ~~partial disassembling, excluding filter changes, and the~~
256 ~~installation of new pool/spa equipment, interior refinishing,~~
257 ~~the reinstallation or addition of pool heaters, the repair or~~
258 ~~replacement of all perimeter piping and filter piping, the~~
259 ~~repair of equipment rooms or housing for pool/spa equipment, and~~
260 ~~the substantial or complete draining of a swimming pool, or hot~~
261 ~~tub or spa, for the purpose of repair or renovation.~~

262 2. The scope of the such work does not include direct
263 connections to a sanitary sewer system or to potable water
264 lines, the installation or upgrade of dedicated electrical
265 disconnect or electrical circuits, or any work inside a main
266 electrical panel. ~~The installation, construction, modification,~~
267 ~~substantial or complete disassembly, or replacement of equipment~~
268 ~~permanently attached to and associated with the pool or spa for~~
269 ~~the purpose of water treatment or cleaning of the pool or spa~~
270 ~~requires licensure; however,~~

271 3. The use usage of swimming pool, spa, hot tub, or



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272 interactive water feature ~~such~~ equipment for the purposes of
273 water treatment or cleaning does not require licensure unless
274 such use ~~the usage~~ involves installation ~~construction,~~
275 ~~modification, substantial or complete disassembly,~~ or
276 replacement of such equipment. Water treatment that does not
277 require such equipment; filter media changes; or the cleaning of
278 a swimming pool, spa, hot tub, or interactive water feature, or
279 its associated equipment which does not affect the structural
280 integrity of the swimming pool, spa, hot tub, or interactive
281 water feature does not require a license. ~~In addition, a license~~
282 ~~is not required for the cleaning of the pool or spa in a way~~
283 ~~that does not affect the structural integrity of the pool or spa~~
284 ~~or its associated equipment.~~

285 Section 6. Paragraph (c) of subsection (3) of section
286 489.113, Florida Statutes, is amended to read:

287 489.113 Qualifications for practice; restrictions.—

288 (3) A contractor shall subcontract all electrical,
289 mechanical, plumbing, roofing, sheet metal, swimming pool, and
290 air-conditioning work, unless such contractor holds a state
291 certificate or registration in the respective trade category,
292 however:

293 (c) A general or building contractor may ~~shall~~ not be
294 required to subcontract structural swimming pool or pool wet
295 deck area work. All other swimming pool work must ~~shall~~ be
296 subcontracted to an appropriately licensed certified or
297 registered swimming pool contractor. For the purposes of this
298 paragraph, the term "pool wet deck area" means the 4-foot-wide
299 unobstructed pool deck area around the outside of the pool water
300 perimeter, curb, ladders, handrails, diving boards, diving



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301 towers, pool slides, waterfalls, water features, starting
302 blocks, planters, or lifeguard chairs.

303 Section 7. Subsection (7) of section 489.505, Florida
304 Statutes, is amended to read:

305 489.505 Definitions.—As used in this part:

306 (7) “Certified alarm system contractor” means an alarm
307 system contractor who possesses a certificate of competency
308 issued by the department. The scope of certification is limited
309 to alarm circuits originating in the alarm control panel and
310 equipment governed by the applicable provisions of Articles 722,
311 725, 760, 770, 800, and 810 of the National Electrical Code,
312 Current Edition, and National Fire Protection Association
313 Standard 72, Current Edition. The scope of certification for
314 alarm system contractors also includes the installation, repair,
315 fabrication, erection, alteration, addition, or design of
316 electrical wiring, fixtures, appliances, thermostats, apparatus,
317 raceways, and conduit, or any part thereof not to exceed 98
318 volts (RMS), when those items are for the purpose of
319 transmitting data or proprietary video (satellite systems that
320 are not part of a community antenna television or radio
321 distribution system) or providing central vacuum capability,
322 surveillance cameras, or electric locks; however, this provision
323 governing the scope of certification does not create any
324 mandatory licensure requirement.

325 Section 8. Subsections (2) and (10) of section 553.73,
326 Florida Statutes, are amended to read:

327 553.73 Florida Building Code.—

328 (2) (a) The Florida Building Code shall contain provisions
329 or requirements for public and private buildings, structures,



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330 and facilities relative to structural, mechanical, electrical,
331 plumbing, energy, and gas systems, existing buildings,
332 historical buildings, manufactured buildings, elevators, coastal
333 construction, lodging facilities, food sales and food service
334 facilities, health care facilities, including assisted living
335 facilities, adult day care facilities, hospice residential and
336 inpatient facilities and units, and facilities for the control
337 of radiation hazards, public or private educational facilities,
338 swimming pools, and correctional facilities and enforcement of
339 and compliance with such provisions or requirements. Further,
340 the Florida Building Code must provide for uniform
341 implementation of ss. 515.25, 515.27, and 515.29 by including
342 standards and criteria for residential swimming pool barriers,
343 pool covers, latching devices, door and window exit alarms, and
344 other equipment required therein, which are consistent with the
345 intent of s. 515.23. Technical provisions to be contained within
346 the Florida Building Code are restricted to requirements related
347 to the types of materials used and construction methods and
348 standards employed in order to meet criteria specified in the
349 Florida Building Code. Provisions relating to the personnel,
350 supervision or training of personnel, or any other professional
351 qualification requirements relating to contractors or their
352 workforce may not be included within the Florida Building Code,
353 and subsections (4) and (6)-(9), ~~(6), (7), (8), and (9)~~ are not
354 to be construed to allow the inclusion of such provisions within
355 the Florida Building Code by amendment. This restriction applies
356 to both initial development and amendment of the Florida
357 Building Code.

358 (b) By January 1, 2026, or the next update of the Florida



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359 Building Code, whichever occurs first, the commission shall
360 amend the Florida Building Code to be consistent with the 2024
361 International Building Code that recognizes tall mass timber as
362 an allowable material for construction types IV-A, IV-B, IV-C,
363 and IV-HT.

364 (10) The following buildings, structures, and facilities
365 are exempt from the Florida Building Code as provided by law,
366 and any further exemptions shall be as determined by the
367 Legislature and provided by law:

368 (a) Buildings and structures specifically regulated and
369 preempted by the Federal Government.

370 (b) Railroads and ancillary facilities associated with the
371 railroad.

372 (c) Nonresidential farm buildings on farms.

373 (d) Temporary buildings or sheds used exclusively for
374 construction purposes.

375 (e) Mobile or modular structures used as temporary offices,
376 except that the provisions of part II relating to accessibility
377 by persons with disabilities apply to such mobile or modular
378 structures.

379 (f) Those structures or facilities of electric utilities,
380 as defined in s. 366.02, which are directly involved in the
381 generation, transmission, or distribution of electricity.

382 (g) Temporary sets, assemblies, or structures used in
383 commercial motion picture or television production, or any
384 sound-recording equipment used in such production, on or off the
385 premises.

386 (h) Storage sheds that are not designed for human
387 habitation and that have a floor area of 720 square feet or less



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388 are not required to comply with the mandatory wind-borne-debris-
389 impact standards of the Florida Building Code. In addition, such
390 buildings that are 400 square feet or less and that are intended
391 for use in conjunction with one- and two-family residences are
392 not subject to the door height and width requirements of the
393 Florida Building Code.

394 (i) Chickees constructed by the Miccosukee Tribe of Indians
395 of Florida or the Seminole Tribe of Florida. As used in this
396 paragraph, the term "chickee" means an open-sided wooden hut
397 that has a thatched roof of palm or palmetto or other
398 traditional materials, and that does not incorporate any
399 electrical, plumbing, or other nonwood features.

400 (j) Family mausoleums not exceeding 250 square feet in area
401 which are prefabricated and assembled on site or preassembled
402 and delivered on site and have walls, roofs, and a floor
403 constructed of granite, marble, or reinforced concrete.

404 (k) A building or structure having less than 1,000 square
405 feet which is constructed and owned by a natural person for
406 hunting and which is repaired or reconstructed to the same
407 dimension and condition as existed on January 1, 2011, if the
408 building or structure:

409 1. Is not rented or leased or used as a principal
410 residence;

411 2. Is not located within the 100-year floodplain according
412 to the Federal Emergency Management Agency's current Flood
413 Insurance Rate Map; and

414 3. Is not connected to an offsite electric power or water
415 supply.

416 (l) A drone port as defined in s. 330.41(2).



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417 (m) Any system or equipment, whether affixed or movable,
418 which is located on property within a spaceport territory
419 pursuant to s. 331.304 and which is used for the production,
420 erection, alteration, modification, repair, launch, processing,
421 recovery, transport, integration, fueling, conditioning, or
422 equipping of a space launch vehicle, payload, or spacecraft.

423

424 With the exception of paragraphs (a), (b), (c), and (f), in
425 order to preserve the health, safety, and welfare of the public,
426 the Florida Building Commission may, by rule adopted pursuant to
427 chapter 120, provide for exceptions to the broad categories of
428 buildings exempted in this section, including exceptions for
429 application of specific sections of the code or standards
430 adopted therein. The Department of Agriculture and Consumer
431 Services shall have exclusive authority to adopt by rule,
432 pursuant to chapter 120, exceptions to nonresidential farm
433 buildings exempted in paragraph (c) when reasonably necessary to
434 preserve public health, safety, and welfare. The exceptions must
435 be based upon specific criteria, such as under-roof floor area,
436 aggregate electrical service capacity, HVAC system capacity, or
437 other building requirements. Further, the commission may
438 recommend to the Legislature additional categories of buildings,
439 structures, or facilities which should be exempted from the
440 Florida Building Code, to be provided by law. The Florida
441 Building Code does not apply to temporary housing provided by
442 the Department of Corrections to any prisoner in the state
443 correctional system.

444 Section 9. Paragraph (f) of subsection (1) of 553.79,
445 Florida Statutes, is amended, and subsection (11) of that



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446 section is reenacted, to read:

447 553.79 Permits; applications; issuance; inspections.—

448 (1)

449 (f) A local government may not require a contract between a
450 builder and an owner, any copies of such contract, or any
451 associated document, including, but not limited to, letters of
452 intent, material costs lists, labor costs, or overhead or profit
453 statements, for the issuance of a building permit or as a
454 requirement for the submission of a building permit application.

455 (11) Any state agency whose enabling legislation authorizes
456 it to enforce provisions of the Florida Building Code may enter
457 into an agreement with any other unit of government to delegate
458 its responsibility to enforce those provisions and may expend
459 public funds for permit and inspection fees, which fees may be
460 no greater than the fees charged others. Inspection services
461 that are not required to be performed by a state agency under a
462 federal delegation of responsibility or by a state agency under
463 the Florida Building Code must be performed under the
464 alternative plans review and inspection process created in s.
465 553.791 or by a local governmental entity having authority to
466 enforce the Florida Building Code.

467 Section 10. Paragraphs (l) and (q) of subsection (1) and
468 subsections (5) through (8) of section 553.791, Florida
469 Statutes, are amended to read:

470 553.791 Alternative plans review and inspection.—

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

472 (1) "Permit application" means a properly completed and
473 submitted application for the requested building or construction
474 permit, including:



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475 1. The plans reviewed by the private provider, or in the
476 case of a single-trade plan review where a private provider uses
477 an automated or software-based plans review system pursuant to
478 subsection (6), the information reviewed by the automated or
479 software-based plans review system to determine compliance with
480 one or more applicable codes.

481 2. The affidavit from the private provider required under
482 subsection (6).

483 3. Any applicable fees.

484 4. Any documents required by the local building official to
485 determine that the fee owner has secured all other government
486 approvals required by law.

487 (q) "Single-trade inspection" or "single-trade plans
488 review" means any inspection or plans review focused on a single
489 construction trade, such as plumbing, mechanical, or electrical.
490 The term includes, but is not limited to, inspections or plans
491 review of door or window replacements; fences and block walls
492 more than 6 feet high from the top of the wall to the bottom of
493 the footing; stucco or plastering; reroofing with no structural
494 alteration; solar energy and energy storage installations or
495 alterations; HVAC replacements; ductwork or fan replacements;
496 alteration or installation of wiring, lighting, and service
497 panels; water heater changeouts; sink replacements; and
498 repiping.

499 (5) After construction has commenced and if either the
500 local building official is unable to provide inspection services
501 in a timely manner or the work subject to inspection is related
502 to a single-trade inspection for a single-family or two-family
503 dwelling, the fee owner or the fee owner's contractor may elect



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504 to use a private provider to provide inspection services by
505 notifying the local building official of the owner's or
506 contractor's intention to do so by 2 p.m. local time, 2 business
507 days before the next scheduled inspection using the notice
508 provided for in paragraphs (4) (a)-(c).

509 (6) A private provider performing plans review under this
510 section shall review the plans to determine compliance with the
511 applicable codes. For single-trade plans reviews, a private
512 provider may use an automated or software-based plans review
513 system designed to determine compliance with one or more
514 applicable codes, including, but not limited to, the National
515 Electrical Code and the Florida Building Code. Upon determining
516 that the plans reviewed comply with the applicable codes, the
517 private provider shall prepare an affidavit or affidavits
518 certifying, under oath, that the following is true and correct
519 to the best of the private provider's knowledge and belief:

520 (a) The plans were reviewed by the affiant, who is duly
521 authorized to perform plans review pursuant to this section and
522 holds the appropriate license or certificate.

523 (b) The plans comply with the applicable codes.

524
525 Such affidavit may bear a written or electronic signature and
526 may be submitted electronically to the local building official.

527 (7) (a) No more than 20 business days, or if the permit
528 application is related to a single-trade plans review for a
529 single-family or two-family dwelling, no more than 5 business
530 days, after receipt of a permit application and the affidavit
531 from the private provider required pursuant to subsection (6),
532 the local building official shall issue the requested permit or



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533 provide a written notice to the permit applicant identifying the
534 specific plan features that do not comply with the applicable
535 codes, as well as the specific code chapters and sections. If
536 the local building official does not provide a written notice of
537 the plan deficiencies within the prescribed time 20-day period,
538 the permit application must ~~shall~~ be deemed approved as a matter
539 of law, and the permit must ~~shall~~ be issued by the local
540 building official on the next business day.

541 (b) If the local building official provides a written
542 notice of plan deficiencies to the permit applicant within the
543 prescribed time 20-day period, the time 20-day period is ~~shall~~
544 ~~be~~ tolled pending resolution of the matter. To resolve the plan
545 deficiencies, the permit applicant may elect to dispute the
546 deficiencies pursuant to subsection (15) or to submit revisions
547 to correct the deficiencies.

548 (c) If the permit applicant submits revisions, the local
549 building official has the remainder of the tolled time 20-day
550 period plus 5 business days after ~~from~~ the date of resubmittal
551 to issue the requested permit or to provide a second written
552 notice to the permit applicant stating which of the previously
553 identified plan features remain in noncompliance with the
554 applicable codes, with specific reference to the relevant code
555 chapters and sections. Any subsequent review by the local
556 building official is limited to the deficiencies cited in the
557 written notice. If the local building official does not provide
558 the second written notice within the prescribed time period, the
559 permit must ~~shall~~ be deemed approved as a matter of law, and the
560 local building official must issue the permit on the next
561 business day.



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562 (d) If the local building official provides a second
563 written notice of plan deficiencies to the permit applicant
564 within the prescribed time period, the permit applicant may
565 elect to dispute the deficiencies pursuant to subsection (15) or
566 to submit additional revisions to correct the deficiencies. For
567 all revisions submitted after the first revision, the local
568 building official has an additional 5 business days after ~~from~~
569 the date of resubmittal to issue the requested permit or to
570 provide a written notice to the permit applicant stating which
571 of the previously identified plan features remain in
572 noncompliance with the applicable codes, with specific reference
573 to the relevant code chapters and sections.

574 (8) A private provider performing required inspections
575 under this section shall inspect each phase of construction as
576 required by the applicable codes. Such inspection, including a
577 single-trade inspection, may be performed in person ~~in-person~~ or
578 virtually. The private provider may have a duly authorized
579 representative perform the required inspections, provided all
580 required reports are prepared by and bear the written or
581 electronic signature of the private provider or the private
582 provider's duly authorized representative. The duly authorized
583 representative must be an employee of the private provider
584 entitled to receive reemployment assistance benefits under
585 chapter 443. The contractor's contractual or legal obligations
586 are not relieved by any action of the private provider.

587 Section 11. Subsection (3) of section 497.271, Florida
588 Statutes, is amended to read:

589 497.271 Standards for construction and significant
590 alteration or renovation of mausoleums and columbaria.—



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591 (3) The licensing authority shall transmit the rules as
592 adopted under subsection (2), ~~hereinafter~~ referred to as the
593 "mausoleum standards," to the Florida Building Commission, which
594 shall initiate rulemaking under chapter 120 to consider such
595 mausoleum standards. If such mausoleum standards are not deemed
596 acceptable, they must ~~shall~~ be returned by the Florida Building
597 Commission to the licensing authority with details of changes
598 needed to make them acceptable. If such mausoleum standards are
599 acceptable, the Florida Building Commission must ~~shall~~ adopt a
600 rule designating the mausoleum standards as an approved revision
601 to the State Minimum Building Codes under part IV of chapter
602 553. When ~~se~~ designated by the Florida Building Commission, such
603 mausoleum standards shall become a required element of the State
604 Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and
605 shall be transmitted to each local enforcement agency, as
606 defined in s. 553.71(5). Such local enforcement agency shall
607 consider and inspect for compliance with such mausoleum
608 standards as if they were part of the local building code, but
609 shall have no continuing duty to inspect after final approval of
610 the construction pursuant to the local building code. Any
611 further amendments to the mausoleum standards shall be
612 accomplished by the same procedure. Such designated mausoleum
613 standards, as from time to time amended, shall be a part of the
614 State Minimum Building Codes under s. 553.73 until the adoption
615 and effective date of a new statewide uniform minimum building
616 code, which may supersede the mausoleum standards as provided by
617 the law enacting the new statewide uniform minimum building
618 code.

619 Section 12. For the purpose of incorporating the amendment



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620 made by this act to section 489.105, Florida Statutes, in a
621 reference thereto, paragraph (b) of subsection (4) of section
622 489.107, Florida Statutes, is reenacted to read:

623 489.107 Construction Industry Licensing Board.—

624 (4) The board shall be divided into two divisions, Division
625 I and Division II.

626 (b) Division II is comprised of the roofing contractor,
627 sheet metal contractor, air-conditioning contractor, mechanical
628 contractor, pool contractor, plumbing contractor, and
629 underground utility and excavation contractor members of the
630 board; one of the members appointed pursuant to paragraph
631 (2) (j); and one of the members appointed pursuant to paragraph
632 (2) (k). Division II has jurisdiction over the regulation of
633 contractors defined in s. 489.105(3) (d)–(p).

634 Section 13. For the purpose of incorporating the amendment
635 made by this act to section 489.105, Florida Statutes, in a
636 reference thereto, subsection (2) of section 489.113, Florida
637 Statutes, is reenacted to read:

638 489.113 Qualifications for practice; restrictions.—

639 (2) A person must be certified or registered in order to
640 engage in the business of contracting in this state. However,
641 for purposes of complying with the provisions of this chapter, a
642 subcontractor who is not certified or registered may perform
643 construction work under the supervision of a person who is
644 certified or registered, provided that the work is within the
645 scope of the supervising contractor's license, the supervising
646 contractor is responsible for the work, and the subcontractor
647 being supervised is not engaged in construction work that would
648 require a license as a contractor under any of the categories



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649 listed in s. 489.105(3)(d)-(o). This subsection does not affect
650 the application of any local construction licensing ordinances.
651 To enforce this subsection:

652 (a) The department shall issue a cease and desist order to
653 prohibit any person from engaging in the business of contracting
654 who does not hold the required certification or registration for
655 the work being performed under this part. For the purpose of
656 enforcing a cease and desist order, the department may file a
657 proceeding in the name of the state seeking issuance of an
658 injunction or a writ of mandamus against any person who violates
659 any provision of such order.

660 (b) A county, municipality, or local licensing board
661 created by special act may issue a cease and desist order to
662 prohibit any person from engaging in the business of contracting
663 who does not hold the required certification or registration for
664 the work being performed under this part.

665 Section 14. For the purpose of incorporating the amendment
666 made by this act to section 489.105, Florida Statutes, in
667 references thereto, paragraph (a) of subsection (1), paragraphs
668 (a) and (b) of subsection (2), and paragraphs (a), (d), and (e)
669 of subsection (4) of section 489.117, Florida Statutes, are
670 reenacted to read:

671 489.117 Registration; specialty contractors.—

672 (1)(a) A person engaged in the business of a contractor as
673 defined in s. 489.105(3)(a)-(o) must be registered before
674 engaging in business as a contractor in this state, unless he or
675 she is certified. Except as provided in paragraph (2)(b), to be
676 initially registered, the applicant must submit the required fee
677 and file evidence of successful compliance with the local



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678 examination and licensing requirements, if any, in the area for
679 which registration is desired. An examination is not required
680 for registration.

681 (2)(a) Except as provided in paragraph (b), the board may
682 not issue a new registration after July 1, 1993, based on any
683 certificate of competency or license for a category of
684 contractor defined in s. 489.105(3)(a)-(o) which is issued by a
685 municipal or county government that does not exercise
686 disciplinary control and oversight over such locally licensed
687 contractors, including forwarding a recommended order in each
688 action to the board as provided in s. 489.131(7). For purposes
689 of this subsection and s. 489.131(10), the board shall determine
690 the adequacy of such disciplinary control by reviewing the local
691 government's ability to process and investigate complaints and
692 to take disciplinary action against locally licensed
693 contractors.

694 (b) The board shall issue a registration to an eligible
695 applicant to engage in the business of a contractor in a
696 specified local jurisdiction, provided each of the following
697 conditions are satisfied:

698 1. The applicant held, in any local jurisdiction in this
699 state during 2021, 2022, or 2023, a certificate of registration
700 issued by the state or a local license issued by a local
701 jurisdiction to perform work in a category of contractor defined
702 in s. 489.105(3)(a)-(o).

703 2. The applicant submits all of the following to the board:

704 a. Evidence of the certificate of registration or local
705 license held by the applicant as required by subparagraph 1.

706 b. Evidence that the specified local jurisdiction does not



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707 have a license type available for the category of work for which
708 the applicant was issued a certificate of registration or local
709 license during 2021, 2022, or 2023, such as a notification on
710 the website of the local jurisdiction or an e-mail or letter
711 from the office of the local building official or local building
712 department stating that such license type is not available in
713 that local jurisdiction.

714 c. Evidence that the applicant has submitted the required
715 fee.

716 d. Evidence of compliance with the insurance and financial
717 responsibility requirements of s. 489.115(5).

718

719 An examination is not required for an applicant seeking a
720 registration under this paragraph.

721 (4)(a)1. A person whose job scope does not substantially
722 correspond to either the job scope of one of the contractor
723 categories defined in s. 489.105(3)(a)-(o), or the job scope of
724 one of the certified specialty contractor categories established
725 by board rule, is not required to register with the board. A
726 local government, as defined in s. 163.211, may not require a
727 person to obtain a license, issued by the local government or
728 the state, for a job scope which does not substantially
729 correspond to the job scope of one of the contractor categories
730 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.
731 489.1455(1), or the job scope of one of the certified specialty
732 contractor categories established pursuant to s. 489.113(6). A
733 local government may not require a state or local license to
734 obtain a permit for such job scopes. For purposes of this
735 section, job scopes for which a local government may not require



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736 a license include, but are not limited to, painting; flooring;
737 cabinetry; interior remodeling when the scope of the project
738 does not include a task for which a state license is required;
739 driveway or tennis court installation; handyman services;
740 decorative stone, tile, marble, granite, or terrazzo
741 installation; plastering; pressure washing; stuccoing; caulking;
742 and canvas awning and ornamental iron installation.

743 2. A county that includes an area designated as an area of
744 critical state concern under s. 380.05 may offer a license for
745 any job scope which requires a contractor license under this
746 part if the county imposed such a licensing requirement before
747 January 1, 2021.

748 3. A local government may continue to offer a license for
749 veneer, including aluminum or vinyl gutters, siding, soffit, or
750 fascia; rooftop painting, coating, and cleaning above three
751 stories in height; or fence installation and erection if the
752 local government imposed such a licensing requirement before
753 January 1, 2021.

754 4. A local government may not require a license as a
755 prerequisite to submit a bid for public works projects if the
756 work to be performed does not require a license under general
757 law.

758 (d) Any person who is not required to obtain registration
759 or certification pursuant to s. 489.105(3)(d)-(o) may perform
760 contracting services for the construction, remodeling, repair,
761 or improvement of single-family residences, including a
762 townhouse as defined in the Florida Building Code, without
763 obtaining a local license if such person is under the
764 supervision of a certified or registered general, building, or



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765 residential contractor. As used in this paragraph, supervision
766 shall not be deemed to require the existence of a direct
767 contract between the certified or registered general, building,
768 or residential contractor and the person performing specialty
769 contracting services.

770 (e) Any person who is not certified or registered may
771 perform the work of a specialty contractor whose scope of
772 practice is limited to the type of work specified under s.
773 489.105(3)(j), (k), or (l) for the construction, remodeling,
774 repair, or improvement of commercial or residential swimming
775 pools, interactive water features as defined in the Florida
776 Building Code, hot tubs, and spas without obtaining a local
777 license or certification as a specialty contractor if he or she
778 is supervised by a contractor who is certified or registered
779 under s. 489.105(3)(j), (k), or (l); the work is within the
780 scope of the supervising contractor's license; the supervising
781 contractor is responsible for the work; and the work does not
782 require certification or registration under s. 489.105(3)(d)-
783 (i), (m)-(o), or s. 489.505. Such supervision does not require a
784 direct contract between the contractor certified or registered
785 under s. 489.105(3)(j), (k), or (l) and the person performing
786 the work, or for the person performing the work to be an
787 employee of the contractor certified or registered under s.
788 489.105(3)(j), (k), or (l). This paragraph does not limit the
789 exemptions provided in s. 489.103 and may not be construed to
790 expand the scope of a contractor certified or registered under
791 s. 489.105(3)(j), (k), or (l) to provide plumbing or electrical
792 services for which certification or registration is required by
793 this part or part II.



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794 Section 15. For the purpose of incorporating the amendment
795 made by this act to section 489.105, Florida Statutes, in a
796 reference thereto, subsection (1) of section 489.118, Florida
797 Statutes, is reenacted to read:

798 489.118 Certification of registered contractors;
799 grandfathering provisions.—The board shall, upon receipt of a
800 completed application and appropriate fee, issue a certificate
801 in the appropriate category to any contractor registered under
802 this part who makes application to the board and can show that
803 he or she meets each of the following requirements:

804 (1) Currently holds a valid registered local license in one
805 of the contractor categories defined in s. 489.105(3)(a)-(p).

806 Section 16. For the purpose of incorporating the amendment
807 made by this act to section 489.105, Florida Statutes, in
808 references thereto, subsections (10) and (11) of section
809 489.131, Florida Statutes, are reenacted to read:

810 489.131 Applicability.—

811 (10) No municipal or county government may issue any
812 certificate of competency or license for any contractor defined
813 in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local
814 government exercises disciplinary control and oversight over
815 such locally licensed contractors, including forwarding a
816 recommended order in each action to the board as provided in
817 subsection (7). Each local board that licenses and disciplines
818 contractors must have at least two consumer representatives on
819 that board. If the board has seven or more members, at least
820 three of those members must be consumer representatives. The
821 consumer representative may be any resident of the local
822 jurisdiction who is not, and has never been, a member or



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823 practitioner of a profession regulated by the board or a member
824 of any closely related profession.

825 (11) Any municipal or county government which enters or has
826 in place a reciprocal agreement which accepts a certificate of
827 competency or license issued by another municipal or county
828 government in lieu of its own certificate of competency or
829 license allowing contractors defined in s. 489.105(3)(a)-(o),
830 shall file a certified copy of such agreement with the board not
831 later than 60 days after July 1, 1993, or 30 days after the
832 effective date of such agreement.

833 Section 17. For the purpose of incorporating the amendment
834 made by this act to section 489.105, Florida Statutes, in a
835 reference thereto, subsection (2) of section 489.141, Florida
836 Statutes, is reenacted to read:

837 489.141 Conditions for recovery; eligibility.—

838 (2) A claimant is not qualified to make a claim for
839 recovery from the recovery fund if:

840 (a) The claimant is the spouse of the judgment debtor or
841 licensee or a personal representative of such spouse;

842 (b) The claimant is a licensee who acted as the contractor
843 in the transaction that is the subject of the claim;

844 (c) The claim is based upon a construction contract in
845 which the licensee was acting with respect to the property owned
846 or controlled by the licensee;

847 (d) The claim is based upon a construction contract in
848 which the contractor did not hold a valid and current license at
849 the time of the construction contract;

850 (e) The claimant was associated in a business relationship
851 with the licensee other than the contract at issue; or



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852 (f) The claimant had entered into a contract with a
853 licensee to perform a scope of work described in s.
854 489.105(3)(d)-(q) before July 1, 2016.

855 Section 18. For the purpose of incorporating the amendment
856 made by this act to section 489.105, Florida Statutes, in a
857 reference thereto, subsection (3) of section 514.0315, Florida
858 Statutes, is reenacted to read:

859 514.0315 Required safety features for public swimming pools
860 and spas.—

861 (3) The determination and selection of a feature under
862 subsection (2) for a public swimming pool or spa constructed
863 before January 1, 1993, is at the sole discretion of the owner
864 or operator of the public swimming pool or spa. A licensed
865 contractor described in s. 489.105(3)(j), (k), or (l) must
866 install the feature.

867 Section 19. For the purpose of incorporating the amendment
868 made by this act to section 489.105, Florida Statutes, in a
869 reference thereto, section 514.075, Florida Statutes, is
870 reenacted to read:

871 514.075 Public pool service technician; certification.—The
872 department may require that a public pool, as defined in s.
873 514.011, be serviced by a person certified as a pool service
874 technician. To be certified, an individual must demonstrate
875 knowledge of public pools which includes, but is not limited to:
876 pool cleaning; general pool maintenance; source of the water
877 supply; bacteriological, chemical, and physical quality of
878 water; and water purification, testing, treatment, and
879 disinfection procedures. The department may, by rule, establish
880 the requirement for the certification course and course



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881 approval. The department shall deem certified any individual who
882 is certified by a course of national recognition or any person
883 licensed under s. 489.105(3)(j), (k), or (l). This requirement
884 does not apply to a person, or the direct employee of a person,
885 permitted as a public pool operator under s. 514.031.

886 Section 20. For the purpose of incorporating the amendment
887 made by this act to section 489.505, Florida Statutes, in a
888 reference thereto, subsection (2) of section 201.21, Florida
889 Statutes, is reenacted to read:

890 201.21 Notes and other written obligations exempt under
891 certain conditions.—

892 (2) There shall be exempt from all excise taxes imposed by
893 this chapter all non-interest-bearing promissory notes, non-
894 interest-bearing nonnegotiable notes, or non-interest-bearing
895 written obligations to pay money, or assignments of salaries,
896 wages, or other compensation made, executed, delivered, sold,
897 transferred, or assigned in the state, and for each renewal of
898 the same, of \$3,500 or less, when given by a customer to an
899 alarm system contractor, as defined in s. 489.505, in connection
900 with the sale of an alarm system as defined in s. 489.505.

901 Section 21. For the purpose of incorporating the amendment
902 made by this act to section 553.791, Florida Statutes, in a
903 reference thereto, paragraph (a) of subsection (4) of section
904 177.073, Florida Statutes, is reenacted to read:

905 177.073 Expedited approval of residential building permits
906 before a final plat is recorded.—

907 (4)(a) An applicant may use a private provider pursuant to
908 s. 553.791 to expedite the application process for building
909 permits after a preliminary plat is approved under this section.



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910 Section 22. For the purpose of incorporating the amendment
911 made by this act to section 553.791, Florida Statutes, in
912 references thereto, paragraphs (i) and (j) of subsection (1) of
913 section 468.621, Florida Statutes, are reenacted to read:

914 468.621 Disciplinary proceedings.—

915 (1) The following acts constitute grounds for which the
916 disciplinary actions in subsection (2) may be taken:

917 (i) Failing to lawfully execute the duties and
918 responsibilities specified in this part and ss. 553.73, 553.781,
919 553.79, and 553.791.

920 (j) Performing building code inspection services under s.
921 553.791 without satisfying the insurance requirements of that
922 section.

923 Section 23. For the purpose of incorporating the amendment
924 made by this act to section 553.791, Florida Statutes, in a
925 reference thereto, paragraph (1) of subsection (1) of section
926 471.033, Florida Statutes, is reenacted to read:

927 471.033 Disciplinary proceedings.—

928 (1) The following acts constitute grounds for which the
929 disciplinary actions in subsection (3) may be taken:

930 (1) Performing building code inspection services under s.
931 553.791, without satisfying the insurance requirements of that
932 section.

933 Section 24. For the purpose of incorporating the amendment
934 made by this act to section 553.791, Florida Statutes, in a
935 reference thereto, paragraph (1) of subsection (1) of section
936 481.225, Florida Statutes, is reenacted to read:

937 481.225 Disciplinary proceedings against registered
938 architects.—



398732

939 (1) The following acts constitute grounds for which the
940 disciplinary actions in subsection (3) may be taken:

941 (1) Performing building code inspection services under s.
942 553.791, without satisfying the insurance requirements of that
943 section.

944 Section 25. For the purpose of incorporating the amendment
945 made by this act to section 553.791, Florida Statutes, in a
946 reference thereto, paragraph (a) of subsection (7) of section
947 553.80, Florida Statutes, is reenacted to read:

948 553.80 Enforcement.—

949 (7)(a) The governing bodies of local governments may
950 provide a schedule of reasonable fees, as authorized by s.
951 125.56(2) or s. 166.222 and this section, for enforcing this
952 part. These fees, and any fines or investment earnings related
953 to the fees, may only be used for carrying out the local
954 government's responsibilities in enforcing the Florida Building
955 Code. When providing a schedule of reasonable fees, the total
956 estimated annual revenue derived from fees, and the fines and
957 investment earnings related to the fees, may not exceed the
958 total estimated annual costs of allowable activities. Any
959 unexpended balances must be carried forward to future years for
960 allowable activities or must be refunded at the discretion of
961 the local government. A local government may not carry forward
962 an amount exceeding the average of its operating budget for
963 enforcing the Florida Building Code for the previous 4 fiscal
964 years. For purposes of this subsection, the term "operating
965 budget" does not include reserve amounts. Any amount exceeding
966 this limit must be used as authorized in subparagraph 2.
967 However, a local government that established, as of January 1,



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968 2019, a Building Inspections Fund Advisory Board consisting of
969 five members from the construction stakeholder community and
970 carries an unexpended balance in excess of the average of its
971 operating budget for the previous 4 fiscal years may continue to
972 carry such excess funds forward upon the recommendation of the
973 advisory board. The basis for a fee structure for allowable
974 activities must relate to the level of service provided by the
975 local government and must include consideration for refunding
976 fees due to reduced services based on services provided as
977 prescribed by s. 553.791, but not provided by the local
978 government. Fees charged must be consistently applied.

979 1. As used in this subsection, the phrase "enforcing the
980 Florida Building Code" includes the direct costs and reasonable
981 indirect costs associated with review of building plans,
982 building inspections, reinspections, and building permit
983 processing; building code enforcement; and fire inspections
984 associated with new construction. The phrase may also include
985 training costs associated with the enforcement of the Florida
986 Building Code and enforcement action pertaining to unlicensed
987 contractor activity to the extent not funded by other user fees.

988 2. A local government must use any excess funds that it is
989 prohibited from carrying forward to rebate and reduce fees, to
990 upgrade technology hardware and software systems to enhance
991 service delivery, to pay for the construction of a building or
992 structure that houses a local government's building code
993 enforcement agency, or for training programs for building
994 officials, inspectors, or plans examiners associated with the
995 enforcement of the Florida Building Code. Excess funds used to
996 construct such a building or structure must be designated for



997 such purpose by the local government and may not be carried
998 forward for more than 4 consecutive years. An owner or builder
999 who has a valid building permit issued by a local government for
1000 a fee, or an association of owners or builders located in the
1001 state that has members with valid building permits issued by a
1002 local government for a fee, may bring a civil action against the
1003 local government that issued the permit for a fee to enforce
1004 this subparagraph.

1005 3. The following activities may not be funded with fees
1006 adopted for enforcing the Florida Building Code:

1007 a. Planning and zoning or other general government
1008 activities.

1009 b. Inspections of public buildings for a reduced fee or no
1010 fee.

1011 c. Public information requests, community functions,
1012 boards, and any program not directly related to enforcement of
1013 the Florida Building Code.

1014 d. Enforcement and implementation of any other local
1015 ordinance, excluding validly adopted local amendments to the
1016 Florida Building Code and excluding any local ordinance directly
1017 related to enforcing the Florida Building Code as defined in
1018 subparagraph 1.

1019 4. A local government must use recognized management,
1020 accounting, and oversight practices to ensure that fees, fines,
1021 and investment earnings generated under this subsection are
1022 maintained and allocated or used solely for the purposes
1023 described in subparagraph 1.

1024 5. The local enforcement agency, independent district, or
1025 special district may not require at any time, including at the



1026 time of application for a permit, the payment of any additional
1027 fees, charges, or expenses associated with:
1028 a. Providing proof of licensure under chapter 489;
1029 b. Recording or filing a license issued under this chapter;
1030 c. Providing, recording, or filing evidence of workers'
1031 compensation insurance coverage as required by chapter 440; or
1032 d. Charging surcharges or other similar fees not directly
1033 related to enforcing the Florida Building Code.

1034 Section 26. This act shall take effect July 1, 2025.

1035
1036 ===== T I T L E A M E N D M E N T =====

1037 And the title is amended as follows:

1038 Delete everything before the enacting clause
1039 and insert:

1040 A bill to be entitled
1041 An act relating to construction regulations; creating
1042 s. 125.572, F.S.; defining the term "synthetic turf";
1043 requiring the Department of Environmental Protection
1044 to adopt minimum standards for the installation of
1045 synthetic turf on specified properties; requiring that
1046 the standards take into account specified factors;
1047 prohibiting local governments from adopting or
1048 enforcing any ordinance, resolution, order, rule, or
1049 policy that prohibits, or is enforced to prohibit,
1050 property owners from installing synthetic turf meeting
1051 certain standards on single-family residential
1052 property of a specified size; prohibiting local
1053 governments from adopting or enforcing specified
1054 ordinances, resolutions, orders, rules, or policies



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1055 that regulate synthetic turf which are inconsistent
1056 with specified standards; requiring the Department of
1057 Environmental Protection to adopt rules; creating s.
1058 218.755, F.S.; requiring local governmental entities
1059 to approve or deny certain price quotes and provide
1060 notice to contractors within a specified timeframe;
1061 requiring denials to specify alleged deficiencies and
1062 actions necessary to remedy such deficiencies;
1063 providing that a local governmental entity that fails
1064 to provide such information with a denial is liable to
1065 the contractor for specified overhead; prohibiting
1066 contracts from altering specified duties of a local
1067 governmental entity; amending s. 255.0992, F.S.;
1068 prohibiting the state or political subdivisions that
1069 contract for public works projects from penalizing or
1070 rewarding bidders for performing larger or smaller
1071 volumes of construction work for the state or
1072 political subdivisions; amending s. 399.035, F.S.;
1073 requiring that elevator car interiors have at least
1074 one support rail that meets certain specifications;
1075 amending s. 489.105, F.S.; revising definitions for
1076 purposes of part I of ch. 489, F.S.; amending s.
1077 489.113, F.S.; prohibiting general or building
1078 contractors from being required to subcontract pool
1079 wet deck area work; defining the term "pool wet deck
1080 area"; amending s. 489.505, F.S.; revising the
1081 definition of the term "certified alarm system
1082 contractor"; amending s. 553.73, F.S.; requiring the
1083 Florida Building Commission, within a specified



1084 timeframe, to amend the Florida Building Code to
1085 recognize tall mass timber as an allowable material
1086 for specified construction types; providing an
1087 exemption from the Florida Building Code to systems or
1088 equipment located within a spaceport territory which
1089 is used for specified purposes; reenacting and
1090 amending s. 553.79, F.S.; prohibiting local
1091 governments from requiring copies of contracts and
1092 certain associated documents for the issuance of
1093 building permits or as a requirement for submitting
1094 building permit applications; amending s. 553.791,
1095 F.S.; revising definitions; revising the conditions
1096 under which specified contractors may elect to use a
1097 private provider to provide inspection services;
1098 authorizing private providers to use automated or
1099 software-based plans review systems designed to make
1100 certain determinations; requiring local building
1101 officials to issue permits within a specified
1102 timeframe if such permit application is related to
1103 certain single-trade plans reviews; authorizing
1104 certain inspections to be performed in person or
1105 virtually; amending s. 497.271, F.S.; conforming a
1106 cross-reference; reenacting ss. 489.107(4)(b),
1107 489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a),
1108 (d), and (e), 489.118(1), 489.131(10) and (11),
1109 489.141(2), 514.0315(3), and 514.075, F.S., relating
1110 to the Construction Industry Licensing Board,
1111 qualifications for and restrictions on the practice of
1112 contracting, registration requirements for specialty



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1113 contractors, certification of registered contractors,
1114 applicability, conditions and eligibility for recovery
1115 from the recovery fund, required safety features for
1116 public swimming pools and spas, and public pool
1117 service technician certification, respectively, to
1118 incorporate the amendment made to s. 489.105, F.S., in
1119 references thereto; reenacting s. 201.21(2), F.S.,
1120 relating to an exemption from all excise taxes imposed
1121 by ch. 201, F.S., for specified notes and obligations
1122 when given by a customer to an alarm system contractor
1123 in connection with the sale of an alarm system, to
1124 incorporate the amendment made to s. 489.505, F.S., in
1125 a reference thereto; reenacting ss. 177.073(4)(a),
1126 468.621(1)(i) and (j), 471.033(1)(l), 481.225(1)(l),
1127 and 553.80(7)(a), F.S., relating to inspections
1128 performed for expedited approval of residential
1129 building permits before a final plat is recorded;
1130 disciplinary proceedings against building code
1131 administrators and inspectors for performing building
1132 code inspection services without satisfying specified
1133 insurance requirements; disciplinary proceedings
1134 against engineers for performing building code
1135 inspection services without satisfying specified
1136 insurance requirements; disciplinary proceedings
1137 against registered architects for performing building
1138 code inspection services without satisfying specified
1139 insurance requirements; and the refunding of certain
1140 fees due to specified reduced services provided by a
1141 local building official, respectively, to incorporate



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1142
1143

the amendment to s. 553.791, F.S., in references
thereto; providing an effective date.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Grall) recommended the following:

1 **Senate Amendment to Amendment (398732) (with title**
2 **amendment)**

3
4 Delete lines 39 - 60
5 and insert:

6 its contractor a price quote for a change order requested or
7 issued by the local governmental entity for construction
8 services, and the price quote conforms to all statutory
9 requirements and contractual requirements for the project, the
10 local governmental entity must approve or deny the price quote



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11 and send written notice of that decision to the contractor
12 within 35 days after receipt of such quote. A denial notice must
13 specify the alleged deficiencies in the price quote and the
14 actions necessary to remedy those deficiencies. If the local
15 governmental entity fails to provide the contractor with a
16 notice in compliance with this section, the change order and
17 price quote are deemed approved, and the local governmental
18 entity must pay the contractor the amount stated in the price
19 quote upon the completion of the change order. A contract
20 between a local governmental entity and a contractor may not
21 alter the local governmental entity's duties under this section.

22 Section 3. Paragraph (d) is added to subsection (2) of
23 section 255.0992, Florida Statutes, to read:

24 255.0992 Public works projects; prohibited governmental
25 actions.—

26 (2) Except as required by federal or state law, the state
27 or any political subdivision that contracts for a public works
28 project may not take the following actions:

29 (d) When scoring or evaluating bids for a public works
30 project, penalize a bidder for performing a larger volume of
31

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

33 And the title is amended as follows:

34 Delete lines 1063 - 1072

35 and insert:

36 providing that if a local governmental entity fails to
37 provide the contractor with a certain notice, the
38 change order and price quote are deemed approved and
39 the local governmental entity must pay the contractor



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40 a certain amount upon completion of the change order;
41 prohibiting contracts from altering specified duties
42 of a local governmental entity; amending s. 255.0992,
43 F.S.; prohibiting the state or political subdivisions
44 that contract for public works projects from
45 penalizing or rewarding bidders for performing larger
46 or smaller volumes of construction work for the state
47 or political subdivisions when scoring or evaluating
48 certain bids; amending s. 399.035, F.S.;

By the Committee on Community Affairs; and Senator Grall

578-03099-25

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1 A bill to be entitled
 2 An act relating to construction regulations; creating
 3 s. 125.572, F.S.; defining the term "synthetic turf";
 4 requiring the Department of Environmental Protection
 5 to adopt minimum standards for the installation of
 6 synthetic turf on specified properties; requiring that
 7 the standards take into account specified factors;
 8 prohibiting local governments from adopting or
 9 enforcing any ordinance, resolution, order, rule, or
 10 policy that prohibits, or is enforced to prohibit,
 11 property owners from installing synthetic turf meeting
 12 certain standards on single-family residential
 13 property of a specified size; prohibiting local
 14 governments from adopting or enforcing specified
 15 ordinances, resolutions, orders, rules, or policies
 16 that regulate synthetic turf which are inconsistent
 17 with specified standards; requiring the Department of
 18 Environmental Protection to adopt rules; creating s.
 19 218.755, F.S.; requiring local governmental entities
 20 to approve or deny certain price quotes and provide
 21 notice to contractors within a specified timeframe;
 22 requiring denials to specify alleged deficiencies and
 23 actions necessary to remedy such deficiencies;
 24 providing that a local governmental entity that fails
 25 to provide such information with a denial is liable to
 26 the contractor for specified overhead; prohibiting
 27 contracts from altering specified duties of a local
 28 governmental entity; amending s. 255.0992, F.S.;

29 prohibiting the state or political subdivisions that

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30 contract for public works projects from penalizing or
 31 rewarding bidders for performing larger or smaller
 32 volumes of construction work for the state or
 33 political subdivisions; amending s. 489.505, F.S.;

34 revising the definition of the term "certified alarm
 35 system contractor"; amending s. 553.73, F.S.;

36 requiring the Florida Building Commission, within a
 37 specified timeframe, to amend the Florida Building
 38 Code to recognize tall mass timber as an allowable
 39 material for specified construction types; providing
 40 an exemption from the Florida Building Code to systems
 41 or equipment located within a spaceport territory
 42 which is used for specified purposes; amending s.
 43 553.79, F.S.; prohibiting local governments from
 44 requiring copies of contracts and certain associated
 45 documents for the issuance of building permits or as a
 46 requirement for submitting building permit
 47 applications; amending s. 497.271, F.S.; conforming a
 48 cross-reference; reenacting s. 201.21(2), F.S.,
 49 relating to an exemption from all excise taxes imposed
 50 by ch. 201, F.S., for specified notes and obligations
 51 when given by a customer to an alarm system contractor
 52 in connection with the sale of an alarm system, to
 53 incorporate the amendment made to s. 489.505, F.S., in
 54 a reference thereto; providing an effective date.

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. Section 125.572, Florida Statutes, is created to

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59 read:

60 125.572 Regulation of synthetic turf.-61 (1) As used in this section, the term "synthetic turf"
62 means a manufactured product that resembles natural grass and is
63 used as a surface for landscaping and recreational areas.64 (2) The Department of Environmental Protection shall adopt
65 minimum standards for the installation of synthetic turf on
66 single-family residential properties 1 acre or less in size. The
67 standards must take into account material type, permeability,
68 stormwater management, potable water conservation, water
69 quality, proximity to trees and other vegetation, and other
70 factors impacting environmental conditions of adjacent
71 properties.72 (3) Upon the Department of Environmental Protection
73 adopting rules pursuant to subsection (4), a local government
74 may not:75 (a) Adopt or enforce any ordinance, resolution, order,
76 rule, or policy that prohibits, or is enforced to prohibit, a
77 property owner from installing synthetic turf that complies with
78 Department of Environmental Protection standards adopted
79 pursuant to this section which apply to single-family
80 residential property.81 (b) Adopt or enforce any ordinance, resolution, order,
82 rule, or policy that regulates synthetic turf which is
83 inconsistent with the Department of Environmental Protection
84 standards adopted pursuant to this section which apply to
85 single-family residential property.86 (4) The Department of Environmental Protection shall adopt
87 rules to implement this section.

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88 Section 2. Section 218.755, Florida Statutes, is created to
89 read:90 218.755 Prompt processing of change orders.-Beginning on or
91 after July 1, 2025, if a local governmental entity receives from
92 its contractor a price quote for a change order issued by the
93 local governmental entity, and the price quote conforms to all
94 statutory requirements and contractual requirements for the
95 project, the local governmental entity must approve or deny the
96 price quote and send written notice of that decision to the
97 contractor within 30 days after receipt of such quote. Any
98 denial notice must specify the alleged deficiencies in the price
99 quote and the actions necessary to remedy those deficiencies. If
100 the local governmental entity fails to provide such information
101 on a denial notice, it is liable to the contractor for all
102 additional labor, staffing, materials, supplies, equipment, and
103 overhead associated with the change order. A contract between a
104 local governmental entity and a contractor may not alter the
105 local governmental entity's duties under this section.106 Section 3. Paragraph (d) is added to subsection (2) of
107 section 255.0992, Florida Statutes, to read:108 255.0992 Public works projects; prohibited governmental
109 actions.-110 (2) Except as required by federal or state law, the state
111 or any political subdivision that contracts for a public works
112 project may not take the following actions:113 (d) Penalize a bidder for performing a larger volume of
114 construction work for the state or political subdivision or
115 reward a bidder for performing a smaller volume of construction
116 work for the state or political subdivision.

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117 Section 4. Subsection (7) of section 489.505, Florida
 118 Statutes, is amended to read:
 119 489.505 Definitions.—As used in this part:
 120 (7) "Certified alarm system contractor" means an alarm
 121 system contractor who possesses a certificate of competency
 122 issued by the department. The scope of certification is limited
 123 to alarm circuits originating in the alarm control panel and
 124 equipment governed by the applicable provisions of Articles 722,
 125 725, 760, 770, 800, and 810 of the National Electrical Code,
 126 Current Edition, and National Fire Protection Association
 127 Standard 72, Current Edition. The scope of certification for
 128 alarm system contractors also includes the installation, repair,
 129 fabrication, erection, alteration, addition, or design of
 130 electrical wiring, fixtures, appliances, thermostats, apparatus,
 131 raceways, and conduit, or any part thereof not to exceed 98
 132 volts (RMS), when those items are for the purpose of
 133 transmitting data or proprietary video (satellite systems that
 134 are not part of a community antenna television or radio
 135 distribution system) or providing central vacuum capability,
 136 surveillance cameras, or electric locks; however, this provision
 137 governing the scope of certification does not create any
 138 mandatory licensure requirement.

139 Section 5. Subsections (2) and (10) of section 553.73,
 140 Florida Statutes, are amended to read:

141 553.73 Florida Building Code.—

142 (2) (a) The Florida Building Code shall contain provisions
 143 or requirements for public and private buildings, structures,
 144 and facilities relative to structural, mechanical, electrical,
 145 plumbing, energy, and gas systems, existing buildings,

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146 historical buildings, manufactured buildings, elevators, coastal
 147 construction, lodging facilities, food sales and food service
 148 facilities, health care facilities, including assisted living
 149 facilities, adult day care facilities, hospice residential and
 150 inpatient facilities and units, and facilities for the control
 151 of radiation hazards, public or private educational facilities,
 152 swimming pools, and correctional facilities and enforcement of
 153 and compliance with such provisions or requirements. Further,
 154 the Florida Building Code must provide for uniform
 155 implementation of ss. 515.25, 515.27, and 515.29 by including
 156 standards and criteria for residential swimming pool barriers,
 157 pool covers, latching devices, door and window exit alarms, and
 158 other equipment required therein, which are consistent with the
 159 intent of s. 515.23. Technical provisions to be contained within
 160 the Florida Building Code are restricted to requirements related
 161 to the types of materials used and construction methods and
 162 standards employed in order to meet criteria specified in the
 163 Florida Building Code. Provisions relating to the personnel,
 164 supervision or training of personnel, or any other professional
 165 qualification requirements relating to contractors or their
 166 workforce may not be included within the Florida Building Code,
 167 and subsections (4) and (6)-(9), (6), (7), (8), and (9) are not
 168 to be construed to allow the inclusion of such provisions within
 169 the Florida Building Code by amendment. This restriction applies
 170 to both initial development and amendment of the Florida
 171 Building Code.

172 (b) By January 1, 2026, or the next update of the Florida
 173 Building Code, whichever occurs first, the commission shall
 174 amend the Florida Building Code to be consistent with the 2024

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175 International Building Code that recognizes tall mass timber as
 176 an allowable material for construction types IV-A, IV-B, IV-C,
 177 and IV-HT.

178 (10) The following buildings, structures, and facilities
 179 are exempt from the Florida Building Code as provided by law,
 180 and any further exemptions shall be as determined by the
 181 Legislature and provided by law:

182 (a) Buildings and structures specifically regulated and
 183 preempted by the Federal Government.

184 (b) Railroads and ancillary facilities associated with the
 185 railroad.

186 (c) Nonresidential farm buildings on farms.

187 (d) Temporary buildings or sheds used exclusively for
 188 construction purposes.

189 (e) Mobile or modular structures used as temporary offices,
 190 except that the provisions of part II relating to accessibility
 191 by persons with disabilities apply to such mobile or modular
 192 structures.

193 (f) Those structures or facilities of electric utilities,
 194 as defined in s. 366.02, which are directly involved in the
 195 generation, transmission, or distribution of electricity.

196 (g) Temporary sets, assemblies, or structures used in
 197 commercial motion picture or television production, or any
 198 sound-recording equipment used in such production, on or off the
 199 premises.

200 (h) Storage sheds that are not designed for human
 201 habitation and that have a floor area of 720 square feet or less
 202 are not required to comply with the mandatory wind-borne-debris-
 203 impact standards of the Florida Building Code. In addition, such

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204 buildings that are 400 square feet or less and that are intended
 205 for use in conjunction with one- and two-family residences are
 206 not subject to the door height and width requirements of the
 207 Florida Building Code.

208 (i) Chickees constructed by the Miccosukee Tribe of Indians
 209 of Florida or the Seminole Tribe of Florida. As used in this
 210 paragraph, the term "chickee" means an open-sided wooden hut
 211 that has a thatched roof of palm or palmetto or other
 212 traditional materials, and that does not incorporate any
 213 electrical, plumbing, or other nonwood features.

214 (j) Family mausoleums not exceeding 250 square feet in area
 215 which are prefabricated and assembled on site or preassembled
 216 and delivered on site and have walls, roofs, and a floor
 217 constructed of granite, marble, or reinforced concrete.

218 (k) A building or structure having less than 1,000 square
 219 feet which is constructed and owned by a natural person for
 220 hunting and which is repaired or reconstructed to the same
 221 dimension and condition as existed on January 1, 2011, if the
 222 building or structure:

223 1. Is not rented or leased or used as a principal
 224 residence;

225 2. Is not located within the 100-year floodplain according
 226 to the Federal Emergency Management Agency's current Flood
 227 Insurance Rate Map; and

228 3. Is not connected to an offsite electric power or water
 229 supply.

230 (l) A drone port as defined in s. 330.41(2).

231 (m) Any system or equipment, whether affixed or movable,
 232 which is located on property within a spaceport territory

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233 pursuant to s. 331.304 and which is used for the production,
 234 erection, alteration, modification, repair, launch, processing,
 235 recovery, transport, integration, fueling, conditioning, or
 236 equipping of a space launch vehicle, payload, or spacecraft.

237
 238 With the exception of paragraphs (a), (b), (c), and (f), in
 239 order to preserve the health, safety, and welfare of the public,
 240 the Florida Building Commission may, by rule adopted pursuant to
 241 chapter 120, provide for exceptions to the broad categories of
 242 buildings exempted in this section, including exceptions for
 243 application of specific sections of the code or standards
 244 adopted therein. The Department of Agriculture and Consumer
 245 Services shall have exclusive authority to adopt by rule,
 246 pursuant to chapter 120, exceptions to nonresidential farm
 247 buildings exempted in paragraph (c) when reasonably necessary to
 248 preserve public health, safety, and welfare. The exceptions must
 249 be based upon specific criteria, such as under-roof floor area,
 250 aggregate electrical service capacity, HVAC system capacity, or
 251 other building requirements. Further, the commission may
 252 recommend to the Legislature additional categories of buildings,
 253 structures, or facilities which should be exempted from the
 254 Florida Building Code, to be provided by law. The Florida
 255 Building Code does not apply to temporary housing provided by
 256 the Department of Corrections to any prisoner in the state
 257 correctional system.

258 Section 6. Paragraph (f) of subsection (1) of section
 259 553.79, Florida Statutes, is amended to read:

260 553.79 Permits; applications; issuance; inspections.-
 261 (1)

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262 (f) A local government may not require a contract between a
 263 builder and an owner, any copies of such contract, or any
 264 associated document, including, but not limited to, letters of
 265 intent, material costs lists, labor costs, or overhead or profit
 266 statements, for the issuance of a building permit or as a
 267 requirement for the submission of a building permit application.

268 Section 7. Subsection (3) of section 497.271, Florida
 269 Statutes, is amended to read:

270 497.271 Standards for construction and significant
 271 alteration or renovation of mausoleums and columbaria.-

272 (3) The licensing authority shall transmit the rules as
 273 adopted under subsection (2), ~~hereinafter~~ referred to as the
 274 "mausoleum standards," to the Florida Building Commission, which
 275 shall initiate rulemaking under chapter 120 to consider such
 276 mausoleum standards. If such mausoleum standards are not deemed
 277 acceptable, they must ~~shall~~ be returned by the Florida Building
 278 Commission to the licensing authority with details of changes
 279 needed to make them acceptable. If such mausoleum standards are
 280 acceptable, the Florida Building Commission must ~~shall~~ adopt a
 281 rule designating the mausoleum standards as an approved revision
 282 to the State Minimum Building Codes under part IV of chapter
 283 553. When ~~so~~ designated by the Florida Building Commission, such
 284 mausoleum standards shall become a required element of the State
 285 Minimum Building Codes under s. 553.73(2)(a) ~~s. 553.73(2)~~ and
 286 shall be transmitted to each local enforcement agency, as
 287 defined in s. 553.71(5). Such local enforcement agency shall
 288 consider and inspect for compliance with such mausoleum
 289 standards as if they were part of the local building code, but
 290 shall have no continuing duty to inspect after final approval of

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291 the construction pursuant to the local building code. Any
292 further amendments to the mausoleum standards shall be
293 accomplished by the same procedure. Such designated mausoleum
294 standards, as from time to time amended, shall be a part of the
295 State Minimum Building Codes under s. 553.73 until the adoption
296 and effective date of a new statewide uniform minimum building
297 code, which may supersede the mausoleum standards as provided by
298 the law enacting the new statewide uniform minimum building
299 code.

300 Section 8. For the purpose of incorporating the amendment
301 made by this act to section 489.505, Florida Statutes, in a
302 reference thereto, subsection (2) of section 201.21, Florida
303 Statutes, is reenacted to read:

304 201.21 Notes and other written obligations exempt under
305 certain conditions.—

306 (2) There shall be exempt from all excise taxes imposed by
307 this chapter all non-interest-bearing promissory notes, non-
308 interest-bearing nonnegotiable notes, or non-interest-bearing
309 written obligations to pay money, or assignments of salaries,
310 wages, or other compensation made, executed, delivered, sold,
311 transferred, or assigned in the state, and for each renewal of
312 the same, of \$3,500 or less, when given by a customer to an
313 alarm system contractor, as defined in s. 489.505, in connection
314 with the sale of an alarm system as defined in s. 489.505.

315 Section 9. This act shall take effect July 1, 2025.

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 820

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Yarborough

SUBJECT: Office of Faith and Community

DATE: April 14, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 820 creates the Office of Faith and Community within the Executive Office of the Governor. The purpose of the Office of Faith and Community is to connect with Florida’s faith and community networks and provide administrative support to the Florida Faith-based and Community-based Advisory Council.

The bill may have an indeterminate impact on state government expenditures. See Section V., Fiscal Impact Statement below.

The bill takes effect July 1, 2025.

II. Present Situation:

Executive Office of the Governor

The Executive Office of the Governor (EOG) is a statutorily created entity headed by the Governor. The function of the office is to assist the Governor in meeting statutory and constitutional duties. Key responsibilities include administering executive planning and budgeting functions and assessing the efficiency and effectiveness of state programs. The EOG

includes the Citizen's Assistance Office,¹ Office of Adoption and Child Protection Services,² and Office of Policy and Budget.³

Florida Faith-based and Community-based Advisory Council

In 2006, the Legislature created the Florida Faith-based and Community-based Advisory Council (Council)⁴ and administratively housed it in the Executive Office of the Governor.⁵ The Council is supported by the Governor's Faith and Community Initiative Office, with a Liaison for Faith and Community staff member within the EOG, as well as six other staff (including a director.)⁶

The Council is composed of 25 members that include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities.⁷ The Council's purpose is to advise the Governor and the legislature on policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.⁸ The Council also submits an annual report⁹ that recommends, among other things:

- Best practices for ensuring that state policy decisions consider the capacity of faith-based and other community-based initiatives to assist in the achievement of state priorities.
- Best practices relating to the delivery of services by faith-based and other community-based organizations.¹⁰

Faith and Community Initiative

Created in 2019, the Governor's Faith and Community Initiative supports faith and community organizations of Florida. The initiative is led by a liaison and is tasked with the following:

- Hosting statewide faith calls, events, and special programming with the Governor, First Lady, and others to better connect faith and community networks with state leaders.
- Operating the Florida Faith and Community Red Phone, which is a direct line specifically created for Florida faith and community leaders to connect with the Executive Office of the Governor.

¹ Section 14.26, F.S.

² Section 39.01, F.S.

³ Section 288.095, F.S.

⁴ An "advisory council" is "an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives." Section 20.03(7), F.S.

⁵ Ch. 2006-9, L.O.F.

⁶ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025)..

⁷ Section 14.31(3)(b), F.S.

⁸ Section 14.31(2), F.S.

⁹ Florida Faith and Community Advisory Council, *Annual Report* (Feb. 1, 2024), <https://www.fldoe.org/core/fileparse.php/7739/urlt/2024-FBCBAC-Annual-Report.pdf> (last visited Apr. 8, 2025)..

¹⁰ Section 14.31(5), F.S.

- Utilizing the CarePortal, a technology platform that allows faith institutions, non-profits, businesses, and individuals to see real time, verified, and vetted needs in his or her community.¹¹

III. Effect of Proposed Changes:

Section 1 creates s. 14.311, F.S., to establish the Office of Faith and Community (Office) within the Executive Office of the Governor (EOG). The Office is required to act as a liaison for faith and community to serve the most vulnerable persons in Florida by connecting with Florida's faith and community networks and providing administrative support to the Florida Faith-based and Community-based Advisory Council.

The Office must:

- Advocate for faith- and community-based organizations to obtain access, direction, and support from state agencies;
- Establish and operate the Florida Faith and Community Phone, dedicated to connecting faith-based and community-based leaders to the EOG;
- Establish meaningful lines of communication to connect with, and provide resources to, faith-based and community-based organizations in Florida;
- Develop and provide resources for enhanced connections between civil service systems, state agencies, and faith-based and community-based organizations in Florida;
- Develop and provide technology to connect faith-based ministries and nonprofits with local faith-based and community-based organizations to address identified needs of a community;
- Identify, in conjunction with heads of the executive agencies, bureaucratic or regulatory burdens that unnecessarily burden faith-based or community-based organizations; and
- Provide administrative support to the Florida Faith-based and Community-based Advocacy Council.

The bill provides that the Office will be led by a liaison, appointed by the Governor, who serves as a senior advisor to the Governor and connects with state agencies.

Section 2 provides that the Office will provide administrative support to the Florida Faith-based and Community-based Advisory Council established in s. 14.31, F.S.

Section 3 provides that the bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

¹¹ Governor Ron Desantis' Faith and Community Initiative, *About Us*, <https://faithandcommunityflorida.com/AboutUs.htm> (last visited Apr. 8, 2025).

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may have an indeterminate impact on state government as it creates an additional office within the Executive Office of the Governor, which may require additional funding and positions to support its duties. However, it appears that this office is currently operating and staffed with the personnel required by the bill, so no new positions or appropriated funds are provided in this bill.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 14.31 of the Florida Statutes.

This bill creates section 14.311 of the Florida Statutes.

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on April 1, 2025:

- Conforms language throughout the bill to refer to state agencies instead of state agencies and executive agencies; and
- Provides that the liaison must serve as the head of the Office of Faith and Community and cannot appoint another individual to do so.

- B. **Amendments:**

None.

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

585-03140-25

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1 A bill to be entitled
2 An act relating to the Office of Faith and Community;
3 creating s. 14.311, F.S.; providing legislative
4 findings; establishing the Office of Faith and
5 Community within the Executive Office of the Governor
6 for a specified purpose; specifying the duties of the
7 Office of Faith and Community; providing for the
8 appointment of a liaison for faith and community;
9 specifying the duties of the liaison for faith and
10 community; amending s. 14.31, F.S.; providing that the
11 Office of Faith and Community provides administrative
12 support to the Florida Faith-Based and Community-Based
13 Advisory Council; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Section 14.311, Florida Statutes, is created to
18 read:
19 14.311 Office of Faith and Community.—
20 (1) LEGISLATIVE FINDINGS.—The Legislature finds that faith-
21 based, community-based, and nonprofit-based organizations,
22 otherwise known as faith and community networks, have long been
23 the cornerstone of prosperous and flourishing societies, serving
24 as the original model of community care. Faith and community
25 networks play an integral role in serving the most vulnerable
26 persons of a community, including foster children, foster
27 families, kinship caregivers, single parents, persons in
28 poverty, veterans, persons with unique abilities, children in
29 the juvenile justice system, and vulnerable adults. Faith and

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30 community networks offer a more impactful, efficient, and viable
31 long-term solution, wholly apart from or in partnership with
32 governmental programs. The impact of faith and community
33 networks is greatly enhanced by the reduction of unnecessary
34 bureaucracy through enhanced collaboration, communication, and
35 connection with civil service systems. Responsible connections
36 with faith and community networks are a just and necessary
37 component of good governance in pursuit of greater societal
38 growth in this state. Additionally, greater, more responsible
39 investments in such efforts have demonstrated an exponential
40 yield of taxpayer savings, efficiency of governance, and
41 effectiveness of care. It is therefore the intent of the
42 Legislature to establish and create outlets of governmental
43 infrastructure to preserve, protect, advance, and better connect
44 the faith and community networks of this state for the greater
45 social and economic benefit of all.
46 (2) PURPOSE.—The purpose of this section is to establish an
47 Office of Faith and Community within the Executive Office of the
48 Governor, as well as the role of a liaison for faith and
49 community, in order to better connect with, communicate with,
50 and provide resources to this state's faith-based and community-
51 based organizations.
52 (3) ESTABLISHMENT OF THE OFFICE OF FAITH AND COMMUNITY.—
53 (a) The Office of Faith and Community is established within
54 the Executive Office of the Governor. The head of the office is
55 the liaison for faith and community.
56 (b) The primary purpose of the office is to better serve
57 the most vulnerable persons of this state through more robust
58 and connected faith and community networks in coordination with

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59 state resources.

60 (c) The office shall:

61 1. Advocate for faith-based and community-based
62 organizations seeking access to, direction from, or support from
63 state agencies. For the purpose of this section, the term "state
64 agencies" means those agencies designated in s. 20.055.

65 2. Establish and operate the Florida Faith and Community
66 Phone, a dedicated phone line for faith-based and community-
67 based leaders in this state to connect with the Executive Office
68 of the Governor.

69 3. Establish meaningful lines of communication to connect
70 with and provide resources to faith-based and community-based
71 organizations in this state. The office shall deliver relevant
72 and useful information from the Executive Office of the Governor
73 and state agencies to the faith and community networks in this
74 state.

75 4. Develop and provide resources for enhanced connection
76 between civil service systems, state agencies, and faith-based
77 and community-based organizations in this state, using
78 technology to connect faith-based ministries and nonprofits with
79 local faith-based and community-based organizations to address
80 identified needs of a community.

81 5. In coordination with the heads of the state agencies,
82 identify bureaucratic or regulatory burdens within state
83 government that unnecessarily restrict, impede, or otherwise
84 burden faith-based and community-based organizations from their
85 involvement with, collaboration with, or service to the most
86 vulnerable persons in this state.

87 6. Provide administrative support to the Florida Faith-

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88 based and Community-based Advisory Council under s. 14.31.

89 (4) LIAISON FOR FAITH AND COMMUNITY.-

90 (a) The position of the liaison for faith and community is
91 established within the Executive Office of the Governor, and the
92 liaison shall be appointed by and serve at the pleasure of the
93 Governor.

94 (b) The duties of the liaison for faith and community
95 include, but are not limited to:

96 1. Serving as a senior advisor of faith-based and
97 community-based issues to the Governor, Lieutenant Governor, and
98 senior leadership within the Executive Office of the Governor.

99 2. Leading the Office of Faith and Community and executing
100 the objectives outlined in this section.

101 3. Engaging, advising, and coordinating with the heads of
102 the state agencies in the provision of faith-based and
103 community-based initiatives in relevant state agencies as
104 determined by the Governor.

105 Section 2. Paragraph (a) of subsection (3) of section
106 14.31, Florida Statutes, is amended to read:

107 14.31 Florida Faith-based and Community-based Advisory
108 Council.-

109 (3) ESTABLISHMENT OF THE COUNCIL.-

110 (a) The Florida Faith-based and Community-based Advisory
111 Council, an advisory council as defined in s. 20.03, is
112 established and assigned to the Executive Office of the
113 Governor. The council shall be administratively housed within
114 the Executive Office of the Governor and receive administrative
115 support from the Office of Faith and Community.

116 Section 3. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1404

INTRODUCER: Regulated Industries Committee and Senator Simon

SUBJECT: Gambling

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1404 makes the following changes relating to gambling:

- Amends the requirements for appointing members of the Florida Gaming Control Commission (commission).
- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the two years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

- Prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Creates a procedure that would allow any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S., to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate pursuant to this section.
- Replaces a requirement for slot machine licensees with a requirement that slot machine licensees create a written policy for ensuring opportunities for construction services from economically disadvantaged businesses.
- Prohibits wagering on any professional or amateur game knowing that the results are prearranged or have been predetermined.
- Prohibits the false impersonation of commission personnel or representatives and provides a criminal penalty.
- Increases criminal penalties for keeping an illegal gambling house.
- Increases criminal penalties for agents or employees of a gambling house.
- Increases criminal penalties for renting a house for gambling purposes.
- Prohibits a person from tampering with or manipulating the playing cards, outcome, or payoff of a card game in a licensed cardroom.

- Provides definitions and increases criminal penalties for specified violations involving a slot machine or device.
- Defines “Internet gambling,” and provide criminal penalties.
- Defines “Internet sports wagering,” and provides criminal penalties.
- Provides a higher criminal penalty for subsequent offenses in connection with lotteries.
- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The amendment creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate violations of this section and refer them to the Attorney general or the state attorney.
- Provides civil and criminal penalties for violations of this section.
- Provides criminal penalties for persons in charge of slot machine locations.
- Prohibits trafficking in slot machines or devices and provides a criminal penalty.
- Requires the imposition of a specified fine for an offender convicted of trafficking in a specified number of slot machines and provide for the deposit of fines and use of proceeds.
- Prohibits a person from making false statements or disseminating false information regarding the legality of a slot machine or device to facilitate the sale or delivery and provides criminal penalties.
- Repeals a statute imposing criminal penalties for certain violations.
- Prohibits the transport or procurement of the transport of a specified number of persons to facilitate illegal gambling, defines the term “illegal gambling” and provides criminal penalties.
- Prohibits the making or disseminating of specified advertisements to promote or facilitate illegal gambling, prohibits activities for the creation of specified advertisements, defines the term “illegal gambling”, and provides a criminal penalty and provides exceptions.
- Preempts enactment or enforcement of local ordinances on activities under s. 546.10 and ch. 849, F.S.
- Requires a court to consider the amount of currency seized that is connected to specified violations relating to illegal gambling when determining bail.
- Ranks offenses created by the act on the offense severity ranking chart of the Criminal Punishment Code.
- Changes the rank of certain specified offenses on the offense severity ranking chart.

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

The bill takes effect October 1, 2025.

II. Present Situation:

Background

In general, gambling is illegal in Florida.¹ Chapter 849, F.S., prohibits keeping a gambling house,² running a lottery,³ or the manufacture, sale, lease, play, or possession of slot machines.⁴ However, the following gaming activities are authorized by law and regulated by the state:

- Pari-mutuel⁵ wagering at licensed greyhound and horse tracks and jai alai frontons;⁶
- Slot machine gaming at certain licensed pari-mutuel locations in Miami-Dade County and Broward County;⁷
- Cardrooms⁸ at certain pari-mutuel facilities;⁹
- The state lottery authorized by section 15 of Article X of the State Constitution and established under ch. 24, F.S.;¹⁰
- Skill-based amusement games and machines at specified locations as authorized by s. 546.10, F.S, the Family Amusement Games Act;¹¹ and
- The following activities, if conducted as authorized under ch. 849, F.S., relating to Gambling, under specific and limited conditions:
 - Penny-ante games;¹²
 - Bingo;¹³
 - Charitable drawings;¹⁴
 - Game promotions (sweepstakes);¹⁵ and
 - Bowling tournaments.¹⁶

A license to offer pari-mutuel wagering, slot machine gambling, or a cardroom at a pari-mutuel facility is a privilege granted by the state.¹⁷

¹ See s. 849.08, F.S.

² See s. 849.01, F.S.

³ See s. 849.09, F.S.

⁴ See s. 849.16, F.S.

⁵ Section 550.002(22), F.S., defines “pari-mutuel” as “a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

⁶ See ch. 550, F.S., relating to the regulation of pari-mutuel activities.

⁷ See FLA. CONST., art. X, s. 23, and ch. 551, F.S.

⁸ Section 849.086(2)(c), F.S., defines “cardroom” to mean “a facility where authorized card games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.”

⁹ See Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 19, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited March 30, 2025), which states that of 30 licensed permitholders, 29 operated at a pari-mutuel facility.

¹⁰ Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery; s. 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

¹¹ See s. 546.10, F.S.

¹² See s. 849.085, F.S.

¹³ See s. 849.0931, F.S.

¹⁴ See s. 849.0935, F.S.

¹⁵ Section 849.094, F.S., authorizes game promotions in connection with the sale of consumer products or services.

¹⁶ See s. 849.141, F.S.

¹⁷ Section 550.1625(1), F.S., “...legalized pari-mutuel betting at dog tracks is a privilege and is an operation that requires strict supervision and regulation in the best interests of the state.” See also, *Solimena v. State*, 402 So.2d 1240, 1247 (Fla. 3d

The 1968 State Constitution states that “[l]otteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution . . .” are prohibited.¹⁸ A constitutional amendment approved by the voters in 1986 authorized state-operated lotteries. Net proceeds of the lottery are deposited to the Educational Enhancement Trust Fund (EETF) and appropriated by the Legislature. Lottery operations are self-supporting and function as an entrepreneurial business enterprise.¹⁹

Enforcement of Gaming Laws and Florida Gaming Control Commission

In 2021, the Legislature updated Florida law for authorized gaming in the state, and for enforcement of the gambling laws and other laws relating to authorized gaming.²⁰ The Office of Statewide Prosecution in the Department of Legal Affairs is authorized to investigate and prosecute, in addition to gambling offenses, any violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), which are referred to the Office of Statewide Prosecution by the Florida Gaming Control Commission (commission).²¹

In addition to the enhanced authority of the Office of Statewide Prosecution, the commission was created²² within the Department of Legal Affairs. The commission has two divisions, the Division of Gaming Enforcement (DGE), and the Division of Pari-mutuel Wagering (DPMW) which was transferred from the Department of Business and Professional Regulation (DBPR) effective July 1, 2022, (as discussed below).

The commission must do all of the following:²³

- Exercise all of the regulatory and executive powers of the state with respect to gambling, including pari-mutuel wagering, cardrooms, slot machine facilities, oversight of gaming compacts executed by the state pursuant to the Federal Indian Gaming Regulatory Act, and any other forms of gambling authorized by the State Constitution or law, excluding state lottery games as authorized by the State Constitution.
- Establish procedures consistent with ch. 120, F.S., the Administrative Procedure Act, to ensure adequate due process in the exercise of the commission’s regulatory and executive functions.

DCA 1981), *review denied*, 412 So.2d 470, which states “Florida courts have consistently emphasized the special nature of legalized racing, describing it as a privilege rather than as a vested right,” citing *State ex rel. Mason v. Rose*, 122 Fla. 413, 165 So. 347 (1936).

¹⁸ The pari-mutuel pools that were authorized by law on the effective date of the State Constitution, as revised in 1968, include horseracing, greyhound racing, and jai alai games. The revision was ratified by the electorate on November 5, 1968.

¹⁹ The Department of the Lottery is authorized by s. 15, Art. X of the State Constitution. Chapter 24, F.S., was enacted by ch. 87-65, Laws of Fla., to establish the state lottery. Section 24.102, F.S., states the legislative purpose and intent for the operations of the state lottery.

²⁰ See ch. 2021-268, Laws of Fla., (Implementation of 2021 Gaming Compact between the Seminole Tribe of Florida and the State of Florida); ch. 2021-269, Laws of Fla., (Gaming Enforcement), ch. 2021-270, Laws of Fla., (Public Records and Public Meetings), and 2021-271, Laws of Fla., (Gaming), as amended by ch. 2022-179, Laws of Fla., (Florida Gaming Control Commission). Conforming amendments are made to the section in ch. 2022-7, Laws of Fla., (Reviser’s Bill) and ch. 2023-8, Laws of Fla., (Reviser’s Bill).

²¹ Section 16.56(1)(a), F.S.

²² Section 16.71, F.S.

²³ Section 16.712, F.S. The commission also administers the Pari-mutuel Wagering Trust Fund. See s. 16.71(6), F.S.

- Ensure that the laws of this state are not interpreted in any manner that expands the activities authorized in ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling).
- Review the rules and regulations promulgated by the Seminole Tribal Gaming Commission for the operation of sports betting and propose to the Seminole Tribe Gaming Commission any additional consumer protection measures it deems appropriate. The proposed consumer protection measures may include, but are not limited to, the types of advertising and marketing conducted for sports betting, the types of procedures implemented to prohibit underage persons from engaging in sports betting, and the types of information, materials, and procedures needed to assist patrons with compulsive or addictive gambling problems.
- Evaluate, as the state compliance agency or as the commission, information that is reported by sports governing bodies or other parties to the commission relating to:
 - Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event or events;
 - Any other conduct with the potential to corrupt a betting outcome of a sports event for purposes of financial gain, including, but not limited to, match fixing; suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification; and
 - The use of data deemed unacceptable by the commission or the Seminole Tribal Gaming Commission.
- Provide reasonable notice to state and local law enforcement, the Seminole Tribal Gaming Commission, and any appropriate sports governing body of non-proprietary information that may warrant further investigation of nonproprietary information by such entities to ensure the integrity of wagering activities in the state.
- Review any matter within the scope of the jurisdiction of the DPMW.
- Review the regulation of licensees, permitholders, or persons regulated by the Division of Pari-mutuel Wagering and the procedures used by that division to implement and enforce the law.
- Review the procedures of the DPMW which are used to qualify applicants applying for a license, permit, or registration.
- Receive and review violations reported by a state or local law enforcement agency, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, the DBPR, the Department of the Lottery, the Seminole Tribe of Florida, or any person licensed under ch. 24, F.S. (State Lotteries), part II of ch. 285, F.S. (Gaming Compact), ch. 546, F.S. (Amusement Facilities), ch. 550, F.S. (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S. (Gambling), and determine whether such violation is appropriate for referral to the Office of Statewide Prosecution.
- Refer criminal violations of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling) to the appropriate state attorney or to the Office of Statewide Prosecution, as applicable.
- Exercise all other powers and perform any other duties prescribed by the Legislature and adopt rules to implement the above.

Commissioners

As set forth in s. 16.71, F.S., of the five commissioners appointed as members of the commission, at least one member must have at least 10 years of experience in law enforcement and criminal investigations, at least one member must be a certified public accountant licensed in this state with at least 10 years of experience in accounting and auditing, and at least one member must be an attorney admitted and authorized to practice law in this state for the preceding 10 years. All members serve four-year terms but may not serve more than 12 years. As of the date of this analysis, there is one vacancy on the commission.

Division of Gaming Enforcement

Section 16.711, F.S., sets forth the duties of the DGE within the commission.²⁴ The DGE is a criminal justice agency, as defined in s. 943.045, F.S. The commissioners must appoint a director of the DGE who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the DGE.²⁵

The DGE director and all investigators employed by the DGE must meet the requirements for employment and appointment provided by s. 943.13, F.S., and must be certified as law enforcement officers, as defined in s. 943.10(1), F.S. The DGE director and such investigators must be designated law enforcement officers and must have the power to detect, apprehend, and arrest for any alleged violation of ch. 24, F.S., (State Lotteries), part II of ch. 285, F.S., (Gaming Compact), ch. 546, F.S., (Amusement Facilities), ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling), or any rule adopted pursuant thereto, or any law of this state.²⁶

Such law enforcement officers may enter upon any premises at which gaming activities are taking place in the state for the performance of their lawful duties and may take with them any necessary equipment, and such entry does not constitute a trespass. In any instance in which there is reason to believe that a violation has occurred, such officers have the authority, without warrant, to search and inspect any premises where the violation is alleged to have occurred or is occurring.²⁷

Further, any such officer may, consistent with the United States and Florida Constitutions, seize or take possession of any papers, records, tickets, currency, or other items related to any alleged violation. Investigators employed by the commission also have access to, and the right to inspect, premises licensed by the commission, to collect taxes and remit them to the officer entitled to them, and to examine the books and records of all persons licensed by the commission.²⁸

The DGE and its investigators are specifically authorized to seize any contraband in accordance with the Florida Contraband Forfeiture Act. The term “contraband” has the same meaning as the

²⁴ For a summary of DGE highlights in Fiscal Year 2023-2024, see Florida Gaming Control Commission, *Annual Report Fiscal Year 2023-2024* (Annual Report), at p. 8, at <https://flgaming.gov/pmw/annual-reports/docs/2023-2024-FGCC-Annual-Report.pdf> (last visited March 30, 2025).

²⁵ Section 16.711(2), F.S.

²⁶ Section 16.711(3), F.S.

²⁷ *Id.*

²⁸ *Id.*

term “contraband article” in s. 932.701(2)(a)2., F.S.²⁹ The DGE is specifically authorized to store and test any contraband that is seized in accordance with the Florida Contraband Forfeiture Act and may authorize any of its staff to implement this provision. The authority of any other person authorized by law to seize contraband is not limited by these provisions.³⁰

Section 16.711(5), F.S., requires the Florida Department of Law Enforcement (FDLE) to provide assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary gaming operations, and such other assistance as may be requested by the commission’s executive director and agreed to by FDLE’s executive director. Any other state agency, including the DBPR and the Department of Revenue, must, upon request, provide the commission with any information relevant to any investigation conducted as described above, and the commission must reimburse any agency for the actual cost of providing any such assistance.³¹

Division of Pari-mutuel Wagering

The commission has regulatory oversight of permitted and licensed pari-mutuel wagering facilities, cardrooms located at pari-mutuel facilities, and slot machines at pari-mutuel facilities located in Miami-Dade and Broward counties. The DPMW is charged with the regulation of Florida’s pari-mutuel, cardroom, and slot gaming industries, as authorized by ch. 550, F.S., (Pari-mutuel Wagering), ch. 551, F.S., (Slot Machines), and ch. 849, F.S., (Gambling), as well as collecting and safeguarding associated revenues due to the state. The DPMW supports the commission in meeting the commission’s obligations as the State Compliance Agency (SCA)³² in carrying out the state’s oversight responsibilities under the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida.³³

Fantasy Sports Contests

The operation of fantasy sports activities in Florida has recently received significant publicity, much like the operation of Internet cafes in recent years. Many states are now evaluating the status of fantasy gaming activities in their jurisdictions,³⁴ as there are millions of participants.³⁵

²⁹ Section 16.711(4), F.S.

³⁰ *Id.*

³¹ Section 16.711(5), F.S.

³² See s. 285.710, F.S. Until June 30, 2022, the DPMW was designated as the SCA, prior to that division’s transfer to the commission from the Department of Business and Professional Regulation, as set forth in ch. 2021-269, Laws of Fla.

³³ Section 285.710(3)(b), F.S., provides that the Gaming Compact between the Seminole Tribe of Florida and the State of Florida (2021 Gaming Compact), executed by the Governor and the Tribe on April 23, 2021, as amended on May 17, 2021, is ratified and approved. The 2021 Gaming Compact may be accessed at

<https://www.flgov.com/eog/sites/default/files/press/2021%20Gaming%20Compact.pdf> (last visited March 31, 2025). The May 17, 2021, amendment states that Part XVIII.A [relating to certain negotiations within 36 months] is deleted in its entirety and replaced with “Reserved”, and that the Seminole Tribe of Florida agrees that it will not commence Sports Betting, as defined in Part III.CC, prior to October 15, 2021 (The 2021 Gaming Compact is on file with the Senate Regulated Industries Committee).

³⁴ See Marc Edelman, *A Short Treatise on Fantasy Sports and the Law: How America Regulates its New National Pastime*, Journal of Sports & Entertainment Law, Harvard Law School Vol. 3 (Jan. 2012) available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1907272 (last visited March 27, 2025).

³⁵ According to the Fantasy Sports Trade Association, which states it represents the interests of 57 million fantasy sports players, fantasy sports leagues were originally referred to as “roisserie leagues” with the development of Rotisserie League

A fantasy game typically has multiple players who select and manage imaginary teams whose players are actual professional sports players. Fantasy game players compete against one another in various formats, including weekly leagues among friends and colleagues, season-long leagues, and on-line contests (daily and weekly) entered by using the Internet through personal computers or mobile telephones and other communications devices. There are various financial arrangements among players and game operators.

Florida law does not specifically address fantasy contests. Section 849.14, F.S.,³⁶ provides that a person who wagers any “thing of value” upon the result of a contest of skill or endurance of human or beast, or who receives any money wagered, or who knowingly becomes the custodian of money or other thing of value that is wagered, is guilty of a second degree misdemeanor.³⁷ Last year, the commission issued cease and desist correspondence to various companies operating fantasy contests in the state concerning possible violations of Florida’s gambling laws. The letters have generated controversy, concern, and interest from contest operators, elected officials, and the Seminole Tribe of Florida, which has entered into gaming compacts with the state (as discussed below).³⁸ The legality of various forms of fantasy sports games and contests is being reviewed and addressed in a number of states.³⁹

The State of Nevada has regulated gaming for more than 80 years, and its gaming control board was created by its legislature in 1955.⁴⁰ In 2015, the Office of the Nevada Attorney General provided the Nevada Gaming Control Board and the Nevada Gaming Commission the following informative summary about fantasy sports, player selection, and the types of simulated games being marketed to participants (referred to as owners in the Memorandum).⁴¹

Description of Fantasy Sports Games

Fantasy sports are games where the participants, as “owners,” assemble “simulated teams” with rosters and/or lineups of actual players of a professional sport. These games are generally played over the Internet using computer or mobile software applications. Fantasy sports cover a number of actual professional sports leagues, including the NFL, the MLB, the NBA, the NHL, the MLS, NASCAR, as well as college sports such as NCAA football and basketball.

Fantasy sports can be divided into two types: (1) traditional fantasy sports, which track player performance over the majority of a season, and (2) daily fantasy sports, which track player performance over a single game. The owners of these simulated teams compete against one another based on the statistical performance of actual players in actual games. The actual

Baseball in 1980, by magazine writer/editor Daniel Okrent, who met and played it with friends at a New York City restaurant La Rotisserie Francaise. See <https://thefsga.org/history/> (last visited March 27, 2025).

³⁶ See Fla. AGO 91-03 (Jan. 7, 1991) available at <https://www.myfloridalegal.com/ag-opinions/gambling-fantasy-sports-league> (last visited March 27, 2025).

³⁷ A conviction for a second degree misdemeanor may subject the violator to a definite term of imprisonment not exceeding 60 days, and a fine not exceeding \$500. See ss. 775.082 and 775.083, F.S.

³⁸ See <https://www.floridatrend.com/article/38854/questions-swirl-around-fantasy-sports> (last visited March 27, 2025).

³⁹ See [State Regulators Take Closer Look At Fantasy Sports Operators \(sportshandle.com\)](https://www.sportsandleisure.com/news/state-regulators-take-closer-look-at-fantasy-sports-operators) (last visited March 27, 2025).

⁴⁰ See <https://gaming.nv.gov/gaming/commission/> (last visited April 1, 2025).

⁴¹ See Memorandum from J. Brin Gibson, Bureau Chief of Gaming and Government Affairs, and Jetan D. Bhirud, Head of Complex Litigation, to A.G. Burnett, Chairman, Nevada Gaming Control Board; Terry Johnson, Member, Nevada Gaming Control Board; Shawn Reid, Member, Nevada Gaming Control Board (Oct. 16, 2015) (on file with the Senate Regulated Industries Committee).

players' performance in specific sporting events is converted into "fantasy points" such that each actual player is assigned a specific score. An owner will then receive a total score that is determined by compiling the individual scores of each player in the owner's lineup. Thus, although the owners select lineups, once the lineup has been selected-----at least in the context of daily fantasy sports-----the owners have basically no ability to control the outcome of the simulated games. [Memorandum footnote 2: Given that lineups on some sites do not "lock" until the start of each individual game, the owners have until the tipoff of each individual game to set each particular lineup spot.]

Specifically, the owners of the simulated teams have no ability to control how many points their simulated teams receive from an actual player's performance. The actual players in the actual games control their own performance. As a result, after an owner places a bet and sets a final lineup, the owner has no ability to influence the outcome of a simulated game. At that point, the owner waits to see what happens based upon the performance of the actual players selected.

Player Selection

The three most common methods of player selection in fantasy sports are (1) a snake draft; (2) an auction draft; and (3) a salary-cap draft. [Memorandum footnote omitted.] In a snake draft, owners take turns drafting actual players for their simulated teams. In an auction draft, each owner has a maximum budget to use to bid for players. Competing owners, however, cannot select the same actual players for their simulated teams as other owners. Daily fantasy sports do not generally utilize a snake draft or an auction draft.

In a salary-cap draft, just like in an auction draft, each owner has a maximum budget. Unlike in an auction draft, however, the owners do not bid against each other. Instead, each actual player has a set fantasy salary. Although (with a few exceptions) [Memorandum footnote 4: For example, most sites require owners to select actual players from at least three different actual teams.], the owners can select any actual player for their teams, the owners cannot exceed their maximum budget. In this format, generally speaking, competing owners can select the same actual players for their simulated teams as other owners.

Types of Simulated Games

Although there are many different types of simulated games offered across the different daily fantasy websites, the simulated games can generally be divided into (1) head-to-head; and (2) tournaments. In head-to-head simulated games, one owner competes against another owner. The owner with the highest total score will win the entire payout pool. Tournaments are simulated games that involve more than two owners.

Prohibitions for Commission Employees and Commissioners

Commissioners are public officers, and employees are public employees, subject to the Code of Ethics for Public Officers and Employees set forth in part III of ch. 112, F.S., (Code of Ethics). Commissioners and employees are also governed by standards of conduct and provisions limiting ex parte communications, as provided in the bill, similar to the standards applicable to commissioners serving on the Public Service Commission.

For a period of two years immediately preceding appointment to, or employment with, the commission, and while appointed or employed with the commission, a person may not:

- Hold a permit or license issued under ch. 550, F.S., (Pari-mutuel Wagering), or a license issued under ch. 551, F.S., (Slot Machines), or ch. 849, F.S., (Gambling); be an officer, official, or employee of such permit holder or licensee; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S.,⁴² of such permit holder or licensee;
- Be an officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state; be a contractor or subcontractor of such tribe, or an entity employed, licensed, or contracted by such tribe; or be an ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity;
- Be or have been, a member of the Legislature;
- Be a registered lobbyist for the executive or legislative branch, except while a commissioner when officially representing the commission; or
- Be a bingo game operator or an employee of a bingo game operator;

Persons who fail to meet or violate the above requirements are ineligible for appointment to or employment with the commission, or if, within the two years immediately preceding such appointment or employment, he or she has solicited or accepted employment with; acquired any direct or indirect interest in; has any direct or indirect business association, partnership, or financial relationship with; or is a relative of, any person or entity who is:

- An applicant, licensee, or registrant with the commission or the Division of Pari-mutuel Wagering (DPMW) in the DBPR;
- An officer, official, employee, or other person with duties or responsibilities relating to a gaming operation owned by an Indian tribe that has a valid and active compact with the state;
- A contractor or subcontractor of such tribe or an entity employed, licensed, or contracted by such tribe; or
- An ultimate equitable owner, as defined in s. 550.002(37), F.S., of such entity.

The term “relative” means a spouse, father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

A person who is ineligible for employment with the commission due to being a relative of one of the persons described above may submit a waiver request to the commission for the person to be considered eligible for employment. Waiver requests must be considered on a case-by-case basis, and the commission must approve or deny each request. If the commission approves the request, the person is eligible for employment with the commission. The waiver procedure does not apply to candidates for appointment to the commission.

⁴² Section 550.002, F.S., defines the term “ultimate equitable owner” to mean “a natural person who, directly or indirectly, owns or controls five percent or more of an ownership interest in a corporation, foreign corporation, or alien business organization, regardless of whether such person owns or controls such ownership through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies, or other entities or devices, or any combination thereof.”

A person is ineligible for employment with the commission if he or she were:

- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a felony within five years of the date of application;
- Convicted or found guilty of, or pled nolo contendere to, regardless of adjudication, in any jurisdiction, a misdemeanor within five years of the date of application which the commission determines bears a close relationship to the duties and responsibilities of the position for which employment is sought; or
- Dismissed from prior employment for gross misconduct or incompetence or intentionally making a false statement concerning a material fact in connection with the application for employment to the commission.

If an employee of the commission is charged with a felony while employed by the commission, the commission must suspend the employee, with or without pay, and terminate employment with the commission upon conviction. If an employee is charged with a misdemeanor while employed, the commission must suspend the employee, with or without pay, and may terminate employment upon conviction if the commission determines that the offense bears a close relationship to the duties and responsibilities of the position held with the commission.

A commissioner or an employee must notify the commission within three calendar days of arrest for any offense. In addition, a commissioner or an employee must provide detailed written notice of the circumstances to the commission if the member or employee is indicted, charged with, convicted of, pleads guilty or nolo contendere to, or forfeits bail for:

- A misdemeanor involving gambling, dishonesty, theft, or fraud;
- A violation of any law in any state, or a law of the United States or any other jurisdiction, involving gambling, dishonesty, theft, or fraud which would constitute a misdemeanor in Florida; or
- A felony under the laws of Florida or any other state, the United States, or any other jurisdiction.

State Preemption

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.⁴³

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.⁴⁴ In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy

⁴³ *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); see also James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 FLA. BAR J. 92 (2009), available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited March 27, 2025).

⁴⁴ *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

reasons exist for finding such an area to be preempted by the Legislature.⁴⁵ Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 16.71, F.S., relating to the Florida Gaming Control Commission (commission), to remove the requirement that members of the commission be appointed by January 1, 2022, and the requirement that the Governor shall consider appointees based on racial, ethnic, and gender diversity. The bill also removes language that directed the Governor to appoint one of the initial members as the initial chair and the initial vice chair.

Section 2 amends s. 16.713, F.S., to prohibit a person, for the two years immediately preceding the date of appointment to or employment with the commission and while appointed to or employed with the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Section 3 amends s. 16.715, F.S., to revise the restrictions on Commissioners and commission employees that prohibit certain typers of employment immediately before and two years after employment with the commission. Specifically, the bill prohibits a person while employed, and for two years after service as a commissioner or for two years after employment with the commission, a commissioner or commission employee may not be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Additionally, this section of the bill prohibits, while employed, and for two years after service as a commissioner or for two years after employment with the commission, a commissioner, an employee, or a *relative* living in the same household as a commissioner or an employee may not be an employee, an associate, an owner, or a contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Further, this section of the bill prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.

Section 4 amends s. 546.10, F.S., relating to amusement games or machines, to provide a procedure that would allow a veterans' service organization that has been granted a federal

⁴⁵ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

⁴⁶ *See, e.g., National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted s. 790.33, F.S.).

charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S., to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 489, F.S., prior to purchasing or installing a game or machine on the premises.

This section of the bill provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued. Additionally, this section, creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.

The bill provides that:

- The commission must issue a declaratory statement within 60 days after receiving a petition.
- The commission may not deny a validly requested petition.
- Petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will purchase or install or currently has on the premises.
- The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.
- The declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S., or ch. 849, F.S.
- This section of the bill does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- An owner or operator is not required to request a declaratory statement in order to operate.

Section 5 amends s. 551.104, F.S., relating to a license to conduct slot machine gaming, to remove the following references “including minority vendors” “minority residents” and “minority contractors.” The bill deletes the requirement that each slot machine licensee must provide an annual report to the commission containing information indicating compliance with the contracting with minority persons provisions.

Section 6 amends s. 838.12, F.S., relating to bribery in athletic contests, to provide that “a person who stakes, bets, or wagers any money or other thing of value upon the result of any professional or amateur game, contest, match, race, or sport with knowledge that the results of such professional or amateur game, contest, match, race, or sport are prearranged or predetermined commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.”

Section 7 amends s. 843.08, F.S., relating to false personation, to provide that a person who falsely assumes or pretends to be, and acts as any personnel or representative of the commission, commits a third-degree felony.⁴⁷

Under current law, the false personation offense occurs when a person impersonates and acts as a firefighter, a sheriff, a Florida Highway Patrol officer, a Fish and Wildlife Conservation Commission officer, a Department of Environmental Protection officer, a Department of Financial Services officer, any personnel or representative of the Division of Investigative and Forensic Services, a Department of Corrections officer, a correctional probation officer, a deputy sheriff, a state attorney or an assistant state attorney, a statewide prosecutor or an assistant statewide prosecutor, a state attorney investigator, a coroner, a police officer, a lottery special agent or lottery investigator, a beverage enforcement agent, any personnel or representative of the Department of Law Enforcement, certain federal law enforcement officers, and others.⁴⁸

If the false personation occurs during the course of the commission of a felony, the violator commits a felony of the second degree (up to 15 years/\$10,000 fine).⁴⁹

Section 8 amends s. 849.01, F.S., relating to the keeping of gambling houses, to increase the penalty for that offense from a second degree misdemeanor (up to 60 days/\$500 fine)⁵⁰ to a third degree felony (up to five years/\$5,000 fine).^{51, 52} Current law provides, in part, that the keeping of a gambling house includes any person, servant, clerk, or agent who:

[H]as, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus, or house, booth, tent, shelter or other place for the purpose of gaming or gambling or in any place of which she or he may directly or indirectly have charge, control or management, either exclusively or with others, procures, suffers or permits any person to play for money or other valuable thing at any game whatever

Section 9 amends s. 849.02, F.S., relating to agents or employees keeping a gambling house, to create a tier for violators based on the frequency of offenses, providing that:

- For a first offense, a misdemeanor of the first degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
- For a second offense, a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

⁴⁷ Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

⁴⁸ See s. 843.08, F.S.

⁴⁹ Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

⁵⁰ Section 775.082, F.S., provides a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S., provides a misdemeanor of the second degree is punishable by a fine not to exceed \$500. The enhanced penalties for this violation increase to imprisonment not to exceed five years and a fine not to exceed \$5,000.

⁵¹ Section 775.082, F.S., provides a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁵² Section 775.082, F.S., provides a felony of the second degree is punishable by a term of imprisonment not to exceed 15 years. Section 775.083, F.S., provides a felony of the second degree is punishable by a fine not to exceed \$10,000. Under s. 775.084, F.S., a habitual felony offender is subject to enhanced penalties.

- For a third or subsequent offense, a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Section 10 amends s. 849.03, F.S., relating to renting a house for gambling purposes, to provide that a person who knowingly rents to another a house, room, booth, tent, shelter or place for the purpose of gaming commits:

- For a first offense, a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.
- For a second or subsequent violation, a felony of the second degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Section 11 amends s. 849.08, F.S., relating to gambling, to provide a definition for the terms “Internet gambling” and “Internet sports wagering” along with associated penalties.

- “Internet gambling” means “to play or engage in any game in which money or other thing of value is awarded based on chance, regardless of any application of skill, that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device and simulates casino-style gaming, including, but not limited to, slot machines, video poker, and table games.”
- “Internet sports wagering” means “to stake, bet, or wager any money or other thing of value upon the result of any trial or contest of skill, speed, power, or endurance of human or beast that is available on the Internet and accessible on a mobile device, computer terminal, or other similar access device.” The term does not include fantasy sports contests.

The bill also provides criminal penalties for a person who plays or engages in Internet gaming (a misdemeanor of the second degree). Additionally, a person who plays or engages in Internet sports wagering commits:

- For a first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
- For a second or subsequent violation, a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.

A person commits a third degree felony if they are a person who operates, conducts, or promotes Internet gambling or Internet sports wagering, or receives in any manner whatsoever any money or other thing of value offered for the purpose of Internet gambling or Internet sports wagering, or whoever knowingly becomes the custodian or depositary of any money or other thing of value so offered, or whoever aids, assists, abets, or influences in any manner in any of such acts. This section of the bill does not apply to people participating in authorized gaming activities under s. 285.710(13), F.S., or any gaming compact.

Section 12 amends s. 849.086, F.S., relating to authorized cardrooms, to provide that prohibited activities include: a person who manipulates or attempts to manipulate the playing cards, outcome, or payoff of a card game in a licensed cardroom by physical tampering or by use of any object, instrument, or device, whether mechanical, electrical, magnetic, or involving other means, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

Section 13 creates s. 849.0932, F.S., relating to fantasy sports contests, to provide new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest, and provide definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; and Noncommercial contest operator. Total entry fees, collected, maintained, and distributed by a noncommercial contest operator for a fantasy sports contest may not exceed \$1,500 per season or a total of \$10,000 per calendar year and that all entry fees must be returned to the contest participants in the form of prizes.

The bill provides that the commission must investigate violations and refer them to the Attorney General or the state attorney. The bill provides civil and criminal penalties for violations including:

- An operator or owner of any website, platform, or application that offers fantasy sports contests in violation of this section is subject to a fine of up to \$100,000 per violation.
- A person who willfully and knowingly violates this section commits first degree misdemeanor (imprisonment up to one year and a fine up to \$1,000).
- An operator or owner of any application, platform, or website that offers fantasy sports contests in violation of this section commits a third degree felony (imprisonment up to five years and a fine up to \$5,000).

Section 14 amends s. 849.11, F.S., relating to games of chance, to provide that a person who plays any game of chance by lot or with dice, cards, numbers, hazards or any other gambling device, in person or by the use, at least in part, of the Internet, commits a misdemeanor of the second degree. The bill makes it a third degree felony to:

- Setup up, operate, conduct, promote, or receive in any manner whatsoever any money or other thing of value offered for the purpose of conducting games of chance by lot;
- Knowingly become the custodian or depositary of any money or other thing of value so offered; or
- Aid, assist, abet, or influence in any manner in any of such acts.

Section 15 amends s. 849.13, F.S., relating to second convictions, to revise the first-degree misdemeanor penalty for subsequent offenses of lottery convictions to specify that second or subsequent violations for which there is no penalty specified must have the offense reclassified to an offense of the next higher degree, instead of an automatic first-degree misdemeanor, and adds penalties for habitual offenders.

The bill also specifies that for purposes of sentencing, a felony offense that is reclassified under this provision is ranked one level above the ranking under s. 921.0022, F.S., or s. 921.0023, F.S., of the felony offense committed.

Section 16 amends s. 849.14, F.S., relating to unlawful betting on games of skill, to revise the third-degree felony for anyone who stakes, bets, or wagers any money or other thing of value upon the result of any trial or contest of skill, to add penalties for habitual offenders provided in s. 775.084, F.S.

Section 17 amends s. 849.15, F.S., relating to the prohibited manufacture, sale, or possession of slot machines or devices, to provide a definition for a “conviction” to mean “a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea

of nolo contendere is entered.” The bill also provides a definition for “person of authority” to mean a person who, at any business, establishment, premises, or other location at which a slot machine or device is offered for play, has:

- Actual authority to act on behalf of the business, establishment, premises, or other location where a slot machine or device is offered for play; or
- Any ownership interest in the business, establishment, premises, or other location. The term “ownership interest” includes being an officer, director, or managing member of the business, establishment, premises, or other location.

The bill also provides the following criminal penalties:

- A person who violates the prohibitions on slot machines commits a first degree misdemeanor (imprisonment up to one year and a fine up to \$1,000).
- A person commits a third degree felony (imprisonment up to five years and a fine up to \$5,000), if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; or
 - The person has one prior conviction for a violation of this section.
- A person commits a second degree felony (imprisonment up to 15 years and a fine up to \$10,000), if he or she violates the prohibitions on slot machines and:
 - At the time of the violation, the person was a person of authority; and
 - The violation involves five or more slot machines or devices; or
 - The person has two or more prior convictions for a violation of this section.

Further, this section provides that “all shipments of legal gaming devices, including legal slot machines, into Indian lands located within this state must be deemed legal shipments thereof provided that such Indian lands are held in federal trust for the benefit of a federally recognized Indian tribe that is a party to a tribal-state compact with the state pursuant to the federal Indian Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C. ss. 2701 et seq.”

Section 18 creates s. 849.155, F.S., relating to trafficking in slot machines or devices or parts thereof. The bill makes it a:

- First degree felony, (imprisonment up to 30 years and a fine up to \$10,000), to knowingly sell, purchase, manufacture, transport, deliver, or bring into Florida more than 15 slot machines or devices or any part thereof; and includes:
 - An additional fine of \$100,000, if the quantity of slot machines or devices or any part thereof involved is more than 15 slot machines or devices or any part thereof, but less than 25 slot machines or devices or any part thereof.
 - An additional fine of \$250,000, if the quantity of slot machines or devices or any part thereof involved is 25 slot machines or devices or any part thereof or more, but less than 50 slot machines or devices or any part thereof.
 - An additional fine of \$500,000, if the quantity of slot machines or devices or any part thereof involved is 50 slot machines or devices or any part thereof or more.

The bill provides an exemption from criminal and financial penalties if such person is trafficking slot machines into any Florida county that has authorized slot machine gaming. Such machines are to be deemed legal shipments, provided that the destination of such shipments is an eligible facility as defined in s. 551.102, F.S., or the facility of a slot machine manufacturer or slot machine distributor as provided in s. 551.109(2)(a), F.S. All shipments of legal gaming devices,

including legal slot machines, into Indian lands located within the state shall be deemed legal shipments, so long as the Indian lands are held in federal trust for the benefit of a federally recognized compact with the state.

The bill requires all fines imposed and collected pursuant these provisions be deposited into the Pari-mutuel Wagering Trust Fund and authorizes such funds to be used for the enforcement of chs. 546, 550, 551, and 849, F.S., by the commission.

Section 19 creates s. 849.157, F.S., relating to making a false or misleading statement regarding the legality of slot machines to facilitate sale. The bill makes it a:

- Third degree felony (imprisonment up to five years and a fine up to \$5,000), punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., to knowingly and willfully:
 - Make a materially false or misleading statement regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration; or
 - Disseminate false or misleading information regarding the legality of a slot machine or device for the purpose of facilitating the sale or delivery of a slot machine or device for any money or other valuable consideration.
- Second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., when such a violation involves the sale or delivery, or attempted sale or delivery, of five or more slot machines or devices.

Section 20 repeals s. 849.23, F.S., relating to criminal penalties for the possession, manufacturing, or sale of prohibited slot machines.

Section 21 creates s. 849.47, F.S., relating to the transportation of persons to facilitate illegal gambling, define the term “illegal gambling” to mean “any criminal violation of chs. 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location.”

Under the bill, a person who knowingly and willfully transports, or procures the transportation of five or more other persons into or within this state when he or she knows or reasonably should know that such transportation is for the purpose of facilitating illegal gambling commits a first-degree misdemeanor (a fine up to \$1,000).

A person who transports, or procures the transportation of, a minor or a person 65 years of age or older commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000).

A person who transports, or procures the transportation of, 12 or more persons commits a third-degree felony (imprisonment up to five years and a fine up to \$5,000).

Section 22 creates s. 849.48, F.S., relating to prohibited gambling or gaming advertisements. Except as otherwise specifically authorized by law, a person may not:

- Knowingly and intentionally make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated or circulated or placed before the public in Florida, in any manner, whether in person or by the use, at least in part, of the internet, any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice for the purpose of promoting or facilitating illegal gambling; and

- Set up any type or plate for any type of advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice when he or she knows or reasonably should know that such material will be used for the purpose of promoting or facilitating illegal gambling.

The bill provides that for a first offense, violators of the above prohibitions commit a first-degree misdemeanor. For a second or subsequent offense, violators of the above prohibitions commit a third-degree felony.

Under the bill, the printing or producing of any advertisement, circular, bill, poster, pamphlet, list, schedule, announcement, or notice to be used for the purpose of promoting or facilitating gambling conducted in any other state or nation, outside of Florida, where such gambling is not prohibited.

The bill defines the term “illegal gambling” to mean any criminal violation of chs. 546, 550, 551, or 849, F.S., that occurs at any business, establishment, premises, or other location.

Section 23 creates s. 849.49, F.S., relating to preemption of gaming regulations, to provide that a Florida county, municipality, or other political subdivision of the state may not enact or enforce any ordinance or local rule relating to gaming, gambling, lotteries, or any activities described in s. 546.10, F.S., or ch. 849, F.S., except as otherwise expressly provided by the State Constitution, general law, or special law.

Section 24 amends s. 903.046, F.S., relating to the purpose of and criteria for bail determination, to revise considerations to be considered by a court for determining bail or release of persons arrested for crimes involving controlled substances, a slot machine, or illegal gambling or gaming, including the amount of currency seized that is connected to a violation of chs. 546, 550, 551, or 849, F.S., relating to amusement facilities, pari-mutuel wagering, slot machines, and gambling, respectively.

Section 25 amends s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to revise the penalties for offenses in the ranking chart for specified gaming offenses, which incorporate changes being made by the bill.

The offense severity ranking chart must be used with the Criminal Punishment Code worksheet to compute a sentence score for each felony offender whose offense was committed on or after October 1, 1998. The offense severity ranking chart has 10 offense levels, ranked from least severe, which are Level 1 offenses, to most severe, which are Level 10 offenses, and each felony offense is assigned to a level according to the severity of the offense.⁵³

Section 26 amends s. 772.102, F.S., to conform definitions relating to civil remedies for criminal practices, to remove references to s. 849.23, F.S., which is repealed by the bill.

Section 27 amends s. 895.02, F.S., to conform definitions relating to offenses concerning racketeering and illegal debts, to remove references to s. 849.23, F.S., which is repealed by the bill.

⁵³ See s. 921.0022, F.S.

Section 28 provides that the bill takes effect October 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:

In **Section 22** of the bill, there may be some first amendment issues regarding what a person may not “set up” in the course of business.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who violate the gambling laws will be subject to increased penalties.

Such violators may be impacted by the information that must be considered by a court for determining bail or release of persons arrested for crimes involving controlled substances, a slot machine, or illegal gambling or gaming, including the amount of currency seized that is connected to a violation of the gambling laws.

C. Government Sector Impact:

The fiscal impact to state and local government is indeterminate. The bill increases and creates new criminal penalties for violations relating to illegal gambling. This may create a positive fiscal impact to the state and local governmental entities that receive proceeds from related fines. This bill may have a positive indeterminate prison bed impact (an unquantifiable increase in prison beds) due to expanding the crimes eligible for

enhancements which may lead to an increased number of offenders receiving enhanced sentences.

The Criminal Justice Impact Conference (conference), which provides the final, official estimate of the prison bed impact, if any, of legislation, has not yet adopted an estimate for this bill. However, the conference evaluated a similar bill CS/HB 189 on February 12, 2024, and the conference adopted the estimate of “Positive Indeterminate,”⁵⁴ (i.e., an unquantifiable positive prison bed impact).

No anticipated negative fiscal impact to the Florida Gaming Control Commission (commission).⁵⁵ The workload associated with issuing declaratory statements required in the bill can be handled with existing resources. The commission may experience an increase in revenues resulting from increased confiscation of contraband under the bill. The bill also requires all fines imposed and collected for violations of trafficking in slot machines or devices to be deposited into the Pari-mutuel Wagering Trust Fund and authorizes the use of such funds by the commission for the enforcement of chs. 546, 550, 551, and 849, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 16.71, 16.713, 16.715, 546.10, 551.104, 838.12, 843.08, 849.01, 849.02, 849.03, 849.08, 849.086, 849.11, 849.13, 849.14, 849.15, 903.046, 921.0022, 772.102, and 895.02.

This bill creates the following sections of the Florida Statutes: 849.0932, 849.155, 849.157, 849.47, 849.48, and 849.49.

This bill repeals section 849.23 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 Regulated Industries on March 27, 2025:

The committee substitute:

⁵⁴ See the conference’s Narrative Analysis of CS/HB 189 at <http://www.edr.state.fl.us/Content/conferences/criminaljusticeimpact/CSHB189.pdf> (last visited April 3, 2025).

⁵⁵ See Florida Gaming Control Commission, *2025 Agency Legislative Bill Analysis for SB 1404* at 8 (Feb. 24, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

- Amends the prohibitions on employment for certain employees and commissioners of the commission to not allow a former employee or commissioner to be an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the types of employment positions that are ineligible for employment with the commission within the two years immediately preceding such employment, to include any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee or commissioner from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Amends the commission's standards of conduct by prohibiting a former employee's or commissioner's relative living in the same household, from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Prohibits the executive director, or an employee of the commission, for the two years immediately following the date of resignation or termination from the commission from being an employee, associate, owner, or contractor for any person or entity that conducts or facilitates an activity regulated, enforced, or investigated by the commission, including fantasy sports contests and other betting activities.
- Creates a procedure that would allow any veterans' service organization granted a federal charter under Title 36, U.S.C, or a division, a department, a post, or a chapter of such organization, for which an alcoholic beverage license has been issued that is in doubt about whether a machine meets the definition of an amusement machine under s. 546.10, F.S. , to petition the commission for a declaratory statement under s. 120.565, F.S., on whether the operation of the game or machine would be authorized under this section or ch. 489, F.S.
- Provides that a game or machine awaiting a declaratory statement from the commission may not be purchased or installed until the declaratory statement is issued.
- Creates a procedure that would allow the veterans' organization that is in doubt about the legality of a game or machine, currently on the premises, to petition the commission for a declaratory statement pursuant to s. 120.565, F.S., on whether the operation of the game or machine would be authorized under s. 546.10, F.S., or ch. 849, F.S. If the game, machine, premises, or organization is the subject of an ongoing criminal investigation, the organization may not petition the commission for a declaratory statement under this subsection.
- Provides that the commission shall issue a declaratory statement within 60 days after receiving a petition. The commission may not deny a petition.
- Provides that petitions made under this subsection must provide enough information for the commission to issue the declaratory statement and must be accompanied by the exact specifications for the type of game or machine that the organization will

purchase or install or currently has on the premises. The declaratory statement is valid only for the game or machine for which it is requested and is invalid if the specifications for the game or machine have changed.

- Provides the declaratory statement is binding on the commission and can be introduced in any subsequent proceedings as evidence of a good faith effort to comply with s. 546.10, F.S. or ch. 849, F.S.
- Does not prevent the commission or any other criminal justice agency from detecting, apprehending, and arresting a person for any alleged crimes of this state.
- Does not require an owner or operator to request a declaratory statement in order to operate pursuant to this section.
- Creates new regulations regarding fantasy sports contests, including what constitutes a fantasy sports contest. The amendment creates definitions for the following terms: Confidential information; Contest operator; Contest participant; Entry fee; Fantasy sports contest; Noncommercial contest operator.
- Provides that the commission shall investigate violations of this section and refer them to the Attorney General or the state attorney.
- Provides civil and criminal penalties for violations of this section of the bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

16.71 Florida Gaming Control Commission; creation;
meetings; membership.—

(2) MEMBERSHIP.—

(a) The commission shall be composed ~~consist~~ of five



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11 members appointed by the Governor, and subject to confirmation
12 by the Senate, for terms of 4 years. ~~Members of the commission~~
13 ~~must be appointed by January 1, 2022. The Governor shall~~
14 ~~consider appointees who reflect Florida's racial, ethnic, and~~
15 ~~gender diversity. Of the initial five members appointed by the~~
16 ~~Governor, and immediately upon appointment, the Governor shall~~
17 ~~appoint one of the members as the initial chair and one of the~~
18 ~~members as the initial vice chair. At the end of the initial~~
19 chair's and vice chair's terms pursuant to subparagraph 1., the
20 commission shall elect one of the members of the commission as
21 chair and one of the members of the commission as vice chair.

22 1. For the purpose of providing staggered terms, of the
23 initial appointments, two members shall be appointed to 4-year
24 terms, two members shall be appointed to 3-year terms, and one
25 member shall be appointed to a 2-year term.

26 2. Of the five members, at least one member must have at
27 least 10 years of experience in law enforcement and criminal
28 investigations, at least one member must be a certified public
29 accountant licensed in this state with at least 10 years of
30 experience in accounting and auditing, and at least one member
31 must be an attorney admitted and authorized to practice law in
32 this state for at least the preceding 10 years.

33 Section 2. Present paragraph (i) of subsection (3) of
34 section 16.712, Florida Statutes, is redesignated as paragraph
35 (k), new paragraphs (i) and (j) are added to that subsection,
36 and paragraph (h) of that subsection is amended, to read:

37 16.712 Florida Gaming Control Commission authorizations,
38 duties, and responsibilities.—

39 (3) By December 1 of each year, the commission shall make



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40 an annual report to the Governor, the President of the Senate,
41 and the Speaker of the House of Representatives. The report
42 must, at a minimum, include all of the following:

43 (h) A summary of actions taken and investigations conducted
44 by the commission, including the number of investigations that
45 led to criminal charges or any information being filed and the
46 resolution of such criminal case.

47 (i) The number of complaints received by the commission
48 categorized by subject matter or type of complaint and a summary
49 of the action taken on each complaint by the commission.

50 (j) A list of property seized by the commission during the
51 course of investigations, and the disposition of such property,
52 including a list of forfeiture actions.

53 Section 3. Paragraphs (a) and (b) of subsection (2) of
54 section 16.713, Florida Statutes, are amended to read:

55 16.713 Florida Gaming Control Commission; appointment and
56 employment restrictions.—

57 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
58 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
59 COMMISSION.—

60 (a) A person may not, for the 2 years immediately preceding
61 the date of appointment to or employment with the commission and
62 while appointed to or employed with the commission:

63 1. Hold a permit or license issued under chapter 550 or a
64 license issued under chapter 551 or chapter 849; be an officer,
65 official, or employee of such permitholder or licensee; or be an
66 ultimate equitable owner, as defined in s. 550.002(37), of such
67 permitholder or licensee;

68 2. Be an officer, official, employee, or other person with



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69 duties or responsibilities relating to a gaming operation owned
70 by an Indian tribe that has a valid and active compact with the
71 state; be a contractor or subcontractor of such tribe or an
72 entity employed, licensed, or contracted by such tribe; or be an
73 ultimate equitable owner, as defined in s. 550.002(37), of such
74 entity;

75 3. Be a registered lobbyist for the executive or
76 legislative branch, except while a commissioner or employee of
77 the commission when officially representing the commission or
78 unless the person registered as a lobbyist for the executive or
79 legislative branch while employed by a state agency as defined
80 in s. 110.107 during the normal course of his or her employment
81 with such agency and he or she has not lobbied on behalf of any
82 entity other than a state agency during the 2 years immediately
83 preceding the date of his or her appointment to or employment
84 with the commission; ~~or~~

85 4. Be a bingo game operator or an employee of a bingo game
86 operator; or

87 5. Be an employee, an associate, an owner, or a contractor
88 for any person or entity that conducts or facilitates an
89 activity regulated, enforced, or investigated by the commission,
90 including fantasy sports contests and other betting activities.

91 (b) A person is ineligible for appointment to or employment
92 with the commission if, within the 2 years immediately preceding
93 such appointment or employment, he or she violated paragraph (a)
94 or solicited or accepted employment with, acquired any direct or
95 indirect interest in, or had any direct or indirect business
96 association, partnership, or financial relationship with, or is
97 a relative of:



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98 1. Any person or entity who is an applicant, licensee, or
99 registrant with the commission; ~~or~~

100 2. Any officer, official, employee, or other person with
101 duties or responsibilities relating to a gaming operation owned
102 by an Indian tribe that has a valid and active compact with the
103 state; any contractor or subcontractor of such tribe or an
104 entity employed, licensed, or contracted by such tribe; or any
105 ultimate equitable owner, as defined in s. 550.002(37), of such
106 entity; or

107 3. Any person or entity that conducts or facilitates an
108 activity regulated, enforced, or investigated by the commission,
109 including fantasy sports contests and other betting activities.
110

111 For the purposes of this subsection, the term "relative" means a
112 spouse, father, mother, son, daughter, grandfather, grandmother,
113 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
114 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
115 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
116 stepbrother, stepsister, half brother, or half sister.

117 Section 4. Paragraph (b) of subsection (1) and paragraphs
118 (b) and (c) of subsection (2) of section 16.715, Florida
119 Statutes, are amended to read:

120 16.715 Florida Gaming Control Commission standards of
121 conduct; ex parte communications.—

122 (1) STANDARDS OF CONDUCT.—

123 (b)1. A commissioner or employee of the commission may not
124 accept anything from any business entity that, either directly
125 or indirectly, owns or controls any person regulated by the
126 commission or from any business entity that, either directly or



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127 indirectly, is an affiliate or subsidiary of any person
128 regulated by the commission.

129 2. A commissioner or an employee may attend conferences,
130 along with associated meals and events that are generally
131 available to all conference participants, without payment of any
132 fees in addition to the conference fee. Additionally, while
133 attending a conference, a commissioner or an employee may attend
134 meetings, meals, or events that are not sponsored, in whole or
135 in part, by any representative of any person regulated by the
136 commission and that are limited to commissioners or employees
137 only, committee members, or speakers if the commissioner or
138 employee is a member of a committee of the association of
139 regulatory agencies which organized the conference or is a
140 speaker at the conference. It is not a violation of this
141 subparagraph for a commissioner or an employee to attend a
142 conference for which conference participants who are employed by
143 a person regulated by the commission have paid a higher
144 conference registration fee than the commissioner or employee,
145 or to attend a meal or event that is generally available to all
146 conference participants without payment of any fees in addition
147 to the conference fee and that is sponsored, in whole or in
148 part, by a person regulated by the commission.

149 3. While employed, and for 2 years after service as a
150 commissioner or for 2 years after employment with the
151 commission, a commissioner or an employee may not accept any
152 form of employment with or engage in any business activity with
153 any business entity that, either directly or indirectly, owns or
154 controls any person regulated by the commission; any person
155 regulated by the commission; or any business entity that, either



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156 directly or indirectly, is an affiliate or subsidiary of any
157 person regulated by the commission; or be an employee, an
158 associate, an owner, or a contractor for any person or entity
159 that conducts or facilitates an activity regulated, enforced, or
160 investigated by the commission, including fantasy sports
161 contests and other betting activities.

162 4. While employed, and for 2 years after service as a
163 commissioner or for 2 years after employment with the
164 commission, a commissioner, an employee, or a relative living in
165 the same household as a commissioner or an employee may not have
166 any financial interest, other than shares in a mutual fund, in
167 any person regulated by the commission; in any business entity
168 that, either directly or indirectly, owns or controls any person
169 regulated by the commission; or in any business entity that,
170 either directly or indirectly, is an affiliate or a subsidiary
171 of any person regulated by the commission; or be an employee, an
172 associate, an owner, or a contractor for any person or entity
173 that conducts or facilitates an activity regulated, enforced, or
174 investigated by the commission, including fantasy sports
175 contests and other betting activities. If a commissioner, an
176 employee, or a relative living in the same household as a
177 commissioner or an employee acquires any financial interest
178 prohibited by this subsection during the commissioner's term of
179 office or the employee's employment with the commission as a
180 result of events or actions beyond the commissioner's, the
181 employee's, or the relative's control, he or she shall
182 immediately sell such financial interest. For the purposes of
183 this subsection, the term "relative" has the same meaning as in
184 s. 16.713(2)(b).



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185 5. A commissioner or an employee may not accept anything
186 from a party in a proceeding currently pending before the
187 commission.

188 6. A commissioner may not serve as the representative of
189 any political party or on any executive committee or other
190 governing body of a political party; serve as an executive
191 officer or employee of any political party, committee,
192 organization, or association; receive remuneration for
193 activities on behalf of any candidate for public office; engage
194 on behalf of any candidate for public office in the solicitation
195 of votes or other activities on behalf of such candidacy; or
196 become a candidate for election to any public office without
197 first resigning from office.

198 7. A commissioner, during his or her term of office, may
199 not make any public comment regarding the merits of any
200 proceeding under ss. 120.569 and 120.57 currently pending before
201 the commission.

202 8. A commissioner or an employee may not act in an
203 unprofessional manner at any time during the performance of
204 official duties.

205 9. A commissioner or an employee must avoid impropriety in
206 all activities and must act at all times in a manner that
207 promotes public confidence in the integrity and impartiality of
208 the commission.

209 10. A commissioner or an employee may not directly or
210 indirectly, through staff or other means, solicit anything of
211 value from any person regulated by the commission, or from any
212 business entity that, whether directly or indirectly, is an
213 affiliate or a subsidiary of any person regulated by the



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214 commission, or from any party appearing in a proceeding
215 considered by the commission in the last 2 years.

216 11. A commissioner may not lobby the Governor or any agency
217 of the state, members or employees of the Legislature, or any
218 county or municipal government or governmental agency except to
219 represent the commission in an official capacity.

220 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

221 (b) A commissioner, the executive director, or an employee
222 of the commission may not, for the 2 years immediately following
223 the date of resignation or termination from the commission:

224 1. Hold a permit or license issued under chapter 550, or a
225 license issued under chapter 551 or chapter 849; be an officer,
226 official, or employee of such permitholder or licensee; ~~or~~ be an
227 ultimate equitable owner, as defined in s. 550.002(37), of such
228 permitholder or licensee; or be an employee, an associate, an
229 owner, or a contractor for any person or entity that conducts or
230 facilitates an activity regulated, enforced, or investigated by
231 the commission, including fantasy sports contests and other
232 betting activities;

233 2. Accept employment by or compensation from a business
234 entity that, directly or indirectly, owns or controls a person
235 regulated by the commission; from a person regulated by the
236 commission; from a business entity which, directly or
237 indirectly, is an affiliate or subsidiary of a person regulated
238 by the commission; ~~or~~ from a business entity or trade
239 association that has been a party to a commission proceeding
240 within the 2 years preceding the member's resignation or
241 termination of service on the commission; or from any person or
242 entity that conducts or facilitates an activity regulated,



243 enforced, or investigated by the commission, including fantasy
244 sports contests and other betting activities; or

245 3. Be a bingo game operator or an employee of a bingo game
246 operator.

247 (c) A person employed by the commission may not, for the 2
248 years immediately following the date of termination or
249 resignation from employment with the commission:

250 1. Hold a permit or license issued under chapter 550, or a
251 license issued under chapter 551 or chapter 849; be an officer,
252 official, or employee of such permitholder or licensee; ~~or~~ be an
253 ultimate equitable owner, as defined in s. 550.002(37), of such
254 permitholder or licensee; or be an employee, an associate, an
255 owner, or a contractor for any person or entity that conducts or
256 facilitates an activity regulated, enforced, or investigated by
257 the commission, including fantasy sports contests and other
258 betting activities; or

259 2. Be a bingo game operator or an employee of a bingo game
260 operator.

261 Section 5. Present subsections (8) and (9) of section
262 546.10, Florida Statutes, are redesignated as subsections (9)
263 and (10), respectively, and a new subsection (8) is added to
264 that section, to read:

265 546.10 Amusement games or machines.—

266 (8) (a) 1. Before purchasing or installing a game or machine
267 on the premises of any veterans' service organization granted a
268 federal charter under Title 36, U.S.C., or a division, a
269 department, a post, or a chapter of such organization, for which
270 an alcoholic beverage license has been issued, and the veterans'
271 service organization is in doubt about whether a machine meets



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272 the definition of an amusement machine under this section, the
273 organization may petition the Florida Gaming Control Commission
274 for a declaratory statement under s. 120.565 on whether the
275 operation of the game or machine would be authorized under this
276 section or would be a violation of this section or chapter 849.
277 A game or machine awaiting a declaratory statement from the
278 commission may not be purchased or installed until the
279 declaratory statement is issued.

280 2. If there is a game or machine currently on the premises
281 of any veterans' service organization granted a federal charter
282 under Title 36, U.S.C., or a division, a department, a post, or
283 a chapter of such organization, for which an alcoholic beverage
284 license has been issued and the veterans' service organization
285 is in doubt about whether a machine meets the definition of an
286 amusement machine under this section, the organization may
287 petition the commission for a declaratory statement pursuant to
288 s. 120.565 on whether the operation of the game or machine would
289 be authorized under this section or would be a violation of this
290 section or chapter 849. If the game, machine, premises, or
291 organization is the subject of an ongoing criminal
292 investigation, the organization may not petition the commission
293 for a declaratory statement under this subsection.

294 3. The commission shall issue a declaratory statement
295 pursuant to this subsection within 60 days after receiving a
296 petition requesting such statement. The commission may not deny
297 a petition that is validly requested pursuant to this subsection
298 and s. 120.565.

299 (b) A petition made under this subsection must provide
300 enough information for the commission to issue the declaratory



301 statement and must be accompanied by the exact specifications
302 for the type of game or machine that the organization will
303 purchase or install or currently has on the premises. The
304 declaratory statement is valid only for the game or machine for
305 which it is requested and is invalid if the specifications for
306 the game or the machine have been changed.

307 (c) The declaratory statement is binding on the commission
308 and may be introduced in any subsequent proceedings as evidence
309 of a good faith effort to comply with this section or chapter
310 849.

311 (d) This subsection does not prevent the commission or any
312 other criminal justice agency as defined in s. 943.045 from
313 detecting, apprehending, and arresting a person for any alleged
314 violation of this chapter, chapter 24, part II of chapter 285,
315 chapter 550, chapter 551, or chapter 849, or any rule adopted
316 pursuant thereto, or of any law of this state.

317 (e) This subsection does not require an owner or an
318 operator of an amusement game or machine under this section to
319 request or obtain a declaratory statement in order to operate
320 pursuant to this section.

321 Section 6. Subsection (3) of section 550.09512, Florida
322 Statutes, is amended to read:

323 550.09512 Harness horse taxes; abandoned interest in a
324 permit for nonpayment of taxes.-

325 (3)~~(a)~~ The permit of a harness horse permitholder who is
326 conducting live harness horse performances and who does not pay
327 tax on handle for any such performances conducted during any 2
328 consecutive state fiscal years shall be void and may not be
329 reissued unless such failure to operate and pay tax on handle



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330 was the direct result of fire, strike, war, hurricane, pandemic,
331 or other disaster or event beyond the ability of the
332 permitholder to control. Financial hardship to the permitholder
333 does ~~shall~~ not, in and of itself, constitute just cause for
334 failure to operate and pay tax on handle.

335 ~~(b) In order to maximize the tax revenues to the state, the~~
336 ~~commission shall reissue an escheated harness horse permit to a~~
337 ~~qualified applicant pursuant to the provisions of this chapter~~
338 ~~as for the issuance of an initial permit. However, the~~
339 ~~provisions of this chapter relating to referendum requirements~~
340 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
341 ~~escheated harness horse permit. As specified in the application~~
342 ~~and upon approval by the commission of an application for the~~
343 ~~permit, the new permitholder shall be authorized to operate a~~
344 ~~harness horse facility anywhere in the same county in which the~~
345 ~~escheated permit was authorized to be operated, notwithstanding~~
346 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

347 Section 7. Subsection (3) of section 550.09515, Florida
348 Statutes, is amended to read:

349 550.09515 Thoroughbred horse taxes; abandoned interest in a
350 permit for nonpayment of taxes.-

351 (3)~~(a)~~ The permit of a thoroughbred horse permitholder who
352 does not pay tax on handle for live thoroughbred horse
353 performances for a full schedule of live races during any 2
354 consecutive state fiscal years shall be void and shall escheat
355 to and become the property of the state unless such failure to
356 operate and pay tax on handle was the direct result of fire,
357 strike, war, or other disaster or event beyond the ability of
358 the permitholder to control. Financial hardship to the



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359 permitholder does ~~shall~~ not, in and of itself, constitute just
360 cause for failure to operate and pay tax on handle.

361 ~~(b) In order to maximize the tax revenues to the state, the~~
362 ~~commission shall reissue an escheated thoroughbred horse permit~~
363 ~~to a qualified applicant pursuant to the provisions of this~~
364 ~~chapter as for the issuance of an initial permit. However, the~~
365 ~~provisions of this chapter relating to referendum requirements~~
366 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
367 ~~escheated thoroughbred horse permit. As specified in the~~
368 ~~application and upon approval by the commission of an~~
369 ~~application for the permit, the new permitholder shall be~~
370 ~~authorized to operate a thoroughbred horse facility anywhere in~~
371 ~~the same county in which the escheated permit was authorized to~~
372 ~~be operated, notwithstanding the provisions of s. 550.054(2)~~
373 ~~relating to mileage limitations.~~

374 Section 8. Paragraph (k) is added to subsection (1) of
375 section 551.103, Florida Statutes, to read:

376 551.103 Powers and duties of the commission and law
377 enforcement.-

378 (1) The commission shall adopt, pursuant to the provisions
379 of ss. 120.536(1) and 120.54, all rules necessary to implement,
380 administer, and regulate slot machine gaming as authorized in
381 this chapter. Such rules must include:

382 (k) Procedures and forms for slot machine licensees to
383 demonstrate the suitability of the location for their designated
384 slot machine gaming area as described in s. 551.114.

385 Section 9. Paragraph (i) of subsection (4) of section
386 551.104, Florida Statutes, is amended to read:

387 551.104 License to conduct slot machine gaming.-



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388 (4) As a condition of licensure and to maintain continued
389 authority for the conduct of slot machine gaming, the slot
390 machine licensee shall:

391 (i) Create and file with the commission a written policy
392 for:

393 1. Creating opportunities to purchase from vendors in this
394 state, ~~including minority vendors.~~

395 2. Creating opportunities for employment of residents of
396 this state, ~~including minority residents.~~

397 3. Ensuring opportunities for construction services from a
398 small business as defined in s. 288.703 ~~minority contractors.~~

399 4. Ensuring that opportunities for employment are offered
400 on an equal, nondiscriminatory basis.

401 5. Training for employees on responsible gaming and working
402 with a compulsive or addictive gambling prevention program to
403 further its purposes as provided for in s. 551.118.

404 6. The implementation of a drug-testing program that
405 includes, but is not limited to, requiring each employee to sign
406 an agreement that he or she understands that the slot machine
407 facility is a drug-free workplace.

408
409 The slot machine licensee shall use the Internet-based job-
410 listing system of the Department of Commerce in advertising
411 employment opportunities. ~~Each slot machine licensee shall~~
412 ~~provide an annual report to the Florida Gaming Control~~
413 ~~Commission containing information indicating compliance with~~
414 ~~this paragraph in regard to minority persons.~~

415 Section 10. Subsection (4) of section 551.114, Florida
416 Statutes, is amended to read:



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417 551.114 Slot machine gaming areas.—

418 (4) Designated slot machine gaming areas must be located at
419 the address specified in the licensed permitholder's slot
420 machine license issued for fiscal year 2020-2021.

421 (a) A slot machine licensee may apply to the commission to
422 change the location of the designated slot machine gaming area
423 provided that:

424 1. The location of the designated slot machine gaming area
425 is in the same county as the address specified in the licensed
426 permitholder's slot machine license issued for fiscal year 2020-
427 2021.

428 2. The location of the designated slot machine gaming area
429 is within 1,320 feet on a straight line of any outermost
430 boundary of the licensed permitholder's designated slot machine
431 gaming area as of January 1, 2025.

432 3. The designated slot machine gaming area is at a location
433 where the licensed permitholder is authorized to conduct pari-
434 mutuel wagering activities pursuant to the licensed
435 permitholder's valid pari-mutuel permit.

436 4. The location is owned by the licensed pari-mutuel
437 permitholder.

438 5. The location is approved under the zoning regulations of
439 the county or municipality where the permit is to be located as
440 a planned development use, consistent with the comprehensive
441 plan.

442 6. The location does not violate any of the provisions of
443 any tribal-state gaming compact with a federally recognized
444 Indian tribe located within this state pursuant to the Indian
445 Gaming Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168, and 25



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446 U.S.C. ss. 2701 et seq.

447 (b) Before submitting an application to the commission to
448 change the location of the designated slot machine gaming area,
449 the licensed pari-mutuel permitholder must submit a survey
450 indicating the existing location of the designated slot machine
451 gaming area and the proposed location of the new designated slot
452 machine gaming area.

453 (c) The commission is responsible for approving or denying
454 the application to change the location of the designated slot
455 machine gaming area. A slot machine licensee shall apply to the
456 commission using forms adopted by the commission. The commission
457 shall examine the application and approve or deny the change of
458 location of the designated slot machine gaming area within the
459 timeframes required by s. 120.60. The commission may adopt rules
460 to implement this subsection.

461 Section 11. Section 838.12, Florida Statutes, is amended,
462 to read:

463 838.12 Bribery in athletic contests.—

464 (1) A person who ~~Whoever~~ gives, promises, offers or
465 conspires to give, promise or offer, to anyone who participates
466 or expects to participate in any professional or amateur game,
467 contest, match, race or sport; or to any umpire, referee, judge
468 or other official of such game, contest, match, race or sport;
469 or to any owner, manager, coach or trainer of, or to any
470 relative of, or to any person having any direct, indirect,
471 remote or possible connection with, any team, individual,
472 participant or prospective participant in any such professional
473 or amateur game, contest, match, race or sport, or the officials
474 aforesaid, any bribe, money, goods, present, reward or any



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475 valuable thing whatsoever, or any promise, contract or agreement
476 whatsoever, with intent to influence him or her or them to lose
477 or cause to be lost any game, contest, match, race or sport, or
478 to limit his or her or their or any person's or any team's
479 margin of victory in any game, contest, match, race, or sport,
480 or to fix or throw any game, contest, match, race or sport,
481 commits shall be guilty of a felony of the third degree,
482 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

483 (2) A ~~Any~~ participant or prospective participant in any
484 professional or amateur game, contest, match, race or sport; or
485 any umpire, referee, judge or other official of such game,
486 contest, match, race or sport; or any owner, manager, coach or
487 trainer of, or any relative of, or any person having any direct,
488 indirect, remote or possible connection with, any team,
489 individual, participant or prospective participant in any such
490 professional or amateur game, contest, match, race or sport, or
491 the officials aforesaid; who in any way solicits, receives or
492 accepts, or agrees to receive or accept, or who conspires to
493 receive or accept, any bribe, money, goods, present, reward or
494 any valuable thing whatsoever, or any promise, contract or
495 agreement whatsoever, with intent to lose or cause to be lost
496 any game, contest, match, race or sport, or to limit his, her,
497 their or any person's or any team's margin of victory in any
498 game, contest, match, race or sport, or to fix or throw any
499 game, contest, match, race or sport, commits shall be guilty of
500 a felony of the third degree, punishable as provided in s.
501 775.082, s. 775.083, or s. 775.084.

502 (3) A person who stakes, bets, or wagers any money or other
503 thing of value upon the result of any professional or amateur



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504 game, contest, match, race, or sport with knowledge that the
505 results of such professional or amateur game, contest, match,
506 race, or sport are prearranged or predetermined as described in
507 subsection (1) or subsection (2) commits a felony of the third
508 degree, punishable as provided in s. 775.082, s. 775.083, or s.
509 775.084.

510 Section 12. Section 843.08, Florida Statutes, is amended to
511 read:

512 843.08 False personation.—A person who falsely assumes or
513 pretends to be a firefighter, a sheriff, an officer of the
514 Florida Highway Patrol, an officer of the Fish and Wildlife
515 Conservation Commission, an officer of the Department of
516 Environmental Protection, an officer of the Department of
517 Financial Services, any personnel or representative of the
518 Division of Investigative and Forensic Services, any personnel
519 or representative of the Florida Gaming Control Commission, an
520 officer of the Department of Corrections, a correctional
521 probation officer, a deputy sheriff, a state attorney or an
522 assistant state attorney, a statewide prosecutor or an assistant
523 statewide prosecutor, a state attorney investigator, a coroner,
524 a police officer, a lottery special agent or lottery
525 investigator, a beverage enforcement agent, a school guardian as
526 described in s. 30.15(1)(k), a security officer licensed under
527 chapter 493, any member of the Florida Commission on Offender
528 Review or any administrative aide or supervisor employed by the
529 commission, any personnel or representative of the Department of
530 Law Enforcement, or a federal law enforcement officer as defined
531 in s. 901.1505, and takes upon himself or herself to act as
532 such, or to require any other person to aid or assist him or her



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533 in a matter pertaining to the duty of any such officer, commits
534 a felony of the third degree, punishable as provided in s.
535 775.082, s. 775.083, or s. 775.084. However, a person who
536 falsely personates any such officer during the course of the
537 commission of a felony commits a felony of the second degree,
538 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
539 If the commission of the felony results in the death or personal
540 injury of another human being, the person commits a felony of
541 the first degree, punishable as provided in s. 775.082, s.
542 775.083, or s. 775.084. In determining whether a defendant has
543 violated this section, the court or jury may consider any
544 relevant evidence, including, but not limited to, whether the
545 defendant used lights in violation of s. 316.2397 or s. 843.081.

546 Section 13. Section 849.01, Florida Statutes, is amended to
547 read:

548 849.01 Keeping gambling houses, etc.—A person who ~~whoever~~
549 by herself or himself, her or his servant, clerk or agent, or in
550 any other manner has, keeps, exercises or maintains a gaming
551 table or room, or gaming implements or apparatus, or house,
552 booth, tent, shelter or other place for the purpose of gaming or
553 gambling or in any place of which she or he may directly or
554 indirectly have charge, control or management, either
555 exclusively or with others, procures, suffers or permits any
556 person to play for money or other valuable thing at any game
557 whatever, whether heretofore prohibited or not, commits a felony
558 ~~misdemeanor~~ of the third ~~second~~ degree, punishable as provided
559 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

560 Section 14. Section 849.02, Florida Statutes, is amended to
561 read:



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562 849.02 Agents or employees of keeper of gambling house.—A
563 person who ~~Whoever~~ acts as servant, clerk, agent, or employee of
564 any person in the violation of s. 849.01 commits:

565 (1) For a first offense, a misdemeanor of the first degree,
566 punishable as provided in s. 775.082 or s. 775.083.

567 (2) For a second offense, a felony of the third degree,
568 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

569 (3) For a third or subsequent offense, a felony of the
570 second degree, punishable as provided in s. 775.082, s. 775.083,
571 or s. 775.084 shall be punished in the manner and to the extent
572 therein mentioned.

573 Section 15. Section 849.03, Florida Statutes, is amended to
574 read:

575 849.03 Renting house for gambling purposes.—A person who
576 ~~Whoever~~, whether as owner or agent, knowingly rents to another a
577 house, room, booth, tent, shelter or place for the purpose of
578 gaming commits:

579 (1) For a first offense, a felony of the third degree,
580 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
581 shall be punished in the manner and to the extent mentioned in
582 s. 849.01.

583 (2) For a second or subsequent violation, a felony of the
584 second degree, punishable as provided in s. 775.082, s. 775.083,
585 or s. 775.084.

586 Section 16. Section 849.08, Florida Statutes, is amended to
587 read:

588 849.08 Gambling.—

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

590 (a) "Internet gambling" means to play or engage in any game



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591 in which money or other thing of value is awarded based on
592 chance, regardless of any application of skill, and which is
593 available on the Internet and accessible on a mobile device,
594 computer terminal, or other similar access device and simulates
595 casino-style gaming, including, but not limited to, slot
596 machines, video poker, and table games.

597 (b) "Internet sports wagering" means to stake, bet, or
598 wager any money or other thing of value upon the result of any
599 trial or contest of skill, speed, power, or endurance of human
600 or beast, other than pari-mutuel wagering conducted pursuant to
601 chapter 550, which is available on the Internet and accessible
602 on a mobile device, computer terminal, or other similar access
603 device.

604 (2) A person who ~~whoever~~ plays or engages in Internet
605 gambling, any game at cards, keno, roulette, faro or other game
606 of chance, at any place, by any device whatever, for money or
607 other thing of value, ~~commits shall be guilty of~~ a misdemeanor
608 of the second degree, punishable as provided in s. 775.082 or s.
609 775.083.

610 (3) A person who plays or engages in Internet sports
611 wagering commits:

612 (a) For a first offense, a misdemeanor of the second
613 degree, punishable as provided in s. 775.082 or s. 775.083.

614 (b) For a second or subsequent violation, a misdemeanor of
615 the first degree, punishable as provided in s. 775.082 or s.
616 775.083.

617 (4) A person who operates, conducts, or promotes Internet
618 gambling or Internet sports wagering, or receives in any manner
619 whatsoever any money or other thing of value offered for the



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620 purpose of Internet gambling or Internet sports wagering, or who
621 knowingly becomes the custodian or depository of any money or
622 other thing of value so offered, or who aids, assists, abets, or
623 influences in any manner in any of such acts, all of which are
624 hereby forbidden, commits a felony of the third degree,
625 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

626 (5) This section does not apply to participation in, or the
627 conduct of, any gaming activities authorized under s.
628 285.710(13) and conducted pursuant to a gaming compact ratified
629 and approved under s. 285.710(3).

630 Section 17. Paragraph (b) of subsection (12) of section
631 849.086, Florida Statutes, is amended, and paragraph (e) is
632 added to that subsection, to read:

633 849.086 Cardrooms authorized.—

634 (12) PROHIBITED ACTIVITIES.—

635 (b) A ~~No~~ person must be under 18 years of age or older ~~may~~
636 ~~be permitted~~ to hold a cardroom or employee license, or engage
637 in any game conducted therein. However, a cardroom operator may,
638 at the operator's discretion, limit the playing of any game to
639 persons 21 years of age or older.

640 (e) A person who manipulates or attempts to manipulate the
641 playing cards, outcome, or payoff of a card game in a licensed
642 cardroom by physical tampering or by use of any object,
643 instrument, or device, whether mechanical, electrical, magnetic,
644 or involving other means, commits a felony of the third degree,
645 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

646 Section 18. Section 849.0932, Florida Statutes, is created
647 to read:

648 849.0932 Fantasy sports contests; conditions for conduct.—



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649 (1) As used in this section, the term:
650 (a) "Commission" means the Florida Gaming Control
651 Commission.
652 (b) "Confidential information" means information related to
653 the playing of fantasy sports contests by contest participants
654 which is obtained solely as a result of a person's employment
655 with, or work as an agent of, a contest operator.
656 (c) "Contest operator" means a person or an entity that
657 offers fantasy sports contests for a cash prize to members of
658 the public. The term does not include a noncommercial contest
659 operator in this state.
660 (d) "Contest participant" means a person who pays an entry
661 fee for the ability to participate in a fantasy or simulation
662 sports game or contest offered by a contest operator or
663 noncommercial contest operator.
664 (e) "Entry fee" means the cash or cash equivalent amount
665 that a person is required to pay to a contest operator or
666 noncommercial contest operator to participate in a fantasy
667 sports contest.
668 (f) "Fantasy sports contest" means a fantasy or simulation
669 sports game or contest offered by a contest operator or a
670 noncommercial contest operator in which a contest participant
671 manages a fantasy or simulation sports team composed of athletes
672 from a professional sports organization and which meets each of
673 the following requirements:
674 1. All prizes and awards offered to winning contest
675 participants are established and made known to the contest
676 participants in advance of the game or contest, and their value
677 is not determined by the number of contest participants or the



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678 amount of any fees paid by those contest participants.

679 2. All winning outcomes reflect the relative knowledge and
680 skill of the contest participants and are determined
681 predominantly by accumulated statistical results of the
682 performance of individuals, including athletes in the case of
683 sporting events.

684 3. No winning outcome is based on the score, point spread,
685 or any performance or performances of any single actual team or
686 combination of such teams; solely on any single performance of
687 an individual athlete or player in a single actual event; on a
688 pari-mutuel event, as the term "pari-mutuel" is defined in s.
689 550.002; on a game of poker or other card game; or on the
690 performances of participants in collegiate, high school, or
691 youth sporting events.

692 4. No casino graphics, themes, or titles, including, but
693 not limited to, depictions of slot machine-style symbols, cards,
694 dice, craps, roulette, or lotto, are displayed or depicted.

695 (g) "Noncommercial contest operator" means a natural person
696 who organizes and conducts a fantasy or simulation sports game
697 in which contest participants are charged entry fees for the
698 right to participate and who collects, maintains, and
699 distributes such entry fees.

700 (2) The total entry fees collected, maintained, and
701 distributed by a noncommercial contest operator for a fantasy
702 sports contest may not exceed \$1,500 per season or a total of
703 \$10,000 per calendar year. All entry fees must be returned to
704 the contest participants in the form of prizes.

705 (3) The Florida Gaming Control Commission shall investigate
706 violations of this section and refer them to the Attorney



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707 General or the state attorney in the circuit in which the
708 violation occurs. The Attorney General or state attorney may
709 also institute proceedings to enjoin any person found to be
710 violating this section.

711 (4) (a) A violation of this section is punishable by a fine
712 of \$1,000 in addition to civil and criminal penalties.

713 (b) An operator or owner of any website, platform, or
714 application that offers fantasy sports contests in violation of
715 this section is subject to a fine of up to \$100,000 per
716 violation.

717 (5) (a) A person who willfully and knowingly violates this
718 section commits a misdemeanor of the first degree, punishable as
719 provided in s. 775.082 or s. 775.083.

720 (b) An operator or owner of any application, platform, or
721 website that offers fantasy sports contests in violation of this
722 section commits a felony of the third degree, punishable as
723 provided in s. 775.082, s. 775.083, or s. 775.084.

724 Section 19. Section 849.11, Florida Statutes, is amended to
725 read:

726 849.11 Plays at games of chance by lot.—

727 (1) A person who ~~Whoever sets up, promotes or plays in~~
728 person or by the use, at least in part, of the Internet, at any
729 game of chance by lot or with dice, cards, numbers, hazards or
730 any other gambling device whatever for, or for the disposal of
731 money or other thing of value or under the pretext of a sale,
732 gift or delivery thereof, or for any right, share or interest
733 therein, ~~commits shall be guilty of~~ a misdemeanor of the second
734 degree, punishable as provided in s. 775.082 or s. 775.083.

735 (2) A person who sets up, operates, conducts, promotes, or



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736 receives in any manner whatsoever any money or other thing of
737 value offered for the purpose of conduct prohibited in
738 subsection (1), or who knowingly becomes the custodian or
739 depository of any money or other thing of value so offered, or
740 who aids, assists, abets, or influences in any manner in any
741 such acts, commits a felony of the third degree, punishable as
742 provided in s. 775.082, s. 775.083, or s. 775.084.

743 Section 20. Section 849.13, Florida Statutes, is amended to
744 read:

745 849.13 ~~Punishment on~~ Second or subsequent conviction.—A
746 person who commits a second or subsequent violation of the same
747 ~~Whoever, after being convicted of an offense forbidden by law in~~
748 connection with lotteries for which there is no penalty
749 specified for a second or subsequent violation, shall have the
750 offense reclassified to an offense of the next higher degree,
751 ~~commits the like offense, shall be guilty of a misdemeanor of~~
752 ~~the first degree,~~ punishable as provided in s. 775.082, ~~or~~ s.
753 775.083, or s. 775.084. For purposes of sentencing under chapter
754 921, a felony offense that is reclassified under this subsection
755 is ranked one level above the ranking under s. 921.0022 or s.
756 921.0023 of the felony offense committed.

757 Section 21. Section 849.14, Florida Statutes, is amended to
758 read:

759 849.14 Unlawful to bet on result of trial or contest of
760 skill, etc.—A person who ~~Whoever~~ stakes, bets, or wagers any
761 money or other thing of value upon the result of any trial or
762 contest of skill, speed or power or endurance of human or beast,
763 or who ~~whoever~~ receives in any manner whatsoever any money or
764 other thing of value staked, bet, or wagered, or offered for the



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765 purpose of being staked, bet, or wagered, by or for any other
766 person upon any such result, or who ~~whoever~~ knowingly becomes
767 the custodian or depositary of any money or other thing of value
768 so staked, bet, or wagered upon any such result, or who ~~whoever~~
769 aids, or assists, or abets, or influences in any manner in any
770 of such acts all of which are hereby forbidden, commits a felony
771 of the third degree, punishable as provided in s. 775.082, ~~or~~ s.
772 775.083, or s. 775.084.

773 Section 22. Section 849.15, Florida Statutes, is amended to
774 read:

775 849.15 Manufacture, sale, possession, etc., of slot
776 machines or devices prohibited.-

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

778 (a) "Conviction" means a determination of guilt that is the
779 result of a plea or trial, regardless of whether adjudication is
780 withheld or a plea of nolo contendere is entered.

781 (b) "Person of authority" means a person who, at any
782 business, establishment, premises, or other location at which a
783 slot machine or device is offered for play, has:

784 1. Actual authority to act on behalf of the business,
785 establishment, premises, or other location where a slot machine
786 or device is offered for play; or

787 2. Any ownership interest in the business, establishment,
788 premises, or other location. The term "ownership interest"
789 includes being an officer, a director, or a managing member of
790 the business, establishment, premises, or other location.

791 (2)~~(1)~~ It is unlawful:

792 (a) To manufacture, own, store, keep, possess, sell, rent,
793 lease, let on shares, lend or give away, transport, or expose



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794 for sale or lease, or to offer to sell, rent, lease, let on
795 shares, lend or give away, or permit the operation of, or for
796 any person to permit to be placed, maintained, or used or kept
797 in any room, space, or building owned, leased or occupied by the
798 person or under the person's management or control, any slot
799 machine or device or any part thereof; or

800 (b) To make or to permit to be made with any person any
801 agreement with reference to any slot machine or device, pursuant
802 to which the user thereof, as a result of any element of chance
803 or other outcome unpredictable to him or her, may become
804 entitled to receive any money, credit, allowance, or thing of
805 value or additional chance or right to use such machine or
806 device, or to receive any check, slug, token or memorandum
807 entitling the holder to receive any money, credit, allowance or
808 thing of value.

809 (3)(a) Except as provided in paragraphs (b) and (c), a
810 person who violates subsection (2) commits a misdemeanor of the
811 first degree, punishable as provided in s. 775.082 or s.
812 775.083.

813 (b) A person commits a felony of the third degree,
814 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
815 if he or she violates subsection (2), and:

816 1. At the time of the violation, the person was a person of
817 authority; or

818 2. The person has one prior conviction for a violation of
819 this section.

820 (c) A person commits a felony of the second degree,
821 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
822 if he or she violates subsection (2), and:



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823 1.a. At the time of the violation, the person was a person
824 of authority; and

825 b. The violation involves five or more slot machines or
826 devices; or

827 2. The person has two or more prior convictions for a
828 violation of this section.

829 (4)-(2) Pursuant to section 2 of that chapter of the
830 Congress of the United States entitled "An act to prohibit
831 transportation of gaming devices in interstate and foreign
832 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
833 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
834 of Florida, acting by and through the duly elected and qualified
835 members of its Legislature, does hereby in this section, and in
836 accordance with and in compliance with the provisions of section
837 2 of such chapter of Congress, declare and proclaim that any
838 county of the State of Florida within which slot machine gaming
839 is authorized pursuant to chapter 551 is exempt from the
840 provisions of section 2 of that chapter of the Congress of the
841 United States entitled "An act to prohibit transportation of
842 gaming devices in interstate and foreign commerce," designated
843 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
844 shipments of gaming devices, including slot machines, into any
845 county of this state within which slot machine gaming is
846 authorized pursuant to chapter 551 and the registering,
847 recording, and labeling of which have been duly performed by the
848 manufacturer or distributor thereof in accordance with sections
849 3 and 4 of that chapter of the Congress of the United States
850 entitled "An act to prohibit transportation of gaming devices in
851 interstate and foreign commerce," approved January 2, 1951,



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852 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
853 ss. 1171-1177, shall be deemed legal shipments thereof into this
854 state provided the destination of such shipments is an eligible
855 facility as defined in s. 551.102 or the facility of a slot
856 machine manufacturer or slot machine distributor as provided in
857 s. 551.109(2) (a).

858 (5) All shipments of legal gaming devices, including legal
859 slot machines, into Indian lands located within this state shall
860 be deemed legal shipments thereof provided that such Indian
861 lands are held in federal trust for the benefit of a federally
862 recognized Indian tribe that is a party to a tribal-state
863 compact with the state pursuant to the federal Indian Gaming
864 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
865 ss. 2701 et seq.

866 Section 23. Section 849.155, Florida Statutes, is created
867 to read:

868 849.155 Trafficking in slot machines, devices, or parts.-
869 Any person who knowingly sells, purchases, manufactures,
870 transports, delivers, or brings into this state more than 15
871 slot machines or devices or any parts thereof commits a felony
872 of the first degree, punishable as provided in s. 775.082, s.
873 775.083, or s. 775.084. If the quantity of slot machines or
874 devices or any parts thereof involved is:

875 (1) More than 15 slot machines or devices or any parts
876 thereof, but less than 25 slot machines or devices or any parts
877 thereof, such person must be fined \$100,000.

878 (2) Twenty-five slot machines or devices or any parts
879 thereof or more, but less than 50 slot machines or devices or
880 any parts thereof, such person must be fined \$250,000.



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881 (3) Fifty slot machines or devices or any parts thereof or
882 more, such person must be fined \$500,000.

883 (4) Pursuant to section 2 of the chapter of the Congress of
884 the United States entitled "An act to prohibit transportation of
885 gaming devices in interstate and foreign commerce," approved
886 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
887 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
888 acting by and through the duly elected and qualified members of
889 its Legislature, does hereby in this section, and in accordance
890 with and in compliance with section 2 of such chapter of
891 Congress, declare and proclaim that any county of the State of
892 Florida within which slot machine gaming is authorized pursuant
893 to chapter 551 is exempt from section 2 of that chapter of the
894 Congress of the United States entitled "An act to prohibit
895 transportation of gaming devices in interstate and foreign
896 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
897 January 2, 1951. All shipments of gaming devices, including slot
898 machines, into any county of this state within which slot
899 machine gaming is authorized pursuant to chapter 551 and the
900 registering, recording, and labeling of which have been duly
901 performed by the manufacturer or distributor thereof in
902 accordance with sections 3 and 4 of that chapter of the Congress
903 of the United States entitled "An act to prohibit transportation
904 of gaming devices in interstate and foreign commerce," approved
905 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
906 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal
907 shipments thereof into this state provided the destination of
908 such shipments is an eligible facility as defined in s. 551.102
909 or the facility of a slot machine manufacturer or slot machine



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910 distributor as provided in s. 551.109(2)(a).

911 (5) All shipments of legal gaming devices, including legal
912 slot machines, into Indian lands located within the state shall
913 be deemed legal shipments thereof provided that such Indian
914 lands are held in federal trust for the benefit of a federally
915 recognized Indian tribe that is a party to a tribal-state
916 compact with the state pursuant to the federal Indian Gaming
917 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
918 ss. 2701 et seq.

919
920 Notwithstanding any other law, all fines imposed and collected
921 pursuant to this section must be deposited into the Pari-mutuel
922 Wagering Trust Fund and may be used for the enforcement of this
923 chapter and chapters 546, 550, and 551 by the Florida Gaming
924 Control Commission.

925 Section 24. Section 849.157, Florida Statutes, is created
926 to read:

927 849.157 Making a false or misleading statement regarding
928 the legality of slot machines or devices to facilitate sale.-

929 (1) Except as provided in subsection (2), a person who
930 knowingly and willfully makes a materially false or misleading
931 statement or who knowingly and willfully disseminates false or
932 misleading information regarding the legality of a slot machine
933 or device for the purpose of facilitating the sale or delivery
934 of a slot machine or device for any money or other valuable
935 consideration commits a felony of the third degree, punishable
936 as provided in s. 775.082, s. 775.083, or s. 775.084.

937 (2) A person who violates subsection (1), when such a
938 violation involves the sale or delivery, or attempted sale or



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939 delivery, of five or more slot machines or devices, commits a
940 felony of the second degree, punishable as provided in s.
941 775.082, s. 775.083, or s. 775.084.

942 Section 25. Section 849.23, Florida Statutes, is repealed.

943 Section 26. Section 849.47, Florida Statutes, is created to
944 read:

945 849.47 Transporting or procuring the transportation of
946 persons to facilitate illegal gambling.—

947 (1) As used in this section, the term "illegal gambling"
948 means any criminal violation of this chapter, chapter 546,
949 chapter 550, or chapter 551 that occurs at any business,
950 establishment, premises, or other location.

951 (2) Except as provided in subsection (3), a person who
952 knowingly and willfully transports, or procures the
953 transportation of, five or more other persons into or within
954 this state when he or she knows or reasonably should know that
955 such transportation is for the purpose of facilitating illegal
956 gambling commits a misdemeanor of the first degree, punishable
957 as provided in s. 775.082 or s. 775.083.

958 (3) (a) A person who transports, or procures the
959 transportation of, a minor or a person 65 years of age or older
960 in violation of subsection (2) commits a felony of the third
961 degree, punishable as provided in s. 775.082, s. 775.083, or s.
962 775.084.

963 (b) A person who transports, or procures the transportation
964 of, 12 or more persons in violation of subsection (2) commits a
965 felony of the third degree, punishable as provided in s.
966 775.082, s. 775.083, or s. 775.084.

967 Section 27. Section 849.48, Florida Statutes, is created to



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968 read:

969 849.48 Gambling or gaming advertisements; prohibited.-

970 (1) As used in this section, the term "illegal gambling"
971 means any criminal violation of this chapter, chapter 546,
972 chapter 550, or chapter 551 which occurs at any business,
973 establishment, premises, or other location.

974 (2) (a) Except as otherwise specifically authorized by law,
975 a person may not knowingly and intentionally make, publish,
976 disseminate, circulate, or place before the public, or cause,
977 directly or indirectly, to be made, published, disseminated,
978 circulated, or placed before the public in this state, in any
979 manner, whether in person or by the use, at least in part, of
980 the Internet, any advertisement, circular, bill, poster,
981 pamphlet, list, schedule, announcement, or notice for the
982 purpose of promoting or facilitating illegal gambling.

983 (b) Except as otherwise specifically authorized by law, a
984 person may not set up any type or plate for any type of
985 advertisement, circular, bill, poster, pamphlet, list, schedule,
986 announcement, or notice when he or she knows or reasonably
987 should know that such material will be used for the purpose of
988 promoting or facilitating illegal gambling.

989 (c) A person who violates this subsection commits:

990 1. For a first offense, a misdemeanor of the first degree,
991 punishable as provided in s. 775.082 or s. 775.083.

992 2. For a second or subsequent offense, a felony of the
993 third degree, punishable as provided in s. 775.082, s. 775.083,
994 or s. 775.084.

995 (3) This section does not prohibit the printing or
996 producing of any advertisement, circular, bill, poster,



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997 pamphlet, list, schedule, announcement, or notice to be used for
998 the purpose of promoting or facilitating gambling conducted in
999 any other state or nation, outside of this state, where such
1000 gambling is not prohibited.

1001 Section 28. Section 849.49, Florida Statutes, is created to
1002 read:

1003 849.49 Preemption.—A county, municipality, or other
1004 political subdivision of the state may not enact or enforce any
1005 ordinance or local rule relating to gaming, gambling, lotteries,
1006 or any activities described in this chapter or s. 546.10, except
1007 as otherwise expressly provided by general law, special law, or
1008 the State Constitution.

1009 Section 29. Present paragraphs (i) through (m) of
1010 subsection (2) of section 903.046, Florida Statutes, are
1011 redesignated as paragraphs (j) through (n), respectively, and a
1012 new paragraph (i) is added to that subsection, to read:

1013 903.046 Purpose of and criteria for bail determination.—

1014 (2) When determining whether to release a defendant on bail
1015 or other conditions, and what that bail or those conditions may
1016 be, the court shall consider:

1017 (i) The amount of currency seized that is connected to or
1018 involved in a violation of chapter 546, chapter 550, chapter
1019 551, or chapter 849.

1020 Section 30. Paragraphs (a), (c), (e), and (g) of subsection
1021 (3) of section 921.0022, Florida Statutes, are amended to read:

1022 921.0022 Criminal Punishment Code; offense severity ranking
1023 chart.—

1024 (3) OFFENSE SEVERITY RANKING CHART

1025 (a) LEVEL 1



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Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.



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1035	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
1036	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
1037	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
1038	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
1039	322.212(5)(a)	3rd	False application for driver license or identification card.
1040	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.



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1041	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
1042	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1043	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
1044	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
1045	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
1046	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
1047	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
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1049	826.01	3rd	Bigamy.
1050	828.122(3)	3rd	Fighting or baiting animals.
1051	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1052	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1053	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
1054	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1055	838.15(2)	3rd	Commercial bribe receiving.
1056	838.16	3rd	Commercial bribery.
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.



1057	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
1058	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1059	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
1060	849.25 (2)	3rd	Engaging in bookmaking.
1061	860.08	3rd	Interfere with a railroad signal.
1062	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
1063	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
1064	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
1065	934.03 (1) (a)	3rd	Intercepts, or procures any



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other person to intercept, any
wire or oral communication.

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(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate

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1077			of title to a motor vehicle or mobile home.
1078	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1079	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1080	327.35(2)(b)	3rd	Felony BUI.
1081	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1082	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1083	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,



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1084			selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
1085			
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1086			
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
1087			
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
1088			
	440.1051 (3)	3rd	False report of workers'



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1089			compensation fraud or retaliation for making such a report.
1090	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1091	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1092	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1093	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1094	697.08	3rd	Equity skimming.
1095	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24



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1096			years of age or older.
1097	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1098	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1099	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1100	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
1101	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1102	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1103	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
	812.081(2)	3rd	Theft of a trade secret.



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1104	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
1105	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1106	817.233	3rd	Burning to defraud insurer.
1107	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1108	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1109	817.236	3rd	Filing a false motor vehicle insurance application.
1110	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1111	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
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- 1113 817.49(2)(b)1. 3rd Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
- 1114 831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
- 1115 831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.
- 1116 836.13(2) 3rd Person who promotes an altered sexual depiction of an identifiable person without consent.
- 1117 838.021(3)(b) 3rd Threatens unlawful harm to public servant.
- 838.12(3) 3rd Betting on a predetermined or prearranged professional or amateur game, contest, match, race, or sport.



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1118	<u>849.01</u>	<u>3rd</u>	<u>Keeping a gambling house.</u>
1119	<u>849.02 (2)</u>	<u>3rd</u>	<u>Agents or employees of keeper of gambling house.</u>
1120	<u>849.03 (1)</u>	<u>3rd</u>	<u>Renting house for gambling purposes.</u>
1121	<u>849.08 (4)</u>	<u>3rd</u>	<u>Operating, conducting, promoting, aiding, abetting, assisting Internet gambling and Internet sports wagering.</u>
1122	<u>849.086 (12) (e)</u>	<u>3rd</u>	<u>Tampering with cards or card games.</u>
1123	<u>849.09 (1) (a) - (d)</u>	<u>3rd</u>	<u>Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.</u>
1124	<u>849.09 (1) (e), (f), (g), (i), or (k)</u>	<u>3rd</u>	<u>Conducting an unlawful lottery; second or subsequent offense.</u>
1125	<u>849.09 (1) (h) or</u>	<u>3rd</u>	<u>Conducting an unlawful lottery;</u>



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1126	<u>(j)</u>		<u>second or subsequent offense.</u>
	<u>849.11(2)</u>	<u>3rd</u>	<u>Offenses relating to games of chance.</u>
1127			
	<u>849.14</u>	<u>3rd</u>	<u>Betting on result of trial or contest of skill, etc.</u>
1128			
	<u>849.15(3)(b)</u>	<u>3rd</u>	<u>Manufacture, sale, or possession of slot machine; by person of authority or with prior conviction.</u>
1129			
	<u>849.157(1)</u>	<u>3rd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices.</u>
1130			
	<u>849.25(2)</u>	<u>3rd</u>	<u>Engaging in bookmaking.</u>
1131			
	<u>849.47(3)(a) & (b)</u>	<u>3rd</u>	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.</u>
1132			
	<u>849.48(2)(c)</u>	<u>3rd</u>	<u>Illegal gambling advertising.</u>
1133			
	847.01385	3rd	Harmful communication to a



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1134			minor.
	860.15(3)	3rd	Overcharging for repairs and parts.
1135			
	870.01(2)	3rd	Riot.
1136			
	870.01(4)	3rd	Inciting a riot.
1137			
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
1138			
	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
1139			
	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs



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1140			within 1,000 feet of public housing facility.
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
1141			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1142			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1143			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1144			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
1145			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.



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1151	918.13(1)	3rd	Tampering with or fabricating physical evidence.
1152	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
1153	944.47(1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
1154	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
1155			
1156	(e) LEVEL 5		
1157			
1158			
1159	Florida Statute	Felony Degree	Description
1160	316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1161	316.1935(4) (a)	2nd	Aggravated fleeing or eluding.



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1162

316.80(2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

1163

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

1164

327.30(5) 3rd Vessel accidents involving
personal injury; leaving scene.

379.365(2)(c)1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone
crab trap tags; and engaging in
the commercial harvest of stone
crabs while license is
suspended or revoked.



1165	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1166	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
1167	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1168	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1169	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1170	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1171	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1172			



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1173	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1174	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
1175	790.162	2nd	Threat to throw or discharge destructive device.
1176	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
1177	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1178	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1179	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1180	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition;



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1181			offender 18 years of age or older.
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1182			
	810.145(4)(c)	3rd	Commercial digital voyeurism dissemination.
1183			
	810.145(7)(a)	2nd	Digital voyeurism; 2nd or subsequent offense.
1184			
	810.145(8)(a)	2nd	Digital voyeurism; certain minor victims.
1185			
	812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
1186			
	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1187			
	812.015 (8)(a) & (c)- (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.



1188	812.015 (8) (f)	3rd	Retail theft; multiple thefts within specified period.
1189	812.015 (8) (g)	3rd	Retail theft; committed with specified number of other persons.
1190	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1191	812.081 (3)	2nd	Trafficking in trade secrets.
1192	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1193	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1194	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1195	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1196	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding



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1197

property values relating to the
solvency of an insuring entity.

817.568 (2) (b)

2nd

Fraudulent use of personal
identification information;
value of benefit, services
received, payment avoided, or
amount of injury or fraud,
\$5,000 or more or use of
personal identification
information of 10 or more
persons.

1198

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14
counterfeit credit cards or
related documents.

1199

817.625 (2) (b)

2nd

Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

1200

825.1025 (4)

3rd

Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

1201

828.12 (2)

3rd

Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.



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1202	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
1203	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
1204	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
1205	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1206	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1207	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1208	<u>849.02(3)</u>	<u>2nd</u>	<u>Agents or employees of keeper</u>



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1209			<u>of gambling house, 3rd or subsequent offense.</u>
	<u>849.03(2)</u>	<u>2nd</u>	<u>Renting house for gambling purposes.</u>
1210			
	<u>849.15(3)(c)</u>	<u>2nd</u>	<u>Manufacture, sale, or possession of a slot machine; by a person of authority of five or more machines or two or more prior convictions.</u>
1211			
	<u>849.157(2)</u>	<u>2nd</u>	<u>False or misleading statement to facilitate sale of slot machines or devices; five or more machines.</u>
1212			
	<u>849.25(3)</u>	<u>2nd</u>	<u>Bookmaking; second or subsequent offense.</u>
1213			
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1214			
	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1215			



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1219	893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.		
1220	893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.		
1221	893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.		
1222			
1223			
1224	(g) LEVEL 7		
1225			
1226			
	Florida	Felony	Description
	Statute	Degree	



1227	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
1228	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1229	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1230	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1231	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1232	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1233	409.920	2nd	Medicaid provider fraud; more



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	(2) (b) 1.b.		than \$10,000, but less than \$50,000.
1234	456.065 (2)	3rd	Practicing a health care profession without a license.
1235	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1236	458.327 (1)	3rd	Practicing medicine without a license.
1237	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
1238	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
1239	461.012 (1)	3rd	Practicing podiatric medicine without a license.
1240	462.17	3rd	Practicing naturopathy without a license.
1241	463.015 (1)	3rd	Practicing optometry without a license.
1242			



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1243	464.016(1)	3rd	Practicing nursing without a license.
1244	465.015(2)	3rd	Practicing pharmacy without a license.
1245	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1246	467.201	3rd	Practicing midwifery without a license.
1247	468.366	3rd	Delivering respiratory care services without a license.
1248	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
1249	483.901(7)	3rd	Practicing medical physics without a license.
1250	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1251	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of



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			chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1252	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1253	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
1254	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
1255	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1256	775.21(10)(b)	3rd	Sexual predator working where



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1257			children regularly congregate.
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1258			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1259			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1260			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
1261			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1262			



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1263	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
1264	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
1265	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
1266	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
1267	784.048 (7)	3rd	Aggravated stalking; violation of court order.
1268	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
1269	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
1270	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
1271	784.081 (1)	1st	Aggravated battery on specified official or employee.



1272	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
1273	784.083(1)	1st	Aggravated battery on code inspector.
1274	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
1275	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
1276	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
1277	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
1278	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165(3)	2nd	Possessing, displaying, or



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1279			threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
1280			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
1281			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
1282			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
1283			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
1284			
	796.05(1)	1st	Live on earnings of a



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1285			prostitute; 3rd and subsequent offense.
1286	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
1287	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
1288	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
1289	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
1290	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault



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1291			or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
1292			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
1293			
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
1294			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
1295			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
1296			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
1297			



1298	812.014 (2) (g)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2) (c) 5.
1299	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
1300	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
1301	812.131 (2) (a)	2nd	Robbery by sudden snatching.
1302	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
1303	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
1304	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
1305	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.



1306	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
1307	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
1308	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
1309	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
1310	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
1311	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or



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1312			disfigurement.
1313	825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1314	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
1315	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
1316	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
1317	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
1318	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
	838.015	2nd	Bribery.



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1319	838.016	2nd	Unlawful compensation or reward for official behavior.
1320	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
1321	838.22	2nd	Bid tampering.
1322	843.0855 (2)	3rd	Impersonation of a public officer or employee.
1323	843.0855 (3)	3rd	Unlawful simulation of legal process.
1324	843.0855 (4)	3rd	Intimidation of a public officer or employee.
1325	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1326	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
1327	<u>849.155</u>	<u>1st</u>	<u>Trafficking in slot machines or devices or any parts thereof.</u>
1328	872.06	2nd	Abuse of a dead human body.



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1329

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

1330

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

1331

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

1332

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property



1333			used for religious services or a specified business site.
	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
1334			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
1335			
	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
1336			
	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
1337			
	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
1338			
	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
1339			
	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14



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1340			grams.
	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25
			grams.
1341			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14
			grams.
1342			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.a.		28 grams or more, less than 200
			grams.
1343			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone,
			200 grams or more, less than 5
			kilograms.
1344			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14
			grams or more, less than 28
			grams.
1345			
	893.135	1st	Trafficking in flunitrazepam, 4
	(1) (g) 1.a.		grams or more, less than 14
			grams.
1346			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1
			kilogram or more, less than 5



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1347			kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
1348			
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
1349			
	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
1350			
	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
1351			
	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
1352			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
1353			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.



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1354	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
1355	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
1356	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
1357	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1358	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1359	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address



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1360

944.607(9) 3rd Sexual offender; failure to
comply with reporting
requirements.

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944.607(10) (a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

1362

944.607(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1363

944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

1364

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

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985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or



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conceal a sexual offender.

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985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

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1369 Section 31. Paragraph (a) of subsection (1) and paragraph
1370 (a) of subsection (2) of section 772.102, Florida Statutes, are
1371 amended to read:

1372 772.102 Definitions.—As used in this chapter, the term:

1373 (1) "Criminal activity" means to commit, to attempt to
1374 commit, to conspire to commit, or to solicit, coerce, or
1375 intimidate another person to commit:

1376 (a) Any crime that is chargeable by indictment or
1377 information under the following provisions:

1378 1. Section 210.18, relating to evasion of payment of
1379 cigarette taxes.

1380 2. Section 414.39, relating to public assistance fraud.

1381 3. Section 440.105 or s. 440.106, relating to workers'
1382 compensation.

1383 4. Part IV of chapter 501, relating to telemarketing.

1384 5. Chapter 517, relating to securities transactions.

1385 6. Section 550.235 or s. 550.3551, relating to dogracing
1386 and horseracing.

1387 7. Chapter 550, relating to jai alai frontons.

1388 8. Chapter 552, relating to the manufacture, distribution,



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- 1389 and use of explosives.
- 1390 9. Chapter 562, relating to beverage law enforcement.
- 1391 10. Section 624.401, relating to transacting insurance
- 1392 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1393 to operating an unauthorized multiple-employer welfare
- 1394 arrangement, or s. 626.902(1)(b), relating to representing or
- 1395 aiding an unauthorized insurer.
- 1396 11. Chapter 687, relating to interest and usurious
- 1397 practices.
- 1398 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1399 real estate timeshare plans.
- 1400 13. Chapter 782, relating to homicide.
- 1401 14. Chapter 784, relating to assault and battery.
- 1402 15. Chapter 787, relating to kidnapping or human
- 1403 trafficking.
- 1404 16. Chapter 790, relating to weapons and firearms.
- 1405 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 1406 relating to prostitution.
- 1407 18. Chapter 806, relating to arson.
- 1408 19. Section 810.02(2)(c), relating to specified burglary of
- 1409 a dwelling or structure.
- 1410 20. Chapter 812, relating to theft, robbery, and related
- 1411 crimes.
- 1412 21. Chapter 815, relating to computer-related crimes.
- 1413 22. Chapter 817, relating to fraudulent practices, false
- 1414 pretenses, fraud generally, and credit card crimes.
- 1415 23. Section 827.071, relating to commercial sexual
- 1416 exploitation of children.
- 1417 24. Chapter 831, relating to forgery and counterfeiting.



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- 1418 25. Chapter 832, relating to issuance of worthless checks
1419 and drafts.
- 1420 26. Section 836.05, relating to extortion.
- 1421 27. Chapter 837, relating to perjury.
- 1422 28. Chapter 838, relating to bribery and misuse of public
1423 office.
- 1424 29. Chapter 843, relating to obstruction of justice.
- 1425 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1426 s. 847.07, relating to obscene literature and profanity.
- 1427 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1428 849.25, relating to gambling.
- 1429 32. Chapter 893, relating to drug abuse prevention and
1430 control.
- 1431 33. Section 914.22 or s. 914.23, relating to witnesses,
1432 victims, or informants.
- 1433 34. Section 918.12 or s. 918.13, relating to tampering with
1434 jurors and evidence.
- 1435 (2) "Unlawful debt" means any money or other thing of value
1436 constituting principal or interest of a debt that is legally
1437 unenforceable in this state in whole or in part because the debt
1438 was incurred or contracted:
- 1439 (a) In violation of any one of the following provisions of
1440 law:
- 1441 1. Section 550.235 or s. 550.3551, relating to dogracing
1442 and horseracing.
- 1443 2. Chapter 550, relating to jai alai frontons.
- 1444 3. Section 687.071, relating to criminal usury and loan
1445 sharking.
- 1446 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.



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1447 849.25, relating to gambling.

1448 Section 32. Paragraph (a) of subsection (12) of section
1449 895.02, Florida Statutes, is amended to read:

1450 895.02 Definitions.—As used in ss. 895.01–895.08, the term:

1451 (12) “Unlawful debt” means any money or other thing of
1452 value constituting principal or interest of a debt that is
1453 legally unenforceable in this state in whole or in part because
1454 the debt was incurred or contracted:

1455 (a) In violation of any one of the following provisions of
1456 law:

1457 1. Section 550.235 or s. 550.3551, relating to dogracing
1458 and horseracing.

1459 2. Chapter 550, relating to jai alai frontons.

1460 3. Section 551.109, relating to slot machine gaming.

1461 4. Chapter 687, relating to interest and usury.

1462 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1463 849.25, relating to gambling.

1464 Section 33. For the purpose of incorporating the amendment
1465 made by this act to section 550.09515, Florida Statutes, in a
1466 reference thereto, subsection (3) of section 550.3345, Florida
1467 Statutes, is reenacted to read:

1468 550.3345 Conversion of quarter horse permit to a limited
1469 thoroughbred permit.—

1470 (3) Unless otherwise provided in this section, after
1471 conversion, the permit and the not-for-profit corporation shall
1472 be treated under the laws of this state as a thoroughbred permit
1473 and as a thoroughbred permitholder, respectively, with the
1474 exception of ss. 550.09515(3) and 550.6308.

1475 Section 34. This act shall take effect October 1, 2025.



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to gambling; amending s. 16.71, F.S.;
deleting obsolete provisions; deleting language
concerning factors to be considered in appointments to
the Florida Gaming Control Commission; amending s.
16.712, F.S.; revising the information that must be
included in the commission's annual report to the
Governor and the Legislature; amending s. 16.713,
F.S.; prohibiting certain employment for a specified
timeframe before or during a person's service with the
commission; amending s. 16.715, F.S.; revising
standards of conduct for the commission; prohibiting
certain post-employment activities for former
commissioners and employees for a specified period;
amending s. 546.10, F.S.; authorizing certain
organizations to petition the commission before
purchasing, installing, or operating a game or machine
on its premises before petitioning for and being
issued a specified declaratory statement from the
commission if the organization is unsure if such game
or machine is an amusement machine; prohibiting such
organizations from purchasing or installing a game or
machine until an outstanding declaratory statement is
issued; prohibiting such organizations from seeking a



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1505 declaratory statement if the game or machine in
1506 question is the subject of a criminal investigation;
1507 requiring the commission to issue a declaratory
1508 statement within a specified timeframe; prohibiting
1509 the commission from denying a petition if it was
1510 validly requested; specifying the information that
1511 must be included in a request for a declaratory
1512 statement; providing that the declaratory statement is
1513 valid only for the game or machine for which it is
1514 requested; providing that the declaratory statement is
1515 invalid if the specifications for the game or machine
1516 have been changed; providing that the declaratory
1517 statement is binding on the commission and may be
1518 introduced as evidence in subsequent proceedings;
1519 providing construction; amending ss. 550.09512 and
1520 550.09515, F.S.; deleting a requirement that the
1521 commission reissue certain escheated permits to
1522 qualified applicants; deleting applicability; deleting
1523 that such new applicants are authorized to operate
1524 certain facilities within the specified area of the
1525 escheated permit was authorized to operate; amending
1526 s. 551.103, F.S.; revising the powers and duties of
1527 the commission; amending s. 551.104, F.S.; revising
1528 the hiring and procurement policy and reporting
1529 requirements for slot machine gaming licensure;
1530 amending s. 551.114, F.S.; authorizing a slot machine
1531 licensee to apply to the commission to change the
1532 location of the designated slot machine gaming area
1533 under certain circumstances; requiring a pari-mutuel



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1534 permit holder to submit to the commission certain
1535 information about the new designated slot machine
1536 gaming area; providing that the commission is
1537 responsible for approving or denying an application to
1538 change the location of the designated slot machine
1539 gaming area; requiring applicants to apply on forms
1540 adopted by the commission; requiring the commission to
1541 examine and approve or deny applicants within a
1542 specified timeframe; authorizing the commission to
1543 adopt rules; amending s. 838.12, F.S.; prohibiting
1544 betting on athletic contests with knowledge that the
1545 results are prearranged or predetermined; providing
1546 criminal penalties; amending s. 843.08, F.S.;

1547 prohibiting false personation of personnel of the
1548 commission; providing criminal penalties; amending s.
1549 849.01, F.S.; revising criminal penalties for offenses
1550 involving keeping a gambling house; amending s.
1551 849.02, F.S.; increasing criminal penalties for
1552 specified offenses by agents or employees of a keeper
1553 of a gambling house; amending s. 849.03, F.S.;

1554 revising criminal penalties for offenses involving
1555 renting a house for gambling purposes; amending s.
1556 849.08, F.S.; defining the terms "Internet gambling"
1557 and "Internet sports wagering"; prohibiting Internet
1558 gambling and Internet sports wagering and related
1559 offenses; providing criminal penalties; providing an
1560 exception; amending s. 849.086, F.S.; providing that a
1561 cardroom operator may limit the playing of any game to
1562 persons 21 years of age or older; making technical



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1563 changes; prohibiting specified actions relating to
1564 manipulation of card games; providing criminal
1565 penalties; creating s. 849.0932, F.S.; defining terms;
1566 prohibiting entry fees collected by noncommercial
1567 contest operators from exceeding a specified amount;
1568 requiring that all entry fees be returned to contest
1569 participants in the form of prizes; requiring the
1570 commission to investigate and refer violations to the
1571 Attorney General or the state attorney in the circuit
1572 in which the violation occurs; authorizing the
1573 Attorney General or the state attorney to institute
1574 proceedings to enjoin persons found to be in violation
1575 of specified provisions of law; providing fines of
1576 specified amounts and civil and criminal penalties for
1577 specified violations; amending s. 849.11, F.S.;
1578 prohibiting certain offenses related to games of
1579 chance involving the Internet; providing criminal
1580 penalties; amending s. 849.13, F.S.; providing
1581 enhanced criminal penalties for second or subsequent
1582 violations of certain provisions; amending s. 849.14,
1583 F.S.; revising the criminal penalties for betting or
1584 wagering on certain activities; amending s. 849.15,
1585 F.S.; defining terms; providing criminal penalties for
1586 specified offenses relating to the manufacture,
1587 possession, and sale of slot machines or devices;
1588 creating s. 849.155, F.S.; prohibiting trafficking in
1589 slot machines, devices, or parts thereof; providing
1590 criminal penalties; providing for the deposit of fines
1591 into a specified trust fund for specified purposes;



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1592 creating s. 849.157, F.S.; prohibiting the making of a
1593 false or misleading statement regarding the legality
1594 of slot machines or devices for specified purposes;
1595 providing criminal penalties; repealing s. 849.23,
1596 F.S., relating to penalties for violations of
1597 specified sections; creating s. 849.47, F.S.; defining
1598 the term "illegal gambling"; prohibiting the
1599 transportation of specified numbers of persons,
1600 persons of certain ages, or a certain number of
1601 persons for the purpose of facilitating illegal
1602 gambling; providing criminal penalties; creating s.
1603 849.48, F.S.; defining the term "illegal gambling";
1604 prohibiting specified gambling or gaming
1605 advertisements; providing criminal penalties;
1606 providing construction; creating s. 849.49, F.S.;
1607 preempting to the state the regulation of gaming,
1608 gambling, lotteries, or any activities described in
1609 specified provisions; amending s. 903.046, F.S.;
1610 providing for consideration of the amount of currency
1611 seized connected to or involved in specified gambling
1612 or gaming offenses when determining whether to release
1613 a defendant prior to trial; amending s. 921.0022,
1614 F.S.; ranking offenses for purposes of the offense
1615 severity ranking chart of the Criminal Punishment
1616 Code; amending ss. 772.102 and 895.02, F.S.;
1617 conforming provisions to changes made by the act;
1618 reenacting s. 550.3345(3), F.S., relating to the
1619 conversion of quarter horse permit to a limited
1620 thoroughbred permit, to incorporate the amendment made



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1622

to s. 550.09515, F.S., in a reference thereto;
providing an effective date.

By the Committee on Regulated Industries; and Senator Simon

580-02869-25

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1 A bill to be entitled
 2 An act relating to gambling; amending s. 16.71, F.S.;
 3 deleting obsolete provisions; deleting language
 4 concerning factors to be considered in appointments to
 5 the Florida Gaming Control Commission; amending s.
 6 16.713, F.S.; prohibiting certain employment for a
 7 specified timeframe before or during a person's
 8 service with the commission; amending s. 16.715, F.S.;
 9 revising standards of conduct for the commission;
 10 prohibiting certain post-employment activities for
 11 former commissioners and employees for a specified
 12 period; amending s. 546.10, F.S.; authorizing certain
 13 organizations to petition the commission before
 14 purchasing, installing, or operating a game or machine
 15 on its premises before petitioning for and being
 16 issued a specified declaratory statement from the
 17 commission if the organization is unsure if such game
 18 or machine is an amusement machine; prohibiting such
 19 organizations from purchasing or installing a game or
 20 machine until an outstanding declaratory statement is
 21 issued; prohibiting such organizations from seeking a
 22 declaratory statement if the game or machine in
 23 question is the subject of a criminal investigation;
 24 requiring the commission to issue a declaratory
 25 statement within a specified timeframe; prohibiting
 26 the commission from denying a petition if it was
 27 validly requested; specifying the information that
 28 must be included in a request for a declaratory
 29 statement; providing that the declaratory statement is

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30 valid only for the game or machine for which it is
 31 requested; providing that the declaratory statement is
 32 invalid if the specifications for the game or machine
 33 have been changed; providing that the declaratory
 34 statement is binding on the commission and may be
 35 introduced as evidence in subsequent proceedings;
 36 providing construction; amending s. 551.104, F.S.;
 37 revising hiring and procurement policy and reporting
 38 requirements for slot machine gaming licensure;
 39 amending s. 838.12, F.S.; prohibiting betting on
 40 athletic contests with knowledge that the results are
 41 prearranged or predetermined; providing criminal
 42 penalties; amending s. 843.08, F.S.; prohibiting false
 43 personation of personnel of the commission; providing
 44 criminal penalties; amending s. 849.01, F.S.; revising
 45 criminal penalties for offenses involving keeping a
 46 gambling house; amending s. 849.02, F.S.; increasing
 47 criminal penalties for specified offenses by agents or
 48 employees of a keeper of a gambling house; amending s.
 49 849.03, F.S.; revising criminal penalties for offenses
 50 involving renting a house for gambling purposes;
 51 amending s. 849.08, F.S.; defining the terms "Internet
 52 gambling" and "Internet sports wagering"; prohibiting
 53 Internet gambling and Internet sports wagering and
 54 related offenses; providing criminal penalties;
 55 providing an exception; amending s. 849.086, F.S.;
 56 prohibiting specified actions relating to manipulation
 57 of card games; providing criminal penalties; creating
 58 s. 849.0932, F.S.; defining terms; prohibiting entry

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59 fees collected by noncommercial contest operators from
 60 exceeding a specified amount; requiring that all entry
 61 fees be returned to contest participants in the form
 62 of prizes; requiring the commission to investigate and
 63 refer violations to the Attorney General or the state
 64 attorney in the circuit in which the violation occurs;
 65 authorizing the Attorney General or the state attorney
 66 to institute proceedings to enjoin persons found to be
 67 in violation of specified provisions of law; providing
 68 fines of specified amounts and civil and criminal
 69 penalties for specified violations; amending s.
 70 849.11, F.S.; prohibiting certain offenses related to
 71 games of chance involving the Internet; providing
 72 criminal penalties; amending s. 849.13, F.S.;

73 providing enhanced criminal penalties for second or
 74 subsequent violations of certain provisions; amending
 75 s. 849.14, F.S.; revising the criminal penalties for
 76 betting or wagering on certain activities; amending s.
 77 849.15, F.S.; defining terms; providing criminal
 78 penalties for specified offenses relating to the
 79 manufacture, possession, and sale of slot machines or
 80 devices; creating s. 849.155, F.S.; prohibiting
 81 trafficking in slot machines, devices, or parts
 82 thereof; providing criminal penalties; providing for
 83 the deposit of fines into a specified trust fund for
 84 specified purposes; creating s. 849.157, F.S.;

85 prohibiting the making of a false or misleading
 86 statement regarding the legality of slot machines or
 87 devices for specified purposes; providing criminal

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88 penalties; repealing s. 849.23, F.S., relating to
 89 penalties for violations of specified sections;
 90 creating s. 849.47, F.S.; defining the term "illegal
 91 gambling"; prohibiting the transportation of specified
 92 numbers of persons, persons of certain ages, or a
 93 certain number of persons for the purpose of
 94 facilitating illegal gambling; providing criminal
 95 penalties; creating s. 849.48, F.S.; defining the term
 96 "illegal gambling"; prohibiting specified gambling or
 97 gaming advertisements; providing criminal penalties;
 98 providing construction; creating s. 849.49, F.S.;

99 preempting to the state the regulation of gaming,
 100 gambling, lotteries, or any activities described in
 101 specified provisions; amending s. 903.046, F.S.;

102 providing for consideration of the amount of currency
 103 seized connected to or involved in specified gambling
 104 or gaming offenses when determining whether to release
 105 a defendant prior to trial; amending s. 921.0022,
 106 F.S.; ranking offenses for purposes of the offense
 107 severity ranking chart of the Criminal Punishment
 108 Code; amending ss. 772.102 and 895.02, F.S.;

109 conforming provisions to changes made by the act;
 110 providing an effective date.

111
112 Be It Enacted by the Legislature of the State of Florida:

113
114 Section 1. Paragraph (a) of subsection (2) of section
 115 16.71, Florida Statutes, is amended to read:
 116 16.71 Florida Gaming Control Commission; creation;

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117 meetings; membership.-

118 (2) MEMBERSHIP.-

119 (a) The commission shall be composed ~~consist~~ of five
 120 members appointed by the Governor, and subject to confirmation
 121 by the Senate, for terms of 4 years. ~~Members of the commission~~
 122 ~~must be appointed by January 1, 2022. The Governor shall~~
 123 ~~consider appointees who reflect Florida's racial, ethnic, and~~
 124 ~~gender diversity. Of the initial five members appointed by the~~
 125 ~~Governor, and immediately upon appointment, the Governor shall~~
 126 ~~appoint one of the members as the initial chair and one of the~~
 127 ~~members as the initial vice chair. At the end of the initial~~
 128 chair's and vice chair's terms pursuant to subparagraph 1., the
 129 commission shall elect one of the members of the commission as
 130 chair and one of the members of the commission as vice chair.

131 1. For the purpose of providing staggered terms, of the
 132 initial appointments, two members shall be appointed to 4-year
 133 terms, two members shall be appointed to 3-year terms, and one
 134 member shall be appointed to a 2-year term.

135 2. Of the five members, at least one member must have at
 136 least 10 years of experience in law enforcement and criminal
 137 investigations, at least one member must be a certified public
 138 accountant licensed in this state with at least 10 years of
 139 experience in accounting and auditing, and at least one member
 140 must be an attorney admitted and authorized to practice law in
 141 this state for at least the preceding 10 years.

142 Section 2. Paragraphs (a) and (b) of subsection (2) of
 143 section 16.713, Florida Statutes, are amended to read:

144 16.713 Florida Gaming Control Commission; appointment and
 145 employment restrictions.-

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146 (2) PROHIBITIONS FOR EMPLOYEES AND COMMISSIONERS; PERSONS
 147 INELIGIBLE FOR APPOINTMENT TO AND EMPLOYMENT WITH THE
 148 COMMISSION.-

149 (a) A person may not, for the 2 years immediately preceding
 150 the date of appointment to or employment with the commission and
 151 while appointed to or employed with the commission:

152 1. Hold a permit or license issued under chapter 550 or a
 153 license issued under chapter 551 or chapter 849; be an officer,
 154 official, or employee of such permitholder or licensee; or be an
 155 ultimate equitable owner, as defined in s. 550.002(37), of such
 156 permitholder or licensee;

157 2. Be an officer, official, employee, or other person with
 158 duties or responsibilities relating to a gaming operation owned
 159 by an Indian tribe that has a valid and active compact with the
 160 state; be a contractor or subcontractor of such tribe or an
 161 entity employed, licensed, or contracted by such tribe; or be an
 162 ultimate equitable owner, as defined in s. 550.002(37), of such
 163 entity;

164 3. Be a registered lobbyist for the executive or
 165 legislative branch, except while a commissioner or employee of
 166 the commission when officially representing the commission or
 167 unless the person registered as a lobbyist for the executive or
 168 legislative branch while employed by a state agency as defined
 169 in s. 110.107 during the normal course of his or her employment
 170 with such agency and he or she has not lobbied on behalf of any
 171 entity other than a state agency during the 2 years immediately
 172 preceding the date of his or her appointment to or employment
 173 with the commission; ~~or~~

174 4. Be a bingo game operator or an employee of a bingo game

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175 operator; or

176 5. Be an employee, an associate, an owner, or a contractor
 177 for any person or entity that conducts or facilitates an
 178 activity regulated, enforced, or investigated by the commission,
 179 including fantasy sports contests and other betting activities.

180 (b) A person is ineligible for appointment to or employment
 181 with the commission if, within the 2 years immediately preceding
 182 such appointment or employment, he or she violated paragraph (a)
 183 or solicited or accepted employment with, acquired any direct or
 184 indirect interest in, or had any direct or indirect business
 185 association, partnership, or financial relationship with, or is
 186 a relative of:

187 1. Any person or entity who is an applicant, licensee, or
 188 registrant with the commission; ~~or~~

189 2. Any officer, official, employee, or other person with
 190 duties or responsibilities relating to a gaming operation owned
 191 by an Indian tribe that has a valid and active compact with the
 192 state; any contractor or subcontractor of such tribe or an
 193 entity employed, licensed, or contracted by such tribe; or any
 194 ultimate equitable owner, as defined in s. 550.002(37), of such
 195 entity; or

196 3. Any person or entity that conducts or facilitates an
 197 activity regulated, enforced, or investigated by the commission,
 198 including fantasy sports contests and other betting activities.

199 For the purposes of this subsection, the term "relative" means a
 200 spouse, father, mother, son, daughter, grandfather, grandmother,
 201 brother, sister, uncle, aunt, cousin, nephew, niece, father-in-
 202 law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,
 203

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204 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
 205 stepbrother, stepsister, half brother, or half sister.

206 Section 3. Paragraph (b) of subsection (1) and paragraphs
 207 (b) and (c) of subsection (2) of section 16.715, Florida
 208 Statutes, are amended to read:

209 16.715 Florida Gaming Control Commission standards of
 210 conduct; ex parte communications.—

211 (1) STANDARDS OF CONDUCT.—

212 (b)1. A commissioner or employee of the commission may not
 213 accept anything from any business entity that, either directly
 214 or indirectly, owns or controls any person regulated by the
 215 commission or from any business entity that, either directly or
 216 indirectly, is an affiliate or subsidiary of any person
 217 regulated by the commission.

218 2. A commissioner or an employee may attend conferences,
 219 along with associated meals and events that are generally
 220 available to all conference participants, without payment of any
 221 fees in addition to the conference fee. Additionally, while
 222 attending a conference, a commissioner or an employee may attend
 223 meetings, meals, or events that are not sponsored, in whole or
 224 in part, by any representative of any person regulated by the
 225 commission and that are limited to commissioners or employees
 226 only, committee members, or speakers if the commissioner or
 227 employee is a member of a committee of the association of
 228 regulatory agencies which organized the conference or is a
 229 speaker at the conference. It is not a violation of this
 230 subparagraph for a commissioner or an employee to attend a
 231 conference for which conference participants who are employed by
 232 a person regulated by the commission have paid a higher

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233 conference registration fee than the commissioner or employee,
 234 or to attend a meal or event that is generally available to all
 235 conference participants without payment of any fees in addition
 236 to the conference fee and that is sponsored, in whole or in
 237 part, by a person regulated by the commission.

238 3. While employed, and for 2 years after service as a
 239 commissioner or for 2 years after employment with the
 240 commission, a commissioner or an employee may not accept any
 241 form of employment with or engage in any business activity with
 242 any business entity that, either directly or indirectly, owns or
 243 controls any person regulated by the commission; any person
 244 regulated by the commission; or any business entity that, either
 245 directly or indirectly, is an affiliate or subsidiary of any
 246 person regulated by the commission; or be an employee, an
 247 associate, an owner, or a contractor for any person or entity
 248 that conducts or facilitates an activity regulated, enforced, or
 249 investigated by the commission, including fantasy sports
 250 contests and other betting activities.

251 4. While employed, and for 2 years after service as a
 252 commissioner or for 2 years after employment with the
 253 commission, a commissioner, an employee, or a relative living in
 254 the same household as a commissioner or an employee may not have
 255 any financial interest, other than shares in a mutual fund, in
 256 any person regulated by the commission; in any business entity
 257 that, either directly or indirectly, owns or controls any person
 258 regulated by the commission; or in any business entity that,
 259 either directly or indirectly, is an affiliate or a subsidiary
 260 of any person regulated by the commission; or be an employee, an
 261 associate, an owner, or a contractor for any person or entity

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262 that conducts or facilitates an activity regulated, enforced, or
 263 investigated by the commission, including fantasy sports
 264 contests and other betting activities. If a commissioner, an
 265 employee, or a relative living in the same household as a
 266 commissioner or an employee acquires any financial interest
 267 prohibited by this subsection during the commissioner's term of
 268 office or the employee's employment with the commission as a
 269 result of events or actions beyond the commissioner's, the
 270 employee's, or the relative's control, he or she shall
 271 immediately sell such financial interest. For the purposes of
 272 this subsection, the term "relative" has the same meaning as in
 273 s. 16.713(2)(b).

274 5. A commissioner or an employee may not accept anything
 275 from a party in a proceeding currently pending before the
 276 commission.

277 6. A commissioner may not serve as the representative of
 278 any political party or on any executive committee or other
 279 governing body of a political party; serve as an executive
 280 officer or employee of any political party, committee,
 281 organization, or association; receive remuneration for
 282 activities on behalf of any candidate for public office; engage
 283 on behalf of any candidate for public office in the solicitation
 284 of votes or other activities on behalf of such candidacy; or
 285 become a candidate for election to any public office without
 286 first resigning from office.

287 7. A commissioner, during his or her term of office, may
 288 not make any public comment regarding the merits of any
 289 proceeding under ss. 120.569 and 120.57 currently pending before
 290 the commission.

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291 8. A commissioner or an employee may not act in an
292 unprofessional manner at any time during the performance of
293 official duties.

294 9. A commissioner or an employee must avoid impropriety in
295 all activities and must act at all times in a manner that
296 promotes public confidence in the integrity and impartiality of
297 the commission.

298 10. A commissioner or an employee may not directly or
299 indirectly, through staff or other means, solicit anything of
300 value from any person regulated by the commission, or from any
301 business entity that, whether directly or indirectly, is an
302 affiliate or a subsidiary of any person regulated by the
303 commission, or from any party appearing in a proceeding
304 considered by the commission in the last 2 years.

305 11. A commissioner may not lobby the Governor or any agency
306 of the state, members or employees of the Legislature, or any
307 county or municipal government or governmental agency except to
308 represent the commission in an official capacity.

309 (2) FORMER COMMISSIONERS AND EMPLOYEES.—

310 (b) A commissioner, the executive director, or an employee
311 of the commission may not, for the 2 years immediately following
312 the date of resignation or termination from the commission:

313 1. Hold a permit or license issued under chapter 550, or a
314 license issued under chapter 551 or chapter 849; be an officer,
315 official, or employee of such permitholder or licensee; ~~or~~ be an
316 ultimate equitable owner, as defined in s. 550.002(37), of such
317 permitholder or licensee; or be an employee, an associate, an
318 owner, or a contractor for any person or entity that conducts or
319 facilitates an activity regulated, enforced, or investigated by

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320 the commission, including fantasy sports contests and other
321 betting activities;

322 2. Accept employment by or compensation from a business
323 entity that, directly or indirectly, owns or controls a person
324 regulated by the commission; from a person regulated by the
325 commission; from a business entity which, directly or
326 indirectly, is an affiliate or subsidiary of a person regulated
327 by the commission; ~~or~~ from a business entity or trade
328 association that has been a party to a commission proceeding
329 within the 2 years preceding the member's resignation or
330 termination of service on the commission; from any person or
331 entity that conducts or facilitates an activity regulated,
332 enforced, or investigated by the commission, including fantasy
333 sports contests and other betting activities; or

334 3. Be a bingo game operator or an employee of a bingo game
335 operator.

336 (c) A person employed by the commission may not, for the 2
337 years immediately following the date of termination or
338 resignation from employment with the commission:

339 1. Hold a permit or license issued under chapter 550, or a
340 license issued under chapter 551 or chapter 849; be an officer,
341 official, or employee of such permitholder or licensee; or be an
342 ultimate equitable owner, as defined in s. 550.002(37), of such
343 permitholder or licensee; or be an employee, an associate, an
344 owner, or a contractor for any person or entity that conducts or
345 facilitates an activity regulated, enforced, or investigated by
346 the commission, including fantasy sports contests and other
347 betting activities; or

348 2. Be a bingo game operator or an employee of a bingo game

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349 operator.

350 Section 4. Present subsections (8) and (9) of section
351 546.10, Florida Statutes, are redesignated as subsections (9)
352 and (10), respectively, and a new subsection (8) is added to
353 that section, to read:

354 546.10 Amusement games or machines.—

355 (8)(a)1. Before purchasing or installing a game or machine
356 on the premises of any veterans' service organization granted a
357 federal charter under Title 36, U.S.C., or a division, a
358 department, a post, or a chapter of such organization, for which
359 an alcoholic beverage license has been issued, and the veterans'
360 service organization is in doubt about whether a machine meets
361 the definition of an amusement machine under this section, the
362 organization may petition the Florida Gaming Control Commission
363 for a declaratory statement under s. 120.565 on whether the
364 operation of the game or machine would be authorized under this
365 section or would be a violation of this section or chapter 849.
366 A game or machine awaiting a declaratory statement from the
367 commission may not be purchased or installed until the
368 declaratory statement is issued.

369 2. If there is a game or machine currently on the premises
370 of any veterans' service organization granted a federal charter
371 under Title 36, U.S.C., or a division, a department, a post, or
372 a chapter of such organization, for which an alcoholic beverage
373 license has been issued and the veterans' service organization
374 is in doubt about whether a machine meets the definition of an
375 amusement machine under this section, the organization may
376 petition the commission for a declaratory statement pursuant to
377 s. 120.565 on whether the operation of the game or machine would

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378 be authorized under this section or would be a violation of this
379 section or chapter 849. If the game, machine, premises, or
380 organization is the subject of an ongoing criminal
381 investigation, the organization may not petition the commission
382 for a declaratory statement under this subsection.

383 3. The commission shall issue a declaratory statement
384 pursuant to this subsection within 60 days after receiving a
385 petition requesting such statement. The commission may not deny
386 a petition that is validly requested pursuant to this subsection
387 and 120.565.

388 (b) A petition made under this subsection must provide
389 enough information for the commission to issue the declaratory
390 statement and must be accompanied by the exact specifications
391 for the type of game or machine that the organization will
392 purchase or install or currently has on the premises. The
393 declaratory statement is valid only for the game or machine for
394 which it is requested and is invalid if the specifications for
395 the game or the machine have been changed.

396 (c) The declaratory statement is binding on the commission
397 and may be introduced in any subsequent proceedings as evidence
398 of a good faith effort to comply with this section or chapter
399 849.

400 (d) This subsection does not prevent the commission or any
401 other criminal justice agency as defined in s. 943.045 from
402 detecting, apprehending, and arresting a person for any alleged
403 violation of this chapter, chapter 24, part II of chapter 285,
404 chapter 550, chapter 551, or chapter 849, or any rule adopted
405 pursuant thereto, or of any law of this state.

406 (e) This subsection does not require an owner or an

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407 operator of an amusement game or machine under this section to
 408 request or obtain a declaratory statement in order to operate
 409 pursuant to this section.

410 Section 5. Paragraph (i) of subsection (4) of section
 411 551.104, Florida Statutes, is amended to read:

412 551.104 License to conduct slot machine gaming.—

413 (4) As a condition of licensure and to maintain continued
 414 authority for the conduct of slot machine gaming, the slot
 415 machine licensee shall:

416 (i) Create and file with the commission a written policy
 417 for:

418 1. Creating opportunities to purchase from vendors in this
 419 state, ~~including minority vendors.~~

420 2. Creating opportunities for employment of residents of
 421 this state, ~~including minority residents.~~

422 3. Ensuring opportunities for construction services from a
 423 small business as defined in s. 288.703 ~~minority contractors.~~

424 4. Ensuring that opportunities for employment are offered
 425 on an equal, nondiscriminatory basis.

426 5. Training for employees on responsible gaming and working
 427 with a compulsive or addictive gambling prevention program to
 428 further its purposes as provided for in s. 551.118.

429 6. The implementation of a drug-testing program that
 430 includes, but is not limited to, requiring each employee to sign
 431 an agreement that he or she understands that the slot machine
 432 facility is a drug-free workplace.

433
 434 The slot machine licensee shall use the Internet-based job-
 435 listing system of the Department of Commerce in advertising

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436 employment opportunities. ~~Each slot machine licensee shall~~
 437 ~~provide an annual report to the Florida Gaming Control~~
 438 ~~Commission containing information indicating compliance with~~
 439 ~~this paragraph in regard to minority persons.~~

440 Section 6. Section 838.12, Florida Statutes, is amended, to
 441 read:

442 838.12 Bribery in athletic contests.—

443 (1) A person who ~~Whoever~~ gives, promises, offers or
 444 conspires to give, promise or offer, to anyone who participates
 445 or expects to participate in any professional or amateur game,
 446 contest, match, race or sport; or to any umpire, referee, judge
 447 or other official of such game, contest, match, race or sport;
 448 or to any owner, manager, coach or trainer of, or to any
 449 relative of, or to any person having any direct, indirect,
 450 remote or possible connection with, any team, individual,
 451 participant or prospective participant in any such professional
 452 or amateur game, contest, match, race or sport, or the officials
 453 aforesaid, any bribe, money, goods, present, reward or any
 454 valuable thing whatsoever, or any promise, contract or agreement
 455 whatsoever, with intent to influence him or her or them to lose
 456 or cause to be lost any game, contest, match, race or sport, or
 457 to limit his or her or their or any person's or any team's
 458 margin of victory in any game, contest, match, race, or sport,
 459 or to fix or throw any game, contest, match, race or sport,
 460 commits ~~shall be guilty of~~ a felony of the third degree,
 461 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

462 (2) A ~~Any~~ participant or prospective participant in any
 463 professional or amateur game, contest, match, race or sport; or
 464 any umpire, referee, judge or other official of such game,

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465 contest, match, race or sport; or any owner, manager, coach or
 466 trainer of, or any relative of, or any person having any direct,
 467 indirect, remote or possible connection with, any team,
 468 individual, participant or prospective participant in any such
 469 professional or amateur game, contest, match, race or sport, or
 470 the officials aforesaid; who in any way solicits, receives or
 471 accepts, or agrees to receive or accept, or who conspires to
 472 receive or accept, any bribe, money, goods, present, reward or
 473 any valuable thing whatsoever, or any promise, contract or
 474 agreement whatsoever, with intent to lose or cause to be lost
 475 any game, contest, match, race or sport, or to limit his, her,
 476 their or any person's or any team's margin of victory in any
 477 game, contest, match, race or sport, or to fix or throw any
 478 game, contest, match, race or sport, ~~commits shall be guilty of~~
 479 a felony of the third degree, punishable as provided in s.
 480 775.082, s. 775.083, or s. 775.084.

481 (3) A person who stakes, bets, or wagers any money or other
 482 thing of value upon the result of any professional or amateur
 483 game, contest, match, race, or sport with knowledge that the
 484 results of such professional or amateur game, contest, match,
 485 race, or sport are prearranged or predetermined as described in
 486 subsection (1) or subsection (2) commits a felony of the third
 487 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 488 775.084.

489 Section 7. Section 843.08, Florida Statutes, is amended to
 490 read:

491 843.08 False personation.—A person who falsely assumes or
 492 pretends to be a firefighter, a sheriff, an officer of the
 493 Florida Highway Patrol, an officer of the Fish and Wildlife

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494 Conservation Commission, an officer of the Department of
 495 Environmental Protection, an officer of the Department of
 496 Financial Services, any personnel or representative of the
 497 Division of Investigative and Forensic Services, any personnel
 498 or representative of the Florida Gaming Control Commission, an
 499 officer of the Department of Corrections, a correctional
 500 probation officer, a deputy sheriff, a state attorney or an
 501 assistant state attorney, a statewide prosecutor or an assistant
 502 statewide prosecutor, a state attorney investigator, a coroner,
 503 a police officer, a lottery special agent or lottery
 504 investigator, a beverage enforcement agent, a school guardian as
 505 described in s. 30.15(1)(k), a security officer licensed under
 506 chapter 493, any member of the Florida Commission on Offender
 507 Review or any administrative aide or supervisor employed by the
 508 commission, any personnel or representative of the Department of
 509 Law Enforcement, or a federal law enforcement officer as defined
 510 in s. 901.1505, and takes upon himself or herself to act as
 511 such, or to require any other person to aid or assist him or her
 512 in a matter pertaining to the duty of any such officer, commits
 513 a felony of the third degree, punishable as provided in s.
 514 775.082, s. 775.083, or s. 775.084. However, a person who
 515 falsely personates any such officer during the course of the
 516 commission of a felony commits a felony of the second degree,
 517 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 518 If the commission of the felony results in the death or personal
 519 injury of another human being, the person commits a felony of
 520 the first degree, punishable as provided in s. 775.082, s.
 521 775.083, or s. 775.084. In determining whether a defendant has
 522 violated this section, the court or jury may consider any

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523 relevant evidence, including, but not limited to, whether the
524 defendant used lights in violation of s. 316.2397 or s. 843.081.

525 Section 8. Section 849.01, Florida Statutes, is amended to
526 read:

527 849.01 Keeping gambling houses, etc.—~~A person who whoever~~
528 by herself or himself, her or his servant, clerk or agent, or in
529 any other manner has, keeps, exercises or maintains a gaming
530 table or room, or gaming implements or apparatus, or house,
531 booth, tent, shelter or other place for the purpose of gaming or
532 gambling or in any place of which she or he may directly or
533 indirectly have charge, control or management, either
534 exclusively or with others, procures, suffers or permits any
535 person to play for money or other valuable thing at any game
536 whatever, whether heretofore prohibited or not, commits a felony
537 ~~misdemeanor~~ of the third second degree, punishable as provided
538 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

539 Section 9. Section 849.02, Florida Statutes, is amended to
540 read:

541 849.02 Agents or employees of keeper of gambling house.—A
542 person who whoever acts as servant, clerk, agent, or employee of
543 any person in the violation of s. 849.01 commits:

544 (1) For a first offense, a misdemeanor of the first degree,
545 punishable as provided in s. 775.082 or s. 775.083.

546 (2) For a second offense, a felony of the third degree,
547 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

548 (3) For a third or subsequent offense, a felony of the
549 second degree, punishable as provided in s. 775.082, s. 775.083,
550 or s. 775.084 shall be punished in the manner and to the extent
551 therein mentioned.

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552 Section 10. Section 849.03, Florida Statutes, is amended to
553 read:

554 849.03 Renting house for gambling purposes.—A person who
555 ~~whoever~~, whether as owner or agent, knowingly rents to another a
556 house, room, booth, tent, shelter or place for the purpose of
557 gaming commits:

558 (1) For a first offense, a felony of the third degree,
559 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
560 ~~shall be punished in the manner and to the extent mentioned in~~
561 ~~s. 849.01.~~

562 (2) For a second or subsequent violation, a felony of the
563 second degree, punishable as provided in s. 775.082, s. 775.083,
564 or s. 775.084.

565 Section 11. Section 849.08, Florida Statutes, is amended to
566 read:

567 849.08 Gambling.—

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

569 (a) "Internet gambling" means to play or engage in any game
570 in which money or other thing of value is awarded based on
571 chance, regardless of any application of skill, that is
572 available on the Internet and accessible on a mobile device,
573 computer terminal, or other similar access device and simulates
574 casino-style gaming, including, but not limited to, slot
575 machines, video poker, and table games.

576 (b) "Internet sports wagering" means to stake, bet, or
577 wager any money or other thing of value upon the result of any
578 trial or contest of skill, speed, power, or endurance of human
579 or beast that is available on the Internet and accessible on a
580 mobile device, computer terminal, or other similar access

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581 device. The term does not include fantasy sports contests as
 582 defined in s. 849.0932.

583 (2) A person who ~~whoever~~ plays or engages in Internet
 584 gambling, any game at cards, keno, roulette, faro or other game
 585 of chance, at any place, by any device whatever, for money or
 586 other thing of value, ~~commits shall be guilty of~~ a misdemeanor
 587 of the second degree, punishable as provided in s. 775.082 or s.
 588 775.083.

589 (3) A person who plays or engages in Internet sports
 590 wagering commits:

591 (a) For a first offense, a misdemeanor of the second
 592 degree, punishable as provided in s. 775.082 or s. 775.083.

593 (b) For a second or subsequent violation, a misdemeanor of
 594 the first degree, punishable as provided in s. 775.082 or s.
 595 775.083.

596 (4) A person who operates, conducts, or promotes Internet
 597 gambling or Internet sports wagering, or receives in any manner
 598 whatsoever any money or other thing of value offered for the
 599 purpose of Internet gambling or Internet sports wagering, or who
 600 knowingly becomes the custodian or depository of any money or
 601 other thing of value so offered, or who aids, assists, abets, or
 602 influences in any manner in any of such acts, all of which are
 603 hereby forbidden, commits a felony of the third degree,
 604 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

605 (5) This section does not apply to participation in, or the
 606 conduct of, any gaming activities authorized under s.
 607 285.710(13) and conducted pursuant to a gaming compact ratified
 608 and approved under s. 285.710(3).

609 Section 12. Paragraph (e) is added to subsection (12) of

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610 section 849.086, Florida Statutes, to read:

611 849.086 Cardrooms authorized.—

612 (12) PROHIBITED ACTIVITIES.—

613 (e) A person who manipulates or attempts to manipulate the
 614 playing cards, outcome, or payoff of a card game in a licensed
 615 cardroom by physical tampering or by use of any object,
 616 instrument, or device, whether mechanical, electrical, magnetic,
 617 or involving other means, commits a felony of the third degree,
 618 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

619 Section 13. Section 849.0932, Florida Statutes, is created
 620 to read:

621 849.0932 Fantasy sports contests; conditions for conduct.—

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

623 (a) "Commission" means the Florida Gaming Control
 624 Commission.

625 (b) "Confidential information" means information related to
 626 the playing of fantasy sports contests by contest participants
 627 which is obtained solely as a result of a person's employment
 628 with, or work as an agent of, a contest operator.

629 (c) "Contest operator" means a person or an entity that
 630 offers fantasy sports contests for a cash prize to members of
 631 the public. The term does not include a noncommercial contest
 632 operator in this state.

633 (d) "Contest participant" means a person who pays an entry
 634 fee for the ability to participate in a fantasy or simulation
 635 sports game or contest offered by a contest operator or
 636 noncommercial contest operator.

637 (e) "Entry fee" means the cash or cash equivalent amount
 638 that a person is required to pay to a contest operator or

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639 noncommercial contest operator to participate in a fantasy
640 sports contest.

641 (f) "Fantasy sports contest" means a fantasy or simulation
642 sports game or contest offered by a contest operator or a
643 noncommercial contest operator in which a contest participant
644 manages a fantasy or simulation sports team composed of athletes
645 from a professional sports organization and which meets each of
646 the following requirements:

647 1. All prizes and awards offered to winning contest
648 participants are established and made known to the contest
649 participants in advance of the game or contest, and their value
650 is not determined by the number of contest participants or the
651 amount of any fees paid by those contest participants.

652 2. All winning outcomes reflect the relative knowledge and
653 skill of the contest participants and are determined
654 predominantly by accumulated statistical results of the
655 performance of individuals, including athletes in the case of
656 sporting events.

657 3. No winning outcome is based on the score, point spread,
658 or any performance or performances of any single actual team or
659 combination of such teams; solely on any single performance of
660 an individual athlete or player in a single actual event; on a
661 pari-mutuel event, as the term "pari-mutuel" is defined in s.
662 550.002; on a game of poker or other card game; or on the
663 performances of participants in collegiate, high school, or
664 youth sporting events.

665 4. No casino graphics, themes, or titles, including, but
666 not limited to, depictions of slot machine-style symbols, cards,
667 dice, craps, roulette, or lotto, are displayed or depicted.

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668 (g) "Noncommercial contest operator" means a natural person
669 who organizes and conducts a fantasy or simulation sports game
670 in which contest participants are charged entry fees for the
671 right to participate; and who collects, maintains, and
672 distributes such entry fees;

673 (2) The total entry fees collected, maintained, and
674 distributed by a noncommercial contest operator for a fantasy
675 sports contest may not exceed \$1,500 per season or a total of
676 \$10,000 per calendar year. All entry fees must be returned to
677 the contest participants in the form of prizes.

678 (3) The Florida Gaming Control Commission shall investigate
679 violations of this section and refer them to the Attorney
680 General or the state attorney in the circuit in which the
681 violation occurs. The Attorney General or state attorney may
682 also institute proceedings to enjoin any person found to be
683 violating this section.

684 (4) (a) A violation of this section is punishable by a fine
685 of \$1,000 in addition to civil and criminal penalties.

686 (b) An operator or owner of any website, platform, or
687 application that offers fantasy sports contests in violation of
688 this section is subject to a fine of up to \$100,000 per
689 violation.

690 (5) (a) A person who willfully and knowingly violates this
691 section commits a misdemeanor of the first degree, punishable as
692 provided in s. 775.082 or s. 775.083.

693 (b) An operator or owner of any application, platform, or
694 website that offers fantasy sports contests in violation of this
695 section commits a felony of the third degree, punishable as
696 provided in s. 775.082, s. 775.083, or s. 775.084.

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697 Section 14. Section 849.11, Florida Statutes, is amended to
698 read:

699 849.11 Plays at games of chance by lot.—

700 (1) A person who ~~whoever sets up, promotes or plays in~~
701 person or by the use, at least in part, of the Internet, at any
702 game of chance by lot or with dice, cards, numbers, hazards or
703 any other gambling device whatever for, or for the disposal of
704 money or other thing of value or under the pretext of a sale,
705 gift or delivery thereof, or for any right, share or interest
706 therein, commits shall be guilty of a misdemeanor of the second
707 degree, punishable as provided in s. 775.082 or s. 775.083.

708 (2) A person who sets up, operates, conducts, promotes, or
709 receives in any manner whatsoever any money or other thing of
710 value offered for the purpose of conduct prohibited in
711 subsection (1), or who knowingly becomes the custodian or
712 depository of any money or other thing of value so offered, or
713 who aids, assists, abets, or influences in any manner in any of
714 such acts, commits a felony of the third degree, punishable as
715 provided in s. 775.082, s. 775.083, or s. 775.084.

716 Section 15. Section 849.13, Florida Statutes, is amended to
717 read:

718 849.13 ~~Punishment on Second or subsequent conviction.—A~~
719 person who commits a second or subsequent violation of the same
720 ~~Whoever, after being convicted of an offense forbidden by law in~~
721 connection with lotteries for which there is no penalty
722 specified for a second or subsequent violation, shall have the
723 offense reclassified to an offense of the next higher degree,
724 ~~commits the like offense, shall be guilty of a misdemeanor of~~
725 ~~the first degree, punishable as provided in s. 775.082, or s.~~

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726 775.083, or s. 775.084. For purposes of sentencing under chapter
727 921, a felony offense that is reclassified under this subsection
728 is ranked one level above the ranking under s. 921.0022 or s.
729 921.0023 of the felony offense committed.

730 Section 16. Section 849.14, Florida Statutes, is amended to
731 read:

732 849.14 Unlawful to bet on result of trial or contest of
733 skill, etc.—~~A person who whoever~~ stakes, bets, or wagers any
734 money or other thing of value upon the result of any trial or
735 contest of skill, speed or power or endurance of human or beast,
736 or who ~~whoever~~ receives in any manner whatsoever any money or
737 other thing of value staked, bet, or wagered, or offered for the
738 purpose of being staked, bet, or wagered, by or for any other
739 person upon any such result, or who ~~whoever~~ knowingly becomes
740 the custodian or depository of any money or other thing of value
741 so staked, bet, or wagered upon any such result, or who ~~whoever~~
742 aids, or assists, or abets, or influences in any manner in any
743 of such acts all of which are hereby forbidden, commits a felony
744 of the third degree, punishable as provided in s. 775.082, ~~or~~ s.
745 775.083, or s. 775.084.

746 Section 17. Section 849.15, Florida Statutes, is amended to
747 read:

748 849.15 Manufacture, sale, possession, etc., of slot
749 machines or devices prohibited.—

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

751 (a) "Conviction" means a determination of guilt that is the
752 result of a plea or a trial, regardless of whether adjudication
753 is withheld or a plea of nolo contendere is entered.

754 (b) "Person of authority" means a person who, at any

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755 business, establishment, premises, or other location at which a
 756 slot machine or device is offered for play, has:

757 1. Actual authority to act on behalf of the business,
 758 establishment, premises, or other location where a slot machine
 759 or device is offered for play; or

760 2. Any ownership interest in the business, establishment,
 761 premises, or other location. The term "ownership interest"
 762 includes being an officer, a director, or a managing member of
 763 the business, establishment, premises, or other location.

764 ~~(2)(1)~~ It is unlawful:

765 (a) To manufacture, own, store, keep, possess, sell, rent,
 766 lease, let on shares, lend or give away, transport, or expose
 767 for sale or lease, or to offer to sell, rent, lease, let on
 768 shares, lend or give away, or permit the operation of, or for
 769 any person to permit to be placed, maintained, or used or kept
 770 in any room, space, or building owned, leased or occupied by the
 771 person or under the person's management or control, any slot
 772 machine or device or any part thereof; or

773 (b) To make or to permit to be made with any person any
 774 agreement with reference to any slot machine or device, pursuant
 775 to which the user thereof, as a result of any element of chance
 776 or other outcome unpredictable to him or her, may become
 777 entitled to receive any money, credit, allowance, or thing of
 778 value or additional chance or right to use such machine or
 779 device, or to receive any check, slug, token or memorandum
 780 entitling the holder to receive any money, credit, allowance or
 781 thing of value.

782 (3) (a) Except as provided in paragraphs (b) and (c), a
 783 person who violates subsection (2) commits a misdemeanor of the

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784 first degree, punishable as provided in s. 775.082 or s.
 785 775.083.

786 (b) A person commits a felony of the third degree,
 787 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 788 if he or she violates subsection (2), and:

789 1. At the time of the violation, the person was a person of
 790 authority; or

791 2. The person has one prior conviction for a violation of
 792 this section.

793 (c) A person commits a felony of the second degree,
 794 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 795 if he or she violates subsection (2), and:

796 1.a. At the time of the violation, the person was a person
 797 of authority; and

798 b. The violation involves five or more slot machines or
 799 devices; or

800 2. The person has two or more prior convictions for a
 801 violation of this section.

802 ~~(4)(2)~~ Pursuant to section 2 of that chapter of the
 803 Congress of the United States entitled "An act to prohibit
 804 transportation of gaming devices in interstate and foreign
 805 commerce," approved January 2, 1951, being ch. 1194, 64 Stat.
 806 1134, and also designated as 15 U.S.C. ss. 1171-1177, the State
 807 of Florida, acting by and through the duly elected and qualified
 808 members of its Legislature, does hereby in this section, and in
 809 accordance with and in compliance with the provisions of section
 810 2 of such chapter of Congress, declare and proclaim that any
 811 county of the State of Florida within which slot machine gaming
 812 is authorized pursuant to chapter 551 is exempt from the

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813 provisions of section 2 of that chapter of the Congress of the
 814 United States entitled "An act to prohibit transportation of
 815 gaming devices in interstate and foreign commerce," designated
 816 as 15 U.S.C. ss. 1171-1177, approved January 2, 1951. All
 817 shipments of gaming devices, including slot machines, into any
 818 county of this state within which slot machine gaming is
 819 authorized pursuant to chapter 551 and the registering,
 820 recording, and labeling of which have been duly performed by the
 821 manufacturer or distributor thereof in accordance with sections
 822 3 and 4 of that chapter of the Congress of the United States
 823 entitled "An act to prohibit transportation of gaming devices in
 824 interstate and foreign commerce," approved January 2, 1951,
 825 being ch. 1194, 64 Stat. 1134, and also designated as 15 U.S.C.
 826 ss. 1171-1177, shall be deemed legal shipments thereof into this
 827 state provided the destination of such shipments is an eligible
 828 facility as defined in s. 551.102 or the facility of a slot
 829 machine manufacturer or slot machine distributor as provided in
 830 s. 551.109(2) (a).

831 (5) All shipments of legal gaming devices, including legal
 832 slot machines, into Indian lands located within this state shall
 833 be deemed legal shipments thereof provided that such Indian
 834 lands are held in federal trust for the benefit of a federally
 835 recognized Indian tribe that is a party to a tribal-state
 836 compact with the state pursuant to the federal Indian Gaming
 837 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
 838 ss. 2701 et seq.

839 Section 18. Section 849.155, Florida Statutes, is created
 840 to read:

841 849.155 Trafficking in slot machines, devices, or parts.-

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842 Any person who knowingly sells, purchases, manufactures,
 843 transports, delivers, or brings into this state more than 15
 844 slot machines or devices or any parts thereof commits a felony
 845 of the first degree, punishable as provided in s. 775.082, s.
 846 775.083, or s. 775.084. If the quantity of slot machines or
 847 devices or any parts thereof involved is:

848 (1) More than 15 slot machines or devices or any parts
 849 thereof, but less than 25 slot machines or devices or any parts
 850 thereof, such person must be fined \$100,000.

851 (2) Twenty-five slot machines or devices or any parts
 852 thereof or more, but less than 50 slot machines or devices or
 853 any parts thereof, such person must be fined \$250,000.

854 (3) Fifty slot machines or devices or any parts thereof or
 855 more, such person must be fined \$500,000.

856 (4) Pursuant to section 2 of the chapter of the Congress of
 857 the United States entitled "An act to prohibit transportation of
 858 gaming devices in interstate and foreign commerce," approved
 859 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 860 designated as 15 U.S.C. ss. 1171-1177, the State of Florida,
 861 acting by and through the duly elected and qualified members of
 862 its Legislature, does hereby in this section, and in accordance
 863 with and in compliance with section 2 of such chapter of
 864 Congress, declare and proclaim that any county of the State of
 865 Florida within which slot machine gaming is authorized pursuant
 866 to chapter 551 is exempt from section 2 of that chapter of the
 867 Congress of the United States entitled "An act to prohibit
 868 transportation of gaming devices in interstate and foreign
 869 commerce," designated as 15 U.S.C. ss. 1171-1177, approved
 870 January 2, 1951. All shipments of gaming devices, including slot

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871 machines, into any county of this state within which slot
 872 machine gaming is authorized pursuant to chapter 551 and the
 873 registering, recording, and labeling of which have been duly
 874 performed by the manufacturer or distributor thereof in
 875 accordance with sections 3 and 4 of that chapter of the Congress
 876 of the United States entitled "An act to prohibit transportation
 877 of gaming devices in interstate and foreign commerce," approved
 878 January 2, 1951, being ch. 1194, 64 Stat. 1134, and also
 879 designated as 15 U.S.C. ss. 1171-1177, shall be deemed legal
 880 shipments thereof into this state provided the destination of
 881 such shipments is an eligible facility as defined in s. 551.102
 882 or the facility of a slot machine manufacturer or slot machine
 883 distributor as provided in s. 551.109(2)(a).

884 (5) All shipments of legal gaming devices, including legal
 885 slot machines, into Indian lands located within the state shall
 886 be deemed legal shipments thereof provided that such Indian
 887 lands are held in federal trust for the benefit of a federally
 888 recognized Indian tribe that is a party to a tribal-state
 889 compact with the state pursuant to the federal Indian Gaming
 890 Regulatory Act of 1988, 18 U.S.C. ss. 1166-1168 and 25 U.S.C.
 891 ss. 2701 et seq.

892 Notwithstanding any other law, all fines imposed and collected
 893 pursuant to this section must be deposited into the Pari-mutuel
 894 Wagering Trust Fund and may be used for the enforcement of this
 895 chapter and chapters 546, 550, and 551 by the Florida Gaming
 896 Control Commission.

897 Section 19. Section 849.157, Florida Statutes, is created
 898 to read:
 899

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900 849.157 Making a false or misleading statement regarding
 901 the legality of slot machines or devices to facilitate sale.-

902 (1) Except as provided in subsection (2), a person who
 903 knowingly and willfully makes a materially false or misleading
 904 statement or who knowingly and willfully disseminates false or
 905 misleading information regarding the legality of a slot machine
 906 or device for the purpose of facilitating the sale or delivery
 907 of a slot machine or device for any money or other valuable
 908 consideration commits a felony of the third degree, punishable
 909 as provided in s. 775.082, s. 775.083, or s. 775.084.

910 (2) A person who violates subsection (1) when such a
 911 violation involves the sale or delivery, or attempted sale or
 912 delivery, of five or more slot machines or devices commits a
 913 felony of the second degree, punishable as provided in s.
 914 775.082, s. 775.083, or s. 775.084.

915 Section 20. Section 849.23, Florida Statutes, is repealed.
 916 Section 21. Section 849.47, Florida Statutes, is created to
 917 read:

918 849.47 Transporting or procuring the transportation of
 919 persons to facilitate illegal gambling.-

920 (1) As used in this section, the term "illegal gambling"
 921 means any criminal violation of this chapter, chapter 546,
 922 chapter 550, or chapter 551 that occurs at any business,
 923 establishment, premises, or other location.

924 (2) Except as provided in subsection (3), a person who
 925 knowingly and willfully transports, or procures the
 926 transportation of, five or more other persons into or within
 927 this state when he or she knows or reasonably should know that
 928 such transportation is for the purpose of facilitating illegal

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929 gambling commits a misdemeanor of the first degree, punishable
 930 as provided in s. 775.082 or s. 775.083.

931 (3) (a) A person who transports, or procures the
 932 transportation of, a minor or a person 65 years of age or older
 933 in violation of subsection (2) commits a felony of the third
 934 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 935 775.084.

936 (b) A person who transports, or procures the transportation
 937 of, 12 or more persons in violation of subsection (2) commits a
 938 felony of the third degree, punishable as provided in s.
 939 775.082, s. 775.083, or s. 775.084.

940 Section 22. Section 849.48, Florida Statutes, is created to
 941 read:

942 849.48 Gambling or gaming advertisements; prohibited.—

943 (1) As used in this section, the term “illegal gambling”
 944 means any criminal violation of this chapter, chapter 546,
 945 chapter 550, or chapter 551 which occurs at any business,
 946 establishment, premises, or other location.

947 (2) (a) Except as otherwise specifically authorized by law,
 948 a person may not knowingly and intentionally make, publish,
 949 disseminate, circulate, or place before the public, or cause,
 950 directly or indirectly, to be made, published, disseminated,
 951 circulated, or placed before the public in this state, in any
 952 manner, whether in person or by the use, at least in part, of
 953 the Internet, any advertisement, circular, bill, poster,
 954 pamphlet, list, schedule, announcement, or notice for the
 955 purpose of promoting or facilitating illegal gambling.

956 (b) Except as otherwise specifically authorized by law, a
 957 person may not set up any type or plate for any type of

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958 advertisement, circular, bill, poster, pamphlet, list, schedule,
 959 announcement, or notice when he or she knows or reasonably
 960 should know that such material will be used for the purpose of
 961 promoting or facilitating illegal gambling.

962 (c) A person who violates this subsection commits:

963 1. For a first offense, a misdemeanor of the first degree,
 964 punishable as provided in s. 775.082 or s. 775.083.

965 2. For a second or subsequent offense, a felony of the
 966 third degree, punishable as provided in s. 775.082, s. 775.083,
 967 or s. 775.084.

968 (3) This section does not prohibit the printing or
 969 producing of any advertisement, circular, bill, poster,
 970 pamphlet, list, schedule, announcement, or notice to be used for
 971 the purpose of promoting or facilitating gambling conducted in
 972 any other state or nation, outside of this state, where such
 973 gambling is not prohibited.

974 Section 23. Section 849.49, Florida Statutes, is created to
 975 read:

976 849.49 Preemption.—No county, municipality, or other
 977 political subdivision of the state shall enact or enforce any
 978 ordinance or local rule relating to gaming, gambling, lotteries,
 979 or any activities described in this chapter or s. 546.10, except
 980 as otherwise expressly provided by the State Constitution,
 981 general law, or special law.

982 Section 24. Present paragraphs (i) through (m) of
 983 subsection (2) of section 903.046, Florida Statutes, are
 984 redesignated as paragraphs (j) through (n), respectively, and a
 985 new paragraph (i) is added to that subsection, to read:

986 903.046 Purpose of and criteria for bail determination.—

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987 (2) When determining whether to release a defendant on bail
 988 or other conditions, and what that bail or those conditions may
 989 be, the court shall consider:

990 (i) The amount of currency seized that is connected to or
 991 involved in a violation of chapter 546, chapter 550, chapter
 992 551, or chapter 849.

993 Section 25. Paragraphs (a), (c), (e), and (g) of subsection
 994 (3) of section 921.0022, Florida Statutes, are amended to read:

995 921.0022 Criminal Punishment Code; offense severity ranking
 996 chart.-

997 (3) OFFENSE SEVERITY RANKING CHART

998 (a) LEVEL 1

1000

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

1001

1002

1003

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1004 212.15(2) (b) 3rd Failure to remit sales taxes,
 amount \$1,000 or more but less
 1005 than \$20,000.

316.1935(1) 3rd Fleeing or attempting to elude
 law enforcement officer.

1006 319.30(5) 3rd Sell, exchange, give away
 certificate of title or
 1007 identification number plate.

319.35(1) (a) 3rd Tamper, adjust, change, etc.,
 an odometer.

1008 320.26(1) (a) 3rd Counterfeit, manufacture, or
 sell registration license
 1009 plates or validation stickers.

322.212 3rd Possession of forged, stolen,
 1010 (1) (a)-(c) counterfeit, or unlawfully
 issued driver license;
 possession of simulated
 identification.

322.212(4) 3rd Supply or aid in supplying
 unauthorized driver license or
 identification card.

1011

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1012	322.212(5)(a)	3rd	False application for driver license or identification card.
1013	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
1014	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
1015	509.151(1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
1016	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
1017	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
1018	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
	815.04(4)(a)	3rd	Offense against intellectual

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1019			property (i.e., computer programs, data).
1020	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
1021	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
1022	826.01	3rd	Bigamy.
1023	828.122(3)	3rd	Fighting or baiting animals.
1024	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
1025	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
1026	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.

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1027	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
1028	838.15(2)	3rd	Commercial bribe receiving.
1029	838.16	3rd	Commercial bribery.
1030	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
1031	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
1032	849.09(1)(a)-(d)	3rd	Lottery, set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
1033	849.23	3rd	Gambling related machines; "common offender" as to property rights.
1034	849.25(2)	3rd	Engaging in bookmaking.

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1035	860.08	3rd	Interfere with a railroad signal.
1036	860.13(1)(a)	3rd	Operate aircraft while under the influence.
1037	893.13(2)(a)2.	3rd	Purchase of cannabis.
1038	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
1039	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
1040	(c) LEVEL 3		
1041			
1042			
	Florida Statute	Felony Degree	Description
1043	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
1044	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
1045	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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1046	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1047	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1048	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1049	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1050	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1051	327.35(2)(b)	3rd	Felony BUI.
1052	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1053			

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	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1054	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1055	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1056	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
1057	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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1058	580-02869-25	20251404c1	
	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
1059	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
1060	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1061	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1062	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
1063	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1064	626.902(1)(a) &	3rd	Representing an unauthorized

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1065	580-02869-25	20251404c1	(b) insurer.
	697.08	3rd	Equity skimming.
1066	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
1067	794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
1068	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1069	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
1070	810.09(2)(b)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1071	810.145(2)(c)	3rd	Digital voyeurism; 19 years of age or older.
1072			

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1073	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1074	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1075	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
1076	812.081(2)	3rd	Theft of a trade secret.
1077	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1078	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1079	817.233	3rd	Burning to defraud insurer.
1080	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1081	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.

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1082	817.236	3rd	Filing a false motor vehicle insurance application.
1083	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1084	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
1085	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
1086	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
1087	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
	836.13(2)	3rd	Person who promotes an altered sexual depiction of an

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identifiable person without
consent.

1088

838.021(3)(b)

3rd

Threatens unlawful harm to
public servant.

1089

838.12(3)

3rd

Betting on a predetermined or
prearranged professional or
amateur game, contest, match,
race, or sport.

1090

849.01

3rd

Keeping a gambling house.

1091

849.02(2)

3rd

Agents or employees of keeper
of gambling house.

1092

849.03(1)

3rd

Renting house for gambling
purposes.

1093

849.08(4)

3rd

Operating, conducting,
promoting, aiding, abetting,
assisting Internet gambling and
Internet sports wagering.

1094

849.086(12)(e)

3rd

Tampering with cards or card
games.

1095

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849.09(1)(a)-(d)

3rd

Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.

1096

849.09(1)(e),
(f), (g), (i),
or (k)

3rd

Conducting an unlawful lottery;
second or subsequent offense.

1097

849.09(1)(h) or
(j)

3rd

Conducting an unlawful lottery;
second or subsequent offense.

1098

849.11(2)

3rd

Offenses relating to games of
chance.

1099

849.14

3rd

Betting on result of trial or
contest of skill, etc.

1100

849.15(3)(b)

3rd

Manufacture, sale, or
possession of slot machine; by
person of authority or with
prior conviction.

1101

849.157(1)

3rd

False or misleading statement
to facilitate sale of slot
machines or devices.

1102

849.25(2)

3rd

Engaging in bookmaking.

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1103	<u>849.47(3) (a) & (b)</u>	3rd	<u>Transporting persons to facilitate illegal gambling; minor, person 65 years of age or older, or 12 or more persons.</u>
1104	<u>849.48(2) (c)</u>	3rd	<u>Illegal gambling advertising.</u>
1105	847.01385	3rd	Harmful communication to a minor.
1106	860.15(3)	3rd	Overcharging for repairs and parts.
1107	870.01(2)	3rd	Riot.
1108	870.01(4)	3rd	Inciting a riot.
1109	893.13(1) (a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs).
1110	893.13(1) (d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1.,

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1111	893.13(1) (f)2.	2nd	(2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs within 1,000 feet of university. Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
1112	893.13(4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
1113	893.13(6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1114	893.13(7) (a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1115	893.13(7) (a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud,

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			forgery, misrepresentation, etc.
1116	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
1117	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1118	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
1119	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
1120	893.13(8)(a)3.	3rd	Knowingly write a prescription

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			for a controlled substance for a fictitious person.
1121	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
1122	918.13(1)	3rd	Tampering with or fabricating physical evidence.
1123	944.47	3rd	Introduce contraband to correctional facility.
1124	(1)(a)1. & 2.		
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
1125	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
1126			
1127	(e) LEVEL 5		
1128			
1129			

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	Florida Statute	Felony Degree	Description
1130	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1131	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
1132	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
1133	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1134	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
1135	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving

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			away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
1136	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1137	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
1138	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1139	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
1140	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1141	440.381(2)	3rd	Submission of false,

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				misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1142	624.401(4)(b)2.	2nd		Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1143	626.902(1)(c)	2nd		Representing an unauthorized insurer; repeat offender.
1144	790.01(3)	3rd		Unlawful carrying of a concealed firearm.
1145	790.162	2nd		Threat to throw or discharge destructive device.
1146	790.163(1)	2nd		False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
1147	790.221(1)	2nd		Possession of short-barreled shotgun or machine gun.
1148	790.23	2nd		Felons in possession of firearms, ammunition, or

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				electronic weapons or devices.
1149	796.05(1)	2nd		Live on earnings of a prostitute; 1st offense.
1150	800.04(6)(c)	3rd		Lewd or lascivious conduct; offender less than 18 years of age.
1151	800.04(7)(b)	2nd		Lewd or lascivious exhibition; offender 18 years of age or older.
1152	806.111(1)	3rd		Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1153	810.145(4)(c)	3rd		Commercial digital voyeurism dissemination.
1154	810.145(7)(a)	2nd		Digital voyeurism; 2nd or subsequent offense.
1155	810.145(8)(a)	2nd		Digital voyeurism; certain minor victims.
1156	812.014(2)(d)3.	2nd		Grand theft, 2nd degree; theft from 20 or more dwellings or

	580-02869-25		20251404c1	
				their unenclosed curtilage, or any combination.
1157	812.0145(2)(b)	2nd		Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1158	812.015 (8)(a) & (c) - (e)	3rd		Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
1159	812.015(8)(f)	3rd		Retail theft; multiple thefts within specified period.
1160	812.015(8)(g)	3rd		Retail theft; committed with specified number of other persons.
1161	812.019(1)	2nd		Stolen property; dealing in or trafficking in.
1162	812.081(3)	2nd		Trafficking in trade secrets.
1163	812.131(2)(b)	3rd		Robbery by sudden snatching.
1164	812.16(2)	3rd		Owning, operating, or conducting a chop shop.
1165	817.034(4)(a)2.	2nd		Communications fraud, value

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				\$20,000 to \$50,000.
1166	817.234(11)(b)	2nd		Insurance fraud; property value \$20,000 or more but less than \$100,000.
1167	817.2341(1), (2)(a) & (3)(a)	3rd		Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
1168	817.568(2)(b)	2nd		Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
1169	817.611(2)(a)	2nd		Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
1170	817.625(2)(b)	2nd		Second or subsequent fraudulent use of scanning device,

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 1171 skimming device, or reencoder.
 825.1025(4) 3rd Lewd or lascivious exhibition
 in the presence of an elderly
 person or disabled adult.
 1172 828.12(2) 3rd Tortures any animal with intent
 to inflict intense pain,
 serious physical injury, or
 death.
 1173 836.14(4) 2nd Person who willfully promotes
 for financial gain a sexually
 explicit image of an
 identifiable person without
 consent.
 1174 839.13(2)(b) 2nd Falsifying records of an
 individual in the care and
 custody of a state agency
 involving great bodily harm or
 death.
 1175 843.01(1) 3rd Resist officer with violence to
 person; resist arrest with
 violence.
 1176 847.0135(5)(b) 2nd Lewd or lascivious exhibition
 using computer; offender 18

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 1177 years or older.
 847.0137 3rd Transmission of pornography by
 (2) & (3) electronic device or equipment.
 1178 847.0138 3rd Transmission of material
 (2) & (3) harmful to minors to a minor by
 electronic device or equipment.
 1179 849.02(3) 2nd Agents or employees of keeper
of gambling house, 3rd or
subsequent offense.
 1180 849.03(2) 2nd Renting house for gambling
purposes.
 1181 849.15(3)(c) 2nd Manufacture, sale, or
possession of a slot machine;
by a person of authority of
five or more machines or two or
more prior convictions.
 1182 849.157(2) 2nd False or misleading statement
to facilitate sale of slot
machines or devices; five or
more machines.
 1183 849.25(3) 2nd Bookmaking; second or
subsequent offense.

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1184

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1185

874.05(2)(a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

1186

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).

1187

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

1188

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893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

1189

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

1190

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.

1191

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

1192

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Line	Florida Statute	Felony Degree	Description
580-02869-25			20251404c1
1193	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
1194	(g) LEVEL 7		
1195			
1196			
1197	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
1198	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1199	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
1200	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
1201	402.319(2)	2nd	Misrepresentation and

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1202			negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
1203	409.920(2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
1204	409.920(2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1205	456.065(2)	3rd	Practicing a health care profession without a license.
1206	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
1207	458.327(1)	3rd	Practicing medicine without a license.
1208	459.013(1)	3rd	Practicing osteopathic medicine without a license.
1209	460.411(1)	3rd	Practicing chiropractic medicine without a license.

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1210	461.012(1)	3rd	Practicing podiatric medicine without a license.
1211	462.17	3rd	Practicing naturopathy without a license.
1212	463.015(1)	3rd	Practicing optometry without a license.
1213	464.016(1)	3rd	Practicing nursing without a license.
1214	465.015(2)	3rd	Practicing pharmacy without a license.
1215	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
1216	467.201	3rd	Practicing midwifery without a license.
1217	468.366	3rd	Delivering respiratory care services without a license.
1218	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901(7)	3rd	Practicing medical physics

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1219			without a license.
1220	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
1221	484.053	3rd	Dispensing hearing aids without a license.
1222	494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
1223	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
1224	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial

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	580-02869-25		20251404c1	institution.
1225	775.21(10)(a)	3rd		Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
1226	775.21(10)(b)	3rd		Sexual predator working where children regularly congregate.
1227	775.21(10)(g)	3rd		Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
1228	782.051(3)	2nd		Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
1229	782.07(1)	2nd		Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
1230	782.071	2nd		Killing of a human being or unborn child by the operation

	580-02869-25		20251404c1	of a motor vehicle in a reckless manner (vehicular homicide).
1231	782.072	2nd		Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
1232	784.045(1)(a)1.	2nd		Aggravated battery; intentionally causing great bodily harm or disfigurement.
1233	784.045(1)(a)2.	2nd		Aggravated battery; using deadly weapon.
1234	784.045(1)(b)	2nd		Aggravated battery; perpetrator aware victim pregnant.
1235	784.048(4)	3rd		Aggravated stalking; violation of injunction or court order.
1236	784.048(7)	3rd		Aggravated stalking; violation of court order.
1237	784.07(2)(d)	1st		Aggravated battery on law enforcement officer.
1238	784.074(1)(a)	1st		Aggravated battery on sexually

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 violent predators facility staff.
 1239 784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.
 1240 784.081(1) 1st Aggravated battery on specified official or employee.
 1241 784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.
 1242 784.083(1) 1st Aggravated battery on code inspector.
 1243 787.06(3)(a)2. 1st Human trafficking using coercion for labor and services of an adult.
 1244 787.06(3)(e)2. 1st Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
 1245 790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or

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 (2).
 1246 790.16(1) 1st Discharge of a machine gun under specified circumstances.
 1247 790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.
 1248 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
 1249 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
 1250 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
 1251 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
 1252 794.08(4) 3rd Female genital mutilation;

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consent by a parent, guardian,
or a person in custodial
authority to a victim younger
than 18 years of age.

1253

796.05(1) 1st Live on earnings of a
prostitute; 2nd offense.

1254

796.05(1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

1255

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

1256

800.04(5)(c)2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years of
age; offender 18 years of age
or older.

1257

800.04(5)(e) 1st Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years;
offender 18 years or older;
prior conviction for specified
sex offense.

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1258

806.01(2) 2nd Maliciously damage structure by
fire or explosive.

1259

810.02(3)(a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

1260

810.02(3)(b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

1261

810.02(3)(d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

1262

810.02(3)(e) 2nd Burglary of authorized
emergency vehicle.

1263

812.014(2)(a)1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

1264

812.014(2)(b)2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

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1265

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

1266

812.014(2)(b)4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

1267

812.014(2)(g) 2nd Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.

1268

812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.

1269

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

1270

812.131(2)(a) 2nd Robbery by sudden snatching.

1271

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

1272

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

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1273

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

1274

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

1275

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

1276

817.2341 1st Making false entries of
(2)(b) &
(3)(b) material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

1277

817.418(2)(a) 3rd Offering for sale or advertising personal protective equipment with intent to defraud.

1278

817.504(1)(a) 3rd Offering or advertising a vaccine with intent to defraud.

1279

817.535(2)(a) 3rd Filing false lien or other

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	580-02869-25		20251404c1	unauthorized document.
1280	817.611(2)(b)	2nd		Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
1281	825.102(3)(b)	2nd		Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
1282	825.103(3)(b)	2nd		Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
1283	827.03(2)(b)	2nd		Neglect of a child causing great bodily harm, disability, or disfigurement.
1284	827.04(3)	3rd		Impregnation of a child under 16 years of age by person 21 years of age or older.
1285	827.071(2) & (3)	2nd		Use or induce a child in a sexual performance, or promote or direct such performance.
1286	827.071(4)	2nd		Possess with intent to promote

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	580-02869-25		20251404c1	any photographic material, motion picture, etc., which includes child pornography.
1287	837.05(2)	3rd		Giving false information about alleged capital felony to a law enforcement officer.
1288	838.015	2nd		Bribery.
1289	838.016	2nd		Unlawful compensation or reward for official behavior.
1290	838.021(3)(a)	2nd		Unlawful harm to a public servant.
1291	838.22	2nd		Bid tampering.
1292	843.0855(2)	3rd		Impersonation of a public officer or employee.
1293	843.0855(3)	3rd		Unlawful simulation of legal process.
1294	843.0855(4)	3rd		Intimidation of a public officer or employee.
1295	847.0135(3)	3rd		Solicitation of a child, via a computer service, to commit an

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 1296 unlawful sex act.
 847.0135(4) 2nd Traveling to meet a minor to
 1297 commit an unlawful sex act.
 849.155 1st Trafficking in slot machines or
 1298 devices or any parts thereof.
 872.06 2nd Abuse of a dead human body.
 1299 874.05(2) (b) 1st Encouraging or recruiting
 person under 13 to join a
 1300 criminal gang; second or
 subsequent offense.
 874.10 1st,PBL Knowingly initiates, organizes,
 plans, finances, directs,
 manages, or supervises criminal
 gang-related activity.
 1301 893.13(1) (c)1. 1st Sell, manufacture, or deliver
 cocaine (or other drug
 prohibited under s.
 893.03(1) (a), (1) (b), (1) (d),
 (2) (a), (2) (b), or (2) (c)5.)
 within 1,000 feet of a child
 care facility, school, or
 state, county, or municipal
 park or publicly owned

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 recreational facility or
 1302 community center.
 893.13(1) (e)1. 1st Sell, manufacture, or deliver
 cocaine or other drug
 prohibited under s.
 893.03(1) (a), (1) (b), (1) (d),
 (2) (a), (2) (b), or (2) (c)5.,
 within 1,000 feet of property
 used for religious services or
 a specified business site.
 1303 893.13(4) (a) 1st Use or hire of minor; deliver
 to minor other controlled
 substance.
 1304 893.135(1) (a)1. 1st Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.
 1305 893.135 1st Trafficking in cocaine, more
 (1) (b)1.a. than 28 grams, less than 200
 grams.
 1306 893.135 1st Trafficking in illegal drugs,
 (1) (c)1.a. more than 4 grams, less than 14
 grams.
 1307 893.135 1st Trafficking in hydrocodone, 28

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	(1) (c) 2.a.		grams or more, less than 50 grams.	
1308	893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.	
	(1) (c) 2.b.			
1309	893.135	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.	
	(1) (c) 3.a.			
1310	893.135	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.	
	(1) (c) 3.b.			
1311	893.135	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.	
	(1) (c) 4.b. (I)			
1312	893.135	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.	
	(1) (d) 1.a.			
1313	893.135(1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.	
1314	893.135(1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28	

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			grams.	
1315	893.135	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	
	(1) (g) 1.a.			
1316	893.135	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	
	(1) (h) 1.a.			
1317	893.135	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	
	(1) (j) 1.a.			
1318	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	
	(1) (k) 2.a.			
1319	893.135	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.	
	(1) (m) 2.a.			
1320	893.135	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.	
	(1) (m) 2.b.			
1321	893.135	1st	Trafficking in n-benzyl phenethylamines, 14 grams or	
	(1) (n) 2.a.			

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			more, less than 100 grams.	
1322	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.	
1323	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
1324	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
1325	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
1326	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
1327	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.	

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

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1328	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
1329	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.	
1330	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.	
1331	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
1332	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
1333	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false	

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1334 registration information.

1335 985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

1336 985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

1337 985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

1338 Section 26. Paragraph (a) of subsection (1) and paragraph
1339 (a) of subsection (2) of section 772.102, Florida Statutes, are
1340 amended to read:

1341 772.102 Definitions.—As used in this chapter, the term:

1342 (1) "Criminal activity" means to commit, to attempt to
1343 commit, to conspire to commit, or to solicit, coerce, or
1344 intimidate another person to commit:

1345 (a) Any crime that is chargeable by indictment or
1346 information under the following provisions:

1347 1. Section 210.18, relating to evasion of payment of
1348 cigarette taxes.

1349 2. Section 414.39, relating to public assistance fraud.

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1350 3. Section 440.105 or s. 440.106, relating to workers'
1351 compensation.

1352 4. Part IV of chapter 501, relating to telemarketing.

1353 5. Chapter 517, relating to securities transactions.

1354 6. Section 550.235 or s. 550.3551, relating to dogracing
1355 and horseracing.

1356 7. Chapter 550, relating to jai alai frontons.

1357 8. Chapter 552, relating to the manufacture, distribution,
1358 and use of explosives.

1359 9. Chapter 562, relating to beverage law enforcement.

1360 10. Section 624.401, relating to transacting insurance
1361 without a certificate of authority, s. 624.437(4)(c)1., relating
1362 to operating an unauthorized multiple-employer welfare
1363 arrangement, or s. 626.902(1)(b), relating to representing or
1364 aiding an unauthorized insurer.

1365 11. Chapter 687, relating to interest and usurious
1366 practices.

1367 12. Section 721.08, s. 721.09, or s. 721.13, relating to
1368 real estate timeshare plans.

1369 13. Chapter 782, relating to homicide.

1370 14. Chapter 784, relating to assault and battery.

1371 15. Chapter 787, relating to kidnapping or human
1372 trafficking.

1373 16. Chapter 790, relating to weapons and firearms.

1374 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
1375 relating to prostitution.

1376 18. Chapter 806, relating to arson.

1377 19. Section 810.02(2)(c), relating to specified burglary of
1378 a dwelling or structure.

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1379 20. Chapter 812, relating to theft, robbery, and related
1380 crimes.

1381 21. Chapter 815, relating to computer-related crimes.

1382 22. Chapter 817, relating to fraudulent practices, false
1383 pretenses, fraud generally, and credit card crimes.

1384 23. Section 827.071, relating to commercial sexual
1385 exploitation of children.

1386 24. Chapter 831, relating to forgery and counterfeiting.

1387 25. Chapter 832, relating to issuance of worthless checks
1388 and drafts.

1389 26. Section 836.05, relating to extortion.

1390 27. Chapter 837, relating to perjury.

1391 28. Chapter 838, relating to bribery and misuse of public
1392 office.

1393 29. Chapter 843, relating to obstruction of justice.

1394 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1395 s. 847.07, relating to obscene literature and profanity.

1396 31. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1397 849.25, relating to gambling.

1398 32. Chapter 893, relating to drug abuse prevention and
1399 control.

1400 33. Section 914.22 or s. 914.23, relating to witnesses,
1401 victims, or informants.

1402 34. Section 918.12 or s. 918.13, relating to tampering with
1403 jurors and evidence.

1404 (2) "Unlawful debt" means any money or other thing of value
1405 constituting principal or interest of a debt that is legally
1406 unenforceable in this state in whole or in part because the debt
1407 was incurred or contracted:

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1408 (a) In violation of any one of the following provisions of
1409 law:

1410 1. Section 550.235 or s. 550.3551, relating to dogracing
1411 and horseracing.

1412 2. Chapter 550, relating to jai alai frontons.

1413 3. Section 687.071, relating to criminal usury and loan
1414 sharking.

1415 4. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1416 849.25, relating to gambling.

1417 Section 27. Paragraph (a) of subsection (12) of section
1418 895.02, Florida Statutes, is amended to read:

1419 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1420 (12) "Unlawful debt" means any money or other thing of
1421 value constituting principal or interest of a debt that is
1422 legally unenforceable in this state in whole or in part because
1423 the debt was incurred or contracted:

1424 (a) In violation of any one of the following provisions of
1425 law:

1426 1. Section 550.235 or s. 550.3551, relating to dogracing
1427 and horseracing.

1428 2. Chapter 550, relating to jai alai frontons.

1429 3. Section 551.109, relating to slot machine gaming.

1430 4. Chapter 687, relating to interest and usury.

1431 5. Section 849.09, s. 849.14, s. 849.15, ~~s. 849.23~~, or s.
1432 849.25, relating to gambling.

1433 Section 28. This act shall take effect October 1, 2025.

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 1574

INTRODUCER: Regulated Industries Committee and Senator DiCeglie

SUBJECT: Energy Infrastructure Investment

DATE: April 14, 2025

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1574 amends s. 366.075, F.S., relating to Florida’s experimental and transitional utility rates. The bill authorizes the Florida Public Service Commission (PSC or Commission) to establish an experimental mechanism to facilitate energy infrastructure investment in renewable natural gas (RNG).

The bill does not impact state revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Public Service Commission

The 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

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 April 8, 2025).

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

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities⁶ (called “public utilities” under ch. 366, F.S.).⁷ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.⁸ Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative’s membership.

PSC Setting of Public Utility Rates and Other Charges

Section 366.041, F.S., establishes the considerations the PSC must apply in fixing just, reasonable, and compensatory rates:

the [PSC] is authorized to give consideration, among other things, to the efficiency, sufficiency, and adequacy of the facilities provided and the services rendered; the cost of providing such service and the value of such service to the public; the ability of the utility to improve such service and facilities; and energy conservation and the efficient use of alternative energy resources; provided that no public utility shall be denied a reasonable rate of return upon its rate base

Section 366.06, F.S., establishes the PSC’s authority to establish and implement procedures for the fixing of and changing public utility rates. Under this section, all applications made by public utilities for changes in rates must be in writing with the PSC under the PSC’s established rules and regulations.⁹ Section 366.06(2), F.S., requires the PSC to hold a public hearing whenever it finds, upon request made, or upon its own motion, one or more of the following:

- That the rates demanded, charged, or collected by any public utility for public utility service, or that the rules, regulations, or practices of any public utility affecting such rates, are unjust, unreasonable, unjustly discriminatory, or in violation of law;
- That such rates are insufficient to yield reasonable compensation for the services rendered;
- That such rates yield excessive compensation for services rendered; or
- That such service is inadequate or cannot be obtained.

³ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited April 8, 2025).

⁴ Section 366.04(5) and (6), F.S.

⁵ Section 366.05(1) and (8), F.S.

⁶ Section 366.05, F.S.

⁷ Section 366.02(8), F.S.

⁸ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited April 8, 2025).

⁹ Section 366.06(1), F.S.

During such a hearing, the PSC must determine just and reasonable rates to be thereafter charged for such service, and promulgate rules and regulations affecting equipment, facilities, and service to be thereafter installed, furnished, and used.

The PSC establishes separate rates and charges for various components of a public utility's cost of providing service to its customers. These are established through various proceedings which include:

- Base rate proceedings (also known as rate cases);
- Cost recovery clauses;
- Infrastructure surcharges;
- Interim charges.¹⁰

Experimental and Transitional Rates

Section 366.075, F.S., authorizes the PSC to approve experimental or transitional rates for the purpose of encouraging energy conservation or efficiency. This provision is used by the PSC to allow electric and natural gas utilities under its rate-regulatory jurisdiction to conduct limited scope pilot programs.

Such rates must be limited in geographic area and be for a limited period of time. The PSC may approve the area used in testing experimental rates and must specify in the order setting those rates the area that will be affected by those rates. The PSC can extend this time period “if it determines that further testing is necessary to fully evaluate the effectiveness of such experimental rates.”

Renewable Energy

Section 366.91, F.S., establishes a number of renewable policies for the state. The purpose of these policies, as established in this section, states it is in the public interest to promote the development of renewable energy resources in this state.¹¹ Further, the statute is intended to encourage fuel diversification to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.¹²

The section defines “renewable energy” as:

[E]lectrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-

¹⁰ Florida Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 354*, (Feb. 28, 2025) (on file with Senate Committee on Regulated Industries).

¹¹ Section 366.91(1), F.S

¹² *Id.*

quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.¹³

Renewable Natural Gas

Natural gas is a fossil energy source which forms beneath the earth's surface. Natural gas contains many different compounds, the largest of which is methane. Conventional natural gas is primarily extracted from subsurface porous rock reservoirs via gas and oil well drilling and hydraulic fracturing, commonly referred to as "fracking."¹⁴ RNG refers to biogas that has been upgraded to use in place of fossil fuel natural gas (i.e. conventional natural gas).¹⁵

Section 366.91, F.S., identifies sources for producing RNG as a potential source of renewable energy.¹⁶ The section specifically defines renewable natural gas as anaerobically generated biogas,¹⁷ landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater. Under the definition, such gas may be used as a transportation fuel or for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

Biogas used to produce RNG comes from various sources, including municipal solid waste landfills, digesters at water resource recovery facilities, livestock farms, food production facilities, and organic waste management operations.¹⁸ Raw biogas has a methane content between 45 and 65 percent.¹⁹ Once biogas is captured, it is treated in a process called conditioning or upgrading, which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. After this process, the nitrogen and oxygen content is reduced and the RNG has a methane content comparable to natural gas and is thus a suitable energy source in applications that require pipeline-quality gas, such as vehicle applications.²⁰

RNG that meets certain standards qualifies as an advanced biofuel under the Federal Renewable Fuel Standard Program.²¹ This program was enacted by the United States Congress in order to

¹³ Section 366.91(2)(e), F.S.

¹⁴ United States Energy Information Administration, *Natural gas explained* (Oct. 10, 2024), <https://www.eia.gov/energyexplained/natural-gas/> (last visited April 8, 2025).

¹⁵ Environmental Protection Agency, *Landfill Methane Outreach Program (LMOP): Renewable Natural Gas*, <https://www.epa.gov/lmop/renewable-natural-gas> (last visited April 8, 2025).

¹⁶ Section 366.91(2)(e), F.S., defines "renewable energy," in part, as energy produced from biomass. Section 366.91(2)(b), F.S., defines "biomass" in part, as "a power source that is comprised of, but not limited to, combustible residues or gases from...waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas." RNG would be such a combustible gas.

¹⁷ Section 366.91(2)(a) defines "biogas" as a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas.

¹⁸ Environmental Protection Agency, *supra* note 15.

¹⁹ *Id.*

²⁰ United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025).

²¹ United States Department of Energy, *Renewable Fuel Standard*, [https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20\(RFS,Act%20of%202007%20\(EIS A\)](https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20(RFS,Act%20of%202007%20(EIS A)) (last visited April 8, 2025).

reduce greenhouse gas emissions by reducing reliance on imported oil and expanding the nation's renewable fuels sector.²²

Nationally as of September 2023, there were 580 landfill gas facilities in operation and 530 anaerobic digester systems operating at commercial livestock farms in the United States.²³ Of the more than 16,000 wastewater treatment plants in operation in the United States, approximately 1,200 have anaerobic digesters on site, and 860 of those have the equipment to use their biogas on site.²⁴

Florida Power and Light (FPL) Woodford Decision

In *Citizens of State v. Graham*, 191 So. 3d 897 (Fla. 2016), the Florida Supreme Court found the PSC lacked statutory authority to approve cost recovery for FPL investment in a natural gas production facility in the Woodford Shale Gas Region in Oklahoma (Woodford Project). The Woodford Project involved exploration and production of natural gas and not the purchase of actual fuel—something that would generally be within the types of activities an electric utility would engage in. The Supreme Court cited to s. 366.02(2), F.S. (2014), which defines an “electric utility” as “any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state,” and found that the Woodford Project activities did not fall within this definition.²⁵

However, in making its decision, the Supreme Court noted the following:

This may be a good idea, but whether advance cost recovery of speculative capital investments in gas exploration and production by an electric utility is in the public interest is a policy determination that must be made by the Legislature. For example, in contrast to natural gas exploration and production, the Legislature has authorized the PSC to approve cost recovery for capital investments in nuclear power plants and energy efficient and renewable energy power sources. See ss. 366.8255; 366.92; 366.93, Fla. Stat. (2014). Without statutory authorization from the Legislature, the recovery of FPL's costs and capital investment in the Woodford Project through the fuel clause is overreach.²⁶

Thus, while the Supreme Court determined that the PSC could not approve cost recovery for capital electric utility investments in natural gas production, it indicated that the Legislature has the authority to allow for such if it chose to do so.²⁷

²² Environmental Protection Agency, *Renewable Fuel Standard Program*, <https://www.epa.gov/renewable-fuel-standard-program> (last visited April 8, 2025).

²³ United States Department of Energy, *Renewable Natural Gas Production*, https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited April 8, 2025) and American Biogas Council, *Biogas Market Snapshot*, <https://americanbiogascouncil.org/biogas-market-snapshot/> (last visited April 8, 2025).

²⁴ *Id.*

²⁵ *Citizens of State v. Graham*, 191 So. 3d 897, 901-2 (Fla. 2016).

²⁶ *Id.* at 902.

²⁷ Florida Public Service Commission, *Bill Analysis for SB 1162* (Mar. 14, 2023) (on file with the Senate Committee on Regulated Industries).

Biogas in Florida

According to the American Biogas Council, Florida has 70 operational biogas systems:

- 40 wastewater systems;
- 21 landfills;
- Five food waste systems; and
- Four manure processing locations.²⁸

Recovery of Natural Gas Facilities Relocation Costs

Created in 2024 (chapter 2024-186, Laws of Florida), s. 366.99, F.S., authorizes natural gas public utilities to petition the PSC to annually recover prudently incurred natural gas facilities relocation costs to accommodate requirements imposed by the Florida Department of Transportation (FDOT) and local government entities. The section allows each utility to recover such costs through a charge separate and apart from base rates, referred to in the section as the natural gas facilities relocation cost recovery clause.

The section directs the PSC to establish an annual proceeding to review these petitions. This review is limited to:

- Determining the prudence of the utility's actual incurred natural gas facilities relocation costs;
- Determining the reasonableness of the utility's projected natural gas facilities relocation costs for the next calendar year; and
- Providing for a true-up of the costs with the projections on which past factors were set.

Any refund or collection made pursuant to the true-up process must include applicable interest.

The section also requires all costs approved pursuant to this clause be allocated to customer classes pursuant to the rate design most recently approved by the PSC. If a capital expenditure is recoverable as a natural gas facilities relocation cost, the public utility may recover the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs at the public utility's weighted average cost of capital using the last approved return on equity.

The section directs the PSC to adopt rules to implement the section as soon as practicable.

III. Effect of Proposed Changes:

Section 1 amends s. 366.075, F.S., to authorize the PSC to establish an experimental mechanism to facilitate energy infrastructure investment in gas using the administrative proceeding structure created for natural gas facilities relocation cost recovery in s. 366.99, (2) through (6), F.S. As used in the section, "gas" means anaerobically generated biogas, landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater which may be used as a transportation fuel or for pipeline distribution.

²⁸ American Biogas Council, *Biogas State Profiles*, <https://americanbiogascouncil.org/resources/state-profiles/florida/> (last visited April 8, 2025).

In establishing this mechanism, the PSC is to consider the intent provided in s. 366.91(1), F.S., for renewable energy.²⁹ The gas infrastructure investment may include only such investments that collect, prepare, clean, process, transport, or inject gas as a transportation fuel or for pipeline distribution.

The section also requires the PSC to propose a rule for adoption as soon as practicable, but not later than January 1, 2026.

Section 2 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:

Public utilities will likely expand their use and sale of RNG, the costs of which will be authorized to be passed through to the utilities' customers. In addition, if the production of RNG increases in response to the experimental mechanism authorized in the bill,

²⁹ Section 366.91(1), F.S., provides that the "Legislature finds that it is in the public interest to promote the development of renewable energy resources in this state. Renewable energy resources have the potential to help diversify fuel types to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies."

operators of farming operations that have the potential to generate RNG may see a revenue increase as a result of increased RNG capture and production.

C. **Government Sector Impact:**

The bill does not impact state revenues and expenditures. The bill requires the PSC to adopt rules and expands the responsibilities of the PSC. Any such expenses will be absorbed within existing resources.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 366.075 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 Regulated Industries on April 1, 2025:

The committee substitute revises the recovery mechanism structure for the energy infrastructure investments specified in the bill. Specifically, the amendment replaces the storm protection plans and cost recovery (ss. 366.96, (7) and (8), F.S.) mechanism with that used for natural gas relocation facilities costs (ss. 366.99(2) through (6), F.S.).

The committee substitute also makes a conforming change to delete a provision that the PSC has the discretion to determine whether to use an annual proceeding to conduct such an experimental mechanism. Section 366.99(2) through (6), F.S., already specifies annual proceedings for that mechanism.³¹

B. **Amendments:**

None.

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

³⁰ Florida Public Service Commission, *Bill Analysis for Senate Bill 1574 (April 1, 2025)* (on file with the Senate Appropriations Committee on Agriculture, Environment and General Government).

³¹ *Id.*

By the Committee on Regulated Industries; and Senator DiCeglie

580-03185-25

20251574c1

1 A bill to be entitled
 2 An act relating to energy infrastructure investment;
 3 amending s. 366.075, F.S.; authorizing the Public
 4 Service Commission to establish an experimental
 5 mechanism that meets certain requirements to
 6 facilitate certain energy infrastructure investment in
 7 gas; providing requirements for gas infrastructure
 8 investments; defining the term "gas"; requiring the
 9 commission to adopt rules and propose such rules by a
 10 specified date; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (3) is added to section 366.075,
 15 Florida Statutes, to read:

16 366.075 Experimental and transitional rates; experimental
 17 mechanisms.—

18 (3) The commission may establish an experimental mechanism
 19 to facilitate energy infrastructure investment in gas consistent
 20 with a similar structure as set forth in s. 366.99(2)-(6) and
 21 with the intent of s. 366.91(1). Such gas infrastructure
 22 investment may include only such investments that collect,
 23 prepare, clean, process, transport, or inject gas as a
 24 transportation fuel or for pipeline distribution. As used in
 25 this subsection, the term "gas" means anaerobically generated
 26 biogas, landfill gas, or wastewater treatment gas refined to a
 27 methane content of 90 percent or greater which may be used as a
 28 transportation fuel or for pipeline distribution. The commission
 29 shall adopt rules to implement and administer this subsection

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

580-03185-25

20251574c1

30 and shall propose such rules for adoption as soon as practicable
 31 but no later than January 1, 2026.

32 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1580

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Infrastructure and Resiliency

DATE: April 14, 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>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1580 provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill provides that, to encourage investment from the private sector in such projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

The DEP may incur indeterminate costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources. See Section V., Fiscal Impact Statement.

The bill provides that the bill takes effect upon becoming law.

II. Present Situation:

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to local governments and water management districts for community resilience planning, including feasibility studies, vulnerability assessments, and adaptation planning.¹
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which provides an inventory of critical assets and information necessary to determine the risks to inland and coastal communities such as elevation, tidal levels, and precipitation.²
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³

Statewide Flooding and Sea Level Rise Resilience Plan

By December 1 of each year, the DEP must develop a Statewide Flooding and Sea Level Rise Resilience Plan with a three-year planning horizon and submit it to the Governor and Legislature.⁴ The plan must consist of ranked projects that address flooding and sea level rise risks for coastal and inland communities.⁵ All eligible projects submitted must be ranked and included in the plan.⁶ The DEP ranks the projects using a four-tiered scoring system.⁷ Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.⁸

Each plan must include, among other things, a detailed description of the methodology used by the DEP to rank projects, details on the submitted project applications, and total funding requested, including for ineligible projects.⁹ In addition, each plan must include the following information for each recommended project:

- A description of the project;
- The location of the project;
- An estimate of how long the project will take to complete;
- An estimate of the cost of the project;
- The cost-share percentage available for the project;
- A summary of the priority score assigned to the project; and
- The project sponsor.¹⁰

¹ Section 380.093(3), F.S.

² Section 380.093(4), F.S.

³ Section 380.093(5), F.S.

⁴ Section 380.093(5)(a), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 380.093(5)(g), F.S.

⁸ See DEP, *Statewide Resilience Plan: Fiscal Year 2024-25*, 8-12 (2023), available at https://floridadep.gov/sites/default/files/2024-2025%20Statewide%20Resilience%20Plan-FINAL_0.pdf.

⁹ Section 380.093(5)(g), F.S.

¹⁰ Section 380.093(5)(c), F.S.

Counties, municipalities, special districts, and regional resilience entities may submit a list of proposed projects that address risks identified in statewide or local vulnerability assessments.¹¹ Water management districts, drainage districts, erosion control districts, flood control districts, and regional water supply authorities may also submit projects that mitigate flooding and sea level rise impacts on water supplies or water resources.¹²

Each project must have a 50 percent cost share unless the project assists or is within a community eligible for a reduced cost share.¹³ The annual funding for the plan must be at least \$100 million.¹⁴ Multiyear projects must continue receiving funding until completion if contractual obligations are met and funds remain available.¹⁵

Public-private Partnerships

Public-private partnerships (P3s) are contractual arrangements between public entities and private sector entities¹⁶ that facilitate increased private sector involvement in the funding and execution of public building and infrastructure projects. These agreements enable the collaboration of skills and assets from both public and private sectors to provide services or facilities for the benefit of the general public. Several statutes promote and offer direction for P3 projects, including those for services and facilities related to transportation,¹⁷ housing,¹⁸ and education.¹⁹

Current law allows responsible public entities (RPEs)²⁰ to engage in P3 projects aimed at developing an extensive array of public-use facilities or projects that fulfill a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities, and public sector buildings or complexes such as courthouses or

¹¹ Section 380.093(5)(d)1., F.S.

¹² Section 380.093(5)(d)2., F.S.

¹³ Section 380.093(5)(e), F.S. “Community eligible for reduced cost share” means (1) a municipality that has a population of 10,000 or fewer and a per capita annual income that is less than the state’s per capita annual income; (2) a county that has a population of 50,000 or fewer and a per capita annual income that is less than the state’s per capita annual; or (3) a municipality or county that has a per capita annual income that is equal to or less than 75 percent of the state’s per capita annual income. Populations are determined by the most recent April 1 population estimates posed on the Office of Economic and Demographic Research’s website. The state’s per capita income is based on the most recent release from the Bureau of the Census of the U.S. Department of Commerce. *Id.*

¹⁴ Section 380.093(5)(h), F.S.

¹⁵ *Id.*

¹⁶ “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity. Section 255.065(1)(g), F.S.

¹⁷ See section 334.30, F.S., relating to public-private transportation facilities.

¹⁸ See section 420.0003(2)(b), F.S., relating to state housing strategy.

¹⁹ See section 1013.35, F.S., relating to school district educational facilities plans.

²⁰ “Responsible public entity” means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project. Section 255.065(1)(j), F.S. “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand. Section 255.065(1)(b), F.S. “Operate” means to finance, maintain, improve, equip, modify, or repair. Section 255.065(1)(f), F.S.

city halls.²¹ Current law outlines specific requirements to which the RPEs must adhere, including protocols for reviewing and approving proposals.²²

Procurement Procedures

Current law allows an RPE to receive unsolicited proposals or may solicit proposals for a qualifying P3 project and thereafter enter into a comprehensive agreement for the building, upgrading, operating, ownership, or financing of facilities.²³ An unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following materials and information, unless waived by the RPE:

- A description of the project and the method proposed by the private entity to secure the necessary property interests required for the project.
- A description of the private entity's general plans for financing the project.
- The name and address of a designated contact person who can provide additional information about the proposal.
- The proposed user fees,²⁴ lease payments,²⁵ or other service payments throughout the term of the comprehensive agreement, along with the methodology for and circumstances allowing adjustments to these payments over time.
- Any additional material or information requested by the RPE.²⁶

If the RPE intends to execute a comprehensive agreement for a project arising from an unsolicited proposal, the RPE must publish notice in the Florida Administrative Register and a newspaper of general circulation and mail a copy of the notice to each local government in the affected area.²⁷ The notice must be published at least once a week for two weeks stating the RPE has received a proposal and will accept other proposals for the same project.²⁸

²¹ "Qualifying project" means a facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity; an improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector; a water, wastewater, or surface water management facility or other related infrastructure; or notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section. Section 255.065(1)(i), F.S.

²² "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined. Section 255.065(1)(h), F.S.

²³ Section 255.065(3), F.S.

²⁴ "Fees" means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement. Section 255.065(1)(c), F.S.

²⁵ "Lease payment" means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project. Section 255.065(1)(d), F.S.

²⁶ Section 255.065(4), F.S. Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

²⁷ Section 255.065(3)(b), F.S. "Affected local jurisdiction" means a county, municipality, or special district in which all or a portion of a qualifying project is located. Section 255.065(1)(a), F.S.

²⁸ Section 255.065(3)(b)1., F.S.

The RPE may proceed with an unsolicited proposal for a qualifying project without engaging in a public bidding process if the RPE holds a duly noticed public meeting at which the proposal is presented and affected public entities and members of the public are able to provide comment and at a second duly noticed public meeting determines that the proposal is in the public's interest.²⁹ If the RPE decides to proceed with an unsolicited proposal without engaging in a public bidding process, the RPE must publish in the Florida Administrative Register for at least seven days a report that includes:

- The public interest determination;
- The factors considered in making such public interest determination; and
- The RPE's findings based on each considered factor.³⁰

Project Qualification and Approval

After the public notification period has expired for an unsolicited proposal that is submitted and noticed for public hearing, the RPE ranks the proposals received in order of preference.³¹ The RPE may then begin negotiations for a comprehensive agreement with the highest-ranked firm.³²

Before approving a comprehensive agreement, the RPE must determine the proposed project:

- Is in the public's best interest.
- Is for a facility owned by the RPE or for which ownership will be conveyed to the RPE.
- Has adequate safeguards to prevent additional costs or service disruptions for the public in case of material default³³ or cancellation of the comprehensive agreement by the RPE.
- Includes measures to allow the RPE or the private entity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
- Will be owned by the RPE upon completion, expiration, or termination of the comprehensive agreement and upon payment of the financed amounts.³⁴

Comprehensive Agreement

The RPE and the private entity must enter into a comprehensive agreement before developing or operating a qualifying project.³⁵ The comprehensive agreement must provide for:

- Delivery of performance and payment bonds, letters of credit, or other security related to the project's development or operation.
- Review of the project design by the RPE. This does not require the private entity to complete the project's design before executing the comprehensive agreement.
- Inspection of the project by the RPE.
- Maintenance of a public liability insurance policy, a copy of which together with proofs of coverage are filed with the RPE, or satisfactory proof of self-insurance.
- Monitoring the maintenance practices of the private entity by the RPE to ensure proper upkeep of the project.

²⁹ Section 255.065(3)(c), F.S.

³⁰ Section 255.065(3)(d), F.S.

³¹ Section 255.065(5)(c), F.S.

³² *Id.*

³³ "Material default" means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project. Section 255.065(1)(e), F.S.

³⁴ Section 255.065(3)(f), F.S.

³⁵ Section 255.065(7)(a), F.S.

- Periodic filing of financial statements pertaining to the project by the private entity.
- Procedures governing the rights and responsibilities of both parties in the event of a termination of the comprehensive agreement or a material default by the private entity.
- User fees, lease payments, or service payments that do not discourage use of the project, as may be established in the agreement.
- Duties of the private entity, including the terms and conditions that the RPE determines serve the public purpose of the project.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 255.065, F.S., regarding public-private partnerships. The bill adds coastal resiliency projects as defined in s. 380.0934, F.S., (created by this bill) to the definition of “qualifying projects.”

Section 2 creates s. 380.0934, F.S., regarding public-private partnerships for coastal resiliency projects. The bill provides that “coastal resiliency project” means:

- The planning, contracting, and execution of a project to address flooding and sea level rise in a coastal or inland community in this state pursuant to the Statewide Flooding and Sea Level Rise Resilience Plan;
- Public infrastructure repair and upgrades to seawalls and stormwater drainage; and
- Resiliency measures designed to withstand extreme weather, mitigate flooding, and prevent coastal erosion, including:
 - Acquisition of at-risk coastal and flood-prone properties;
 - Acquisition of properties in areas at high risk of flooding;
 - Infrastructure hardening and development of natural barriers;
 - Construction of large-scale seawalls, levees, and elevated flood barriers; or
 - Expansion and restoration of natural protective systems.

The bill provides that the DEP has the exclusive authority to execute coastal resiliency projects through public-private partnerships. The bill defines “public-private partnerships” as a coastal resiliency project entered into by the DEP under s. 255.065, F.S.

The bill provides that, to encourage investment from the private sector in coastal resiliency projects, the DEP may:

- Enter into long-term revenue-sharing agreements.
- Provide expedited permitting for construction.
- Seek comments from local governments and the public during project planning and execution and incorporate actions responsive to such comments into the project.
- Engage in-state vocational schools and apprenticeship programs to train workers in specialized resiliency construction.

The bill requires the DEP to publish biennial progress reports for each coastal resiliency project funded through a public-private partnership, including project milestones, expenditures, and public benefits, on the DEP’s website. The DEP must also create and maintain on its website an online dashboard for real-time updates on project execution.

³⁶ *Id.*

Section 3 provides that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

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 DEP may incur costs related to publishing biennial progress reports and maintaining an online dashboard with real-time updates on project execution. These costs can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 255.065 of the Florida Statutes.

This bill creates section 380.0934 of the Florida Statutes.

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

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

CS by Environment and Natural Resources on March 25, 2025:

The committee substitute deletes the underlying bill and:

- Provides that the Department of Environmental Protection (DEP) has the exclusive authority to execute coastal resiliency projects through public-private partnerships.
- Allows DEP to encourage private sector investment in coastal resiliency projects through revenue-sharing agreements, expedited permitting, public engagement, and workforce training initiatives.
- Requires DEP to publish biennial progress reports and maintain an online dashboard with real-time updates on project execution.

B. Amendments:

None.

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

592-02839-25

20251580c1

1 A bill to be entitled
2 An act relating to infrastructure and resiliency;
3 amending s. 255.065, F.S.; revising the definition of
4 the term "qualifying project"; creating s. 380.0934,
5 F.S.; defining terms; granting the Department of
6 Environmental Protection the exclusive authority to
7 execute coastal resiliency projects through public-
8 private partnerships; authorizing the department to
9 take certain actions to encourage investment from the
10 private sector in coastal resiliency projects;
11 requiring the department to publish certain
12 information on its website; providing an effective
13 date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Paragraph (i) of subsection (1) of section
18 255.065, Florida Statutes, is amended to read:
19 255.065 Public-private partnerships.—
20 (1) DEFINITIONS.—As used in this section, the term:
21 (i) "Qualifying project" means:
22 1. A facility or project that serves a public purpose,
23 including, but not limited to, any ferry or mass transit
24 facility, vehicle parking facility, airport or seaport facility,
25 rail facility or project, fuel supply facility, oil or gas
26 pipeline, medical or nursing care facility, recreational
27 facility, sporting or cultural facility, or educational facility
28 or other building or facility that is used or will be used by a
29 public educational institution, or any other public facility or

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30 infrastructure that is used or will be used by the public at
31 large or in support of an accepted public purpose or activity;
32 2. An improvement, including equipment, of a building that
33 will be principally used by a public entity or the public at
34 large or that supports a service delivery system in the public
35 sector;
36 3. A water, wastewater, or surface water management
37 facility or other related infrastructure;
38 4. A coastal resiliency project as defined in s. 380.0934;
39 or
40 5.4. Notwithstanding any provision of this section, for
41 projects that involve a facility owned or operated by the
42 governing board of a county, district, or municipal hospital or
43 health care system, or projects that involve a facility owned or
44 operated by a municipal electric utility, only those projects
45 that the governing board designates as qualifying projects
46 pursuant to this section.
47 Section 2. Section 380.0934, Florida Statutes, is created
48 to read:
49 380.0934 Public-private partnerships for coastal resiliency
50 projects.—
51 (1) DEFINITIONS.—As used in this section, the term:
52 (a) "Coastal resiliency project" means:
53 1. The planning, contracting, and execution of a project to
54 address flooding and sea level rise in a coastal or inland
55 community in this state pursuant to s. 380.093(5);
56 2. Public infrastructure repair and upgrades to seawalls
57 and stormwater drainage; and
58 3. Resiliency measures designed to withstand extreme

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59 weather, mitigate flooding, and prevent coastal erosion,
 60 including:
 61 a. Acquisition of at-risk coastal and flood-prone
 62 properties;
 63 b. Acquisition of properties in areas at high risk of
 64 flooding;
 65 c. Infrastructure hardening and development of natural
 66 barriers;
 67 d. Construction of large-scale seawalls, levees, and
 68 elevated flood barriers; or
 69 e. Expansion and restoration of natural protective systems.
 70 (b) "Department" means the Department of Environmental
 71 Protection.
 72 (c) "Public-private partnership" means a coastal resiliency
 73 project entered into by the department under s. 255.065.
 74 (2) The department shall have the exclusive authority to
 75 execute coastal resiliency projects through public-private
 76 partnerships under s. 255.065.
 77 (3) To encourage investment from the private sector in
 78 coastal resiliency projects, the department may:
 79 (a) Enter into long-term revenue-sharing agreements.
 80 (b) Provide expedited permitting for construction.
 81 (c) Seek comments from local governments and the public
 82 during project planning and execution and incorporate actions
 83 responsive to such comments into the project.
 84 (d) Engage in-state vocational schools and apprenticeship
 85 programs to train workers in specialized resiliency
 86 construction.
 87 (4) The department shall publish biennial progress reports

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88 for each coastal resiliency project funded through a public-
 89 private partnership, including project milestones, expenditures,
 90 and public benefits, on the department's website. The department
 91 shall also create and maintain on its website an online
 92 dashboard for real-time updates on project execution.
 93 Section 3. This act shall take effect upon becoming a law.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1742

INTRODUCER: Regulated Industries Committee and Senator Bradley

SUBJECT: Condominium and Cooperative Associations

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxemendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1742 relates to the governance of condominium and cooperative associations, and the regulation of the community association managers (CAMs) who manage those communities.

Relating to CAMs, the bill:

- Prohibits persons who have had their CAM license revoked from having an indirect or direct ownership interest in a CAM firm, or being an employee, partner, officer, director, or trustee of a CAM firm and may not reapply for 10 years;
- Requires CAMS to maintain and update an online account with the Department of Business and Professional Regulation (DBPR or department) in which they must indicate if they are providing services for a condominium, cooperative, or homeowners' association;
- Requires all CAM contracts to include a statement that they will abide by professional standards and the applicable community association recordkeeping requirements; and
- Requires the Division of Condominiums, Timeshares, and Mobile Homes (division) to give written notice to the CAM firm and the community association for which the manager performs community management services when a CAM's license is suspended or revoked.

Relating to the milestone inspection requirement for condominium and cooperative associations with buildings that are three or more stories in height, the bill:

- Requires local enforcement agencies, on or before October 1, 2025, to report to the department specified information regarding the inspections, including the number of buildings inspected, and a list of buildings that have been deemed unsafe or uninhabitable;

- Requires the Florida Building Commission (commission) to contract with the University of Florida (UF) to create a report that provides comprehensive data, evaluation, and analysis of the milestone inspections that have been performed, and the report to be submitted to the Governor and the presiding officers of the Legislature;
- For the 2025-2026 fiscal year, appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 to the commission to contract with UF to implement the study; and
- Requires the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Relating to the official maintenance of official records by condominium associations, the bill requires associations:

- Keep recordings of videoconference meetings;
- Keep all bank statements and ledgers as official records;
- Keep all affidavits required by ch. 718, F.S., as official records, including on the association's website;
- Keep all approved minutes of the board over the preceding 12 months on the association's website; and
- Update the association's website within 30 days of any change.

Relating to the delivery of the annual financial statement in condominium associations, the bill:

- Provides that the association must deliver to unit owners a notice that a copy of the annual financial report will be provided in the manner requested by the unit owner via the mail, hand delivery, or electronically delivered via the Internet; and
- Requires that an officer or director of the association sign an affidavit evidencing compliance with the requirements for delivery of the annual financial statement.

Relating to the conduct of the meetings in condominium associations, the bill:

- Allows condominium association to conduct meetings by video conferencing, including board meetings, budget meetings, and unit member meetings.
- Prohibits board members from participating in meetings by videoconference more than two times in a calendar year;
- Allows board members who appear by videoconference to vote, but their presence may not count towards a quorum;
- Requires meetings conducted by videoconference to be recorded and the recordings to be kept as official records;
- Requires that the notice for a meeting that is to be conducted by video conference must include a hyperlink to the videoconference and the address for the physical location of the meeting;
- Deletes requirements related to the broadcasting of meeting notices; and
- Requires the division to adopt rules for the conduct of meetings by videoconference.

Relating to the budgeting process in condominium associations, the bill:

- Requires associations to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year;
- Requires that the substitute budget must be presented to the unit owners for approval before a budget can be adopted, instead of the current requirement that the unit owners must petition for consideration of a substitute budget after the budget is approved; and
- Removes “assessments for the betterment of the community” as an expense that can be excluded when determining whether assessments exceed 115 percent of the assessments of the preceding year.

Relating to the maintenance of reserves by condominium and cooperative associations, the bill:

- Revises the term “alternative funding method” to allow all multicondominiums to use the method, which is currently limited to multicondominiums with 25 or more condominiums, and to allow the division to adopt additional funding methods for reserves by rule;
- Provides requirements and procedures for associations to invest reserve funds;
- Increases the monetary threshold for reserve items from \$10,000 to \$25,000;
- For a budget adopted on or before December 31, 2028, allows an association that is required to have a structural integrity reserve study (SIRS) may, with the approval of a majority of the voting interests of the association, secure a line of credit in lieu of maintaining reserves for all or a portion of the required reserves;
- Allows condominium boards to pause reserve funding without unit owner approval when the condominium building is declared uninhabitable by the local building official. Current law requires a vote of the members to pause reserves if the building has been declared uninhabitable;
- For a budget adopted on or before December 31, 2028, allows unit-owner controlled associations to temporarily pause or reduce reserve contributions for no more than the two consecutive annual budgets following a milestone inspection, upon a vote of a majority of the total voting interests, in order to fund needed repairs recommended by the milestone inspection. If an association pauses or reduces reserve funding, it must perform a SIRS before continuing reserve contribution in order to determine the association’s reserve funding needs and to recommend a reserve funding plan; and
- Provides that a board may change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Regarding SIRS requirements for condominium and cooperative associations, the bill:

- Extends the deadline by which for associations must complete a required SIRS from December 31, 2024, to December 31, 2025;
- Requires design professionals, e.g., architects and engineers, and licensed contractors bidding on a SIRS to disclose in writing if they intend to bid on maintenance, repair, or replacement work related to the SIRS. They cannot have a direct or indirect interest in the firm conducting the study or be related to someone with such an interest unless disclosed to the association in writing. Failure to disclose makes the contract voidable and may result in professional discipline;

- Requires that the SIRS, at minimum, include a reserve “baseline” funding plan that ensures that the reserve cash balance stays above zero. It may suggest alternative funding schedules if such schedule meets the association’s maintenance obligations;
- Requires that the SIRS must differentiate between mandatory reserve items and other reserve items;
- Allows associations that have completed a required milestone inspection to delay the SIRS for up to two budget years to prioritize funding for repairs and maintenance as required by the milestone inspection;
- Requires officers and directors of associations to sign an affidavit acknowledging receipt of a completed SIRS; and
- Requires the division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Regarding presale disclosure for condominium and cooperative associations, the bill:

- Revises the pre-sale notice requirements that sellers of a unit must provide a copy of the most recent year-end-financial statement and annual budget.
- Extends the three-day rescission period for condominium sales by nondeveloper unit owners to 15 days. The current rescission period for developer sales is 15 days.

The bill expands the condominium jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections and repairs;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds;
- Board member education requirements; and
- Reporting requirements related to SIRS.

The bill requires condominium and cooperative associations to create an online account with the division and requires these associations to report to the division specified information on or before December 31, 2025, and to update the information within 15 days of a change. The additional information that must be submitted includes:

- Contact information for the association, its members of the board, and its CAM; and
- Information about the association, such as the number of units, age of buildings, and assessments, including the purpose for the assessments.

The bill revises the term “official investigation” to include official investigations by the division for alleged violations of ss. 914.22 and 914.23, F.S., which relate to the criminal prohibitions against tampering with, harassing, or retaliating against a witness, victim, or informant.

Regarding the creation of condominiums within a portion of a building or within a multiple parcel building, the bill revises the provision in s. 31 of ch. 2024-244, Laws of Florida, which provides that the provisions in that act related to condominiums within a portion of a building or within a multiple parcel building are intended to clarify existing law and shall apply retroactively, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

The bill has a significant negative fiscal impact on state expenditures. For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the Florida Building Commission for the purpose of implementing the provisions of this bill. See Section V., Fiscal Impact Statement.

Except as otherwise expressly provided, the bill takes effect July 1, 2025.

II. Present Situation:

Milestone Inspections

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency¹ will provide written notice of the required inspection to the association.²

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.³ Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.⁴

Single-family, two-family, three-family, and four-family dwellings with three or fewer stories above ground are exempt from the milestone inspection requirements.

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a

¹ Section 553.71(5), F.S., defines the term "local enforcement agency" to mean "an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities."

² Section 553.899(3), F.S.

³ Section 553.899(3)(b), F.S.

⁴ Section 553.899(3)(c), F.S.

determination of any necessary maintenance, repair, or replacement of any structural component of the building.⁵ The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.⁶ The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.⁷

In addition, s. 553.899, F.S.:

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.⁸
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under ch. 718, F.S., or ch. 719, F.S., as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

⁵ Section 553.899(2)(a), F.S.

⁶ *Id.*

⁷ *Id.*

⁸ Section 553.899(2)(b), F.S., defines “substantial structural deterioration” to mean “substantial structural distress or substantial structural weakness that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.”

Condominium and Cooperative Associations

Chapters 718 and 719, F.S.

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,⁹ recordkeeping requirements, including which records are accessible to the members of the association,¹⁰ and financial reporting.¹¹ Timeshare condominiums are generally governed by ch. 721, F.S., the “Florida Vacation Plan and Timesharing Act.”

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR or department) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively.

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.”¹² the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.¹³ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.¹⁴

A condominium association is administered by a board of directors referred to as a “board of administration.”¹⁵ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.¹⁶

Cooperatives

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

⁹ See ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.

¹⁰ See ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.

¹¹ See ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.

¹² Section 718.103(11), F.S.

¹³ See s. 718.103, F.S., for the terms used in the Condominium Act.

¹⁴ *Id.*

¹⁵ Section 718.103(4), F.S.

¹⁶ Section 718.103(2), F.S.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.¹⁷ The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.¹⁸

Additional Issues

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Milestone Inspections

Present Situation

Section 553.899(11), F.S., provides that boards of county commissioners or municipal governing bodies may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to the milestone inspection requirement schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. The local enforcement agency must review and determine if the building is unsafe for human occupancy in the event an owner of the building fails to submit proof that repairs have been scheduled or have commenced within the required timeframe.

Current law does not require local enforcement agencies to submit a report to the Department of Business and Professional Regulation (DBPR or department) with information about the milestone inspections conducted within their jurisdiction.

Effect of Proposed Changes

Section 3 creates s. 553.899(3)(e), F.S., to require local enforcement agencies to report, on or before October 1, 2025, and on or before each December 31 thereafter, to the local enforcement agency, in an electronic format determined by the department, information that may include, but is not limited to:

- The number of buildings required to have a milestone inspection within the agency's jurisdiction.
- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension under s. 553.899(3)(c), F.S.

¹⁷ See *Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), review dismissed 2020 WL 3442763 (Fla. 2020).

¹⁸ See ss. 719.106(1)(g) and 719.107, F.S.

- The number of buildings required to perform a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs pursuant to a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable due to a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency.

The bill creates s. 553.899(3)(f), F.S., to require, if funds are appropriated, the Florida Building Commission (commission) to contract with the University of Florida (UF) for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the commission.

Under the bill, all local enforcement agencies that are responsible for milestone inspections must provide UF with a copy of any phase one or phase two milestone inspection report by the date specified by the commission in a manner prescribed by UF, which may request any additional information from a local enforcement agency which the university requires to complete this report.

The bill requires UF to compile the report and the department to transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill amends s. 553.899(11), F.S., to require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

Community Association Managers

Present Situation

Community association managers (CAMs) are licensed and regulated by the Regulatory Council of Community Association Managers within the department pursuant to part VIII of ch. 468, F.S.

Section 468.431(2), F.S., defines “community association management” to mean:

any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000: controlling or disbursing funds of a community association, preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings, and coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

A license is not required for persons who perform clerical or ministerial functions under the direct supervision and control of a licensed manager or who only perform the maintenance of a community association and do not assist in any of the management services.¹⁹

Sections 468.436 and 455.227(1), F.S., provide the grounds for suspending, revoking, or denying a CAM license, which include violations of part VIII of ch. 468, F.S., ch. 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, and ch. 720, F.S., relating to homeowners' associations. An applicant for a CAM license may also have a license denied because of a previous license revocation.²⁰

Section 468.4334(1)(a), F.S., requires CAMs and CAM firms under a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, F.S., to comply with that section as directed by the board of the association.

CAM's are not required to maintain an online licensure account with the Division of Condominiums, Timeshares, and Mobile Homes (division) within the department.

Effect of Proposed Changes

Section 1 amends s. 468.432(2), F.S., to provide that a person who has had his or her CAM license revoked may not have an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm during the 10-year period after the effective date of the revocation. In addition, such person is ineligible to reapply for certification or registration for a period of 10 years after the effective date of a revocation.

The bill creates s. 468.432(3), F.S., to require CAM licensees to identify on their online licensure account each community association for which the CAM provides community association management services and whether the community association is a condominium association under ch. 718, F.S., a cooperative association under ch. 719, F.S., or a homeowners' association under ch. 720, F.S. A CAM licensee must update his or her online licensure account within 30 days after any change to the required information.

Under the bill, if a CAM has his or her license suspended or revoked, the division is required to give written notice of a suspension or revocation to the CAM firm and the community association for which the manager performs community management services.

Section 2 amends s. 468.4334(1)(a), F.S., to prohibit a CAM or a CAM firm from performing any act directed by the community association if such act violates any state or federal law.

The bill amends s. 468.4334(1)(b), F.S., to require CAMs and CAM firms under a contract with a community association that is subject to the structural integrity reserve study requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., to comply with those sections as directed by the board of the association.

¹⁹ Section 468.431(2), F.S.

²⁰ Section 455.227(1)(f), F.S.

The bill creates s. 468.4334(1)(c), F.S., to require that each contract between a community association and a CAM or CAM firm for community association management services must include the following written statement in at least 12-point type:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

The bill creates s. 468.4334(1)(d), F.S., to require that a contract between a CAM or CAM firm and a community association may not waive or limit the professional practice standards required pursuant to part VIII of ch. 468, F.S.

The bill amends s. 468.4334(3), F.S., to change the term “homeowners’ association” to “community association.”

The bill also limits the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.

Section 5 creates s. 718.111(3)(g), F.S., to provide that, if an association contracts with a CAM or CAM firm, the CAM or CAM firm must possess all applicable licenses required by part VIII of ch. 468, F.S. The bill provides that board members or officers of an association that contracts with a CAM or CAM firm have a duty to ensure that the CAM or CAM firm is properly licensed before entering into a contract.

The bill creates s. 718.111(3)(h), F.S., to provide that, if a CAM or CAM firm has a license suspended or revoked during the term of a contract with the association, the association has no further contractual obligations to the CAM or CAM firm whose license has been revoked or suspended effective on the date which the community association manager or community association management firm became unlicensed.

Official Records – Condominiums

Present Situation

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association’s recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.112(12)(a)7., F.S., provides, in pertinent part, that email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with s. 718.112(12)(c)5.e., F.S., which provides for unit owners to consent in writing to the disclosure of contact information.

An association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.²¹

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by general law.²² The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association may comply with this requirement by having a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offering the option of making the records available electronically via the Internet or allowing the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.²³ A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages of \$50 per calendar day for up to 10 days for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Making the records available on the association's website or for download via an application on a mobile device satisfies these access requirements.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website or by an application on a mobile device. However, effective January 1, 2026, the threshold number of units for the website requirement decreases to 25 units.²⁴

The documents that must be posted include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not

²¹ Section 718.112(12)(a)7., F.S.

²² Section 718.111(12)(b), F.S.

²³ The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.

²⁴ Section 8, ch. 2024-244, Laws of Fla.

in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Current law requires an association to maintain as official records the book or books that contain the minutes of meeting of the board of administration, but that requirement does not specify electronic records that contain the minutes.

Effect of Proposed Changes

Section 5 amends the official records provision in s. 718.111(12)(a), F.S., to include the following additional items that an association must maintain as an official record:

- Electronic records that contain the minutes of meetings, including minutes of the board of administration and any committee; and
- Recordings of meetings that are conducted by videoconference;
- All bank statements and ledgers; and
- All the affidavits required under ch. 718, F.S.

The bill amends s. 718.111(12)(g), F.S., to require that the association's website or mobile application must be updated within 30 days of any change, unless a shorter period is otherwise required, and include the:

- Affidavits required under ch. 718, F.S.; and
- Approved minutes of all meetings of the board of administration over the preceding 12 months

Effective January 1, 2026, **Section 9** of the bill amends section 8, ch. 2024-244, Laws of Fla., which amends s. 718.111(12)(g), F.S., reducing the threshold for the website requirement to associations with 25 or more units effective January 1, 2026, to conform to the changes made by the bill to s. 718.111(12)(g), F.S.

Delivery of Financial Reporting

Present Situation

Section 718.111(13), F.S., provides the financial reporting requirements for condominium associations. Within 90 days following the end of the fiscal year, or annually on such date as provided in the association's bylaws, the governing board of the association must complete, or contract with a third party to complete, the financial report. Within 21 days after the financial report is completed by the board or received from the third party, but no later than 120 days after the end of the fiscal year, the board must provide each member of the association a copy of the financial report or a notice that it is available at no charge upon a written request.

The association must deliver the financial report to each unit owner, by United States mail or personal delivery to the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements. In addition, the association must also provide a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner.

Effect of Proposed Changes

Section 5 amends s. 718.111(13), F.S., to:

- Provide that the notice advising that a unit owner may request a copy of the financial statement may be delivered by the means requested by the unit owner, which may be by United States mail, hand delivery, or electronic delivery via the Internet; and
- Require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.

Investing Funds – Condominiums and Cooperatives

Present Situation

Reserve Funds

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance.²⁵

Commingling of Funds and Investing

Section 718.111(14), F.S., requires all funds collected by an association to be maintained separately in the association's name. Operating funds and reserve funds must be accounted for separately, and a commingled account cannot, at any time, be less than the amount identified as reserve funds. However, reserve funds may be commingled with operating funds of the association for investment purposes only.

Section 719.104(8), F.S., provides that reserve and operating funds of the association shall not be commingled unless combined for investment purposes, and this provision is not meant to prohibit prudent investment of association funds even if combined with operating or other reserve funds of the same association. However, such funds must be accounted for separately, and the combined account balance may not, at any time, be less than the amount identified as reserve funds in the combined account.

Investment Advisers

Investment advisers are defined as “a person, other than an associated person of an investment adviser or a federal covered adviser, that receives compensation, directly or indirectly, and engages for all or part of the person's time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities”²⁶

The term “investment adviser” does not include:

- Any licensed practicing attorney whose performance of such services is solely incidental to the practice of her or his profession;
- Any licensed certified public accountant whose performance of such services is solely incidental to the practice of her or his profession;
- Any bank authorized to do business in this state;

²⁵ Section 718. 112(2)(f)2., F.S.

²⁶ Section 517.021(16)(a), F.S.

- Any bank holding company as defined in the Bank Holding Company Act of 1956, as amended, authorized to do business in this state;
- Any trust company having trust powers which it is authorized to exercise in the state, which trust company renders or performs services in a fiduciary capacity incidental to the exercise of its trust powers;
- Any person who renders investment advice exclusively to insurance or investment companies;
- Any person who does not hold herself or himself out to the general public as an investment adviser and has no more than 15 clients within 12 consecutive months in this state;
- Any person whose transactions in this state are limited to those transactions described in s. 222(d) of the Investment Advisers Act of 1940; or
- A federal covered adviser.²⁷

An investment adviser must be registered with the Office of Financial Regulation (OFR) within the Financial Services Commission²⁸ to “sell or offer for sale any securities in or from offices in this state, or sell securities to persons in this state from offices outside this state, by mail or otherwise, unless the person has been registered with the [OFR] pursuant to the provisions of this section. The [OFR] shall not register any person as an associated person of a dealer unless the dealer with which the applicant seeks registration is lawfully registered with the [OFR] pursuant to [ch. 517, F.S.]”²⁹

Effect of Proposed Changes

Sections 5 and 11 create ss. 718.111(16) and 719.104(13), F.S., to authorize condominium and cooperative associations, respectively, including multicondominium associations, to invest reserve funds. The bill provides procedures and requirements an association must follow when investing reserve funds, including limits on the types of permissible investments, recordkeeping requirements, and requiring the use of an independent investment adviser. The bill:

- Requires the board to use its best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds;
- Permits reserve funds to be invested in one or any combination of certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union;
- Requires a majority vote of the voting interests before funds can be invested in investments other than in certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union; and
- Permits only reserve funds identified as reserve funds may be invested even if the declaration permits operating funds to be invested.

If an association elects to invest reserve funds in an investment other than certificates of deposit and depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, the bill:

²⁷ Section 517.021(16)(b), F.S.

²⁸ Section 517.021(8), F.S.

²⁹ Section 517.12(1), F.S.

- Requires the board to create an investment committee composed of at least two board members and two unit owners who are not board members, to adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association;
- Specifies the issues that the investment policy must address, including requiring that projected reserve expenditures within, at minimum, the next 24 months be held in cash or cash equivalents, requiring projected expenditures relating to the milestone inspection, and protocols for proxy response;
- Requires the investment committee to recommend investment advisers to the board;
- Requires such investment advisers to be registered or have a notice filed under s. 517.12, F.S., with the OFR. The investment advisor, representative, or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or unit owner;
- Requires the investment adviser to comply with the prudent investor rule in s. 518.11, F.S.,³⁰ and to act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974;
- Requires that the association, at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, if available, and the financial reports prepared pursuant to subsection s. 718.111(13), F.S.;
- Requires the investment adviser to:
 - Annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements;
 - Prepare a funding projection for each reserve component, including any of the component's redundancies;
 - Annually provide the association with a written certification of compliance with these respective sections and a list of stocks, securities, and other obligations that are prohibited from being in an association portfolio; and
 - Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with ch. 517, F.S., relating to the regulation of investment advisers;
- Requires that there be a minimum of 24 months of projected reserves in cash or cash equivalents available to the association at all times;
- Prohibits investment in stocks, securities, or other obligations that the State Board of Administration or state agencies are prohibited from investing in under ss. 215.471, 215.472, 215.473, F.S., as determined by the investment adviser;³¹

³⁰ Section 518.11, F.S., sets forth the prudent investor rule. Generally, a fiduciary has a duty to invest and manage investment assets as a prudent investor would considering the purposes, terms, distribution requirements, and other circumstances of the trust.

³¹ These provisions deal with investments in stocks, securities, or other obligations of companies doing business with Cuba or Venezuela, that boycott Israel or engage in a boycott of Israel, or that conduct certain business operations with [North] Sudan and Iran.

- Permits the investment adviser to withdraw investment fees, expenses, and commissions from invested funds;
- Requires that any principal, earnings, or interest must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request; and
- Requires unallocated income earned on reserve fund investments to be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus must be managed as common expenses and surpluses under s. 718.115, F.S.

Videoconferences and Condominium Association Meetings

Present Situation

Section 718.112, F.S., provides for the conduct of meetings of the board of administration, committee meetings, meetings of the unit owners, and budget meetings.

Section 718.112(2)(b)5., F.S., provides that a board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. Associations must use a speaker so that the conversation of members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

Section 718.112(c)2., F.S., allows broadcast notice to be used in lieu of a notice physically posted on condominium property. If the notice is made by broadcast, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda.

Effect of Proposed Changes

Section 4 creates s. 718.103(33), F.S., to define the term "videoconference" to mean a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices.

Under the bill any notice for any meeting that will be conducted by videoconference must have a hyperlink and call-in phone conference telephone number for unit owners to attend the meeting. In addition, the meeting must have a physical location where unit owners can attend the meeting in-person. The bill requires all meetings conducted by videoconference to be recorded and the recording must be maintained as an official record of the association.

Section 6 amends s. 718.112(2)(b), F.S., relating to meeting quorums and voting, to:

- Provide that a board meeting may be conducted in-person or by videoconference; and
- Limit board member participation in meetings by videoconference to no more than two times in a calendar year.

The bill amends s. 718.112(2)(c), F.S., relating to meetings of the board of administration, and s. 718.112(2)(d), F.S., relating to unit owner meetings, to require, if the meeting is to be conducted via videoconference, the notice of the meeting to:

- State that such meeting will be via videoconference; and
- Include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in-person.

The bill also provides that, if the meeting is conducted via videoconference, it must be recorded and the recording must be maintained as an official record.

The bill amends s. 718.112(c)2., F.S., to delete the requirements for broadcasting notices.

For meetings of the unit owners, the bill amends s. 718.112(2)(d), F.S., to provide that, if a unit owner meeting is conducted via videoconference:

- A unit owner may vote electronically in the manner provided in s. 718.128, F.S.;
- A quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting; and
- The location of the meeting must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 10 miles of the condominium property.

The bill amends s. 718.112(2)(e), F.S., relating to budget meetings, to:

- Provide that budget meetings may be conducted by videoconference; and
- Require a sound transmitting device must be used so that the conversation of the members may be heard by the board or committee members attending in-person, as well as any unit owners present at the meeting.

The bill amends ss. 718.112(2)(b), (c), (d), and (e), F.S., to require the division to adopt rules for the conduct of board and committee meetings, board of administration meetings, unit owner meetings, and budget meetings, respectively.

Substitute Budget Process – Condominiums

Present Situation

Section 718.112(2)(e)1., F.S., provides for the adoption of a condominium association's annual budget. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners is required to be open to all unit owners. Unit owners must be given notice of the meeting at least 14 days before the meeting.

If a board adopts an annual budget which requires assessments against unit owners exceeding 115 percent of assessments for the preceding fiscal year, the unit owners may petition the board for a special meeting to consider a substitute budget. The unit owners' petition for a special meeting to consider a substitute budget must come from at least 10 percent of all voting interests

of the association and must be received by the board within 15 days of the board's adoption of the annual budget.³²

The special meeting must be conducted within 60 days after adoption of the annual budget. The board must give unit owners a notice of the special meeting at least 14 days before the meeting. The board must deliver a notice of the special meeting to each unit owner by hand delivery or mail to each unit owner at the address last furnished to the association.³³

Unit owners may consider and adopt a substitute budget at the special meeting by the approval of a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the board takes effect as scheduled.

The determination of whether assessments exceed 115 percent of assessments for the prior fiscal year must be determined by excluding:³⁴

- Any authorized provision for reasonable reserves for repair or replacement of the condominium property;
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis;
- Insurance premiums; or
- Assessments for betterments to the condominium property.

If the board is controlled by a developer, assessments may not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.³⁵

Effect of Proposed Changes

Section 6 amends s. 718.112(e), F.S., relating to the requirements for adoption of annual budgets in a condominium association when the assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year, to:

- Require the board to simultaneously propose a substitute budget that excludes any discretionary spending if the proposed budget exceeds 115 percent of the assessments of the preceding year.
- Require that the substitute budget must be presented to the unit owners for approval before a budget can be adopted.
- Remove “assessments for the betterment of the community” as an expense that can be excluded when determining whether assessments exceed 115 percent of the assessments of the preceding year.

³² Section 718.112(2)(e)2.a., F.S.

³³ *Id.*

³⁴ Section 718.112(2)(e)2.b., F.S.

³⁵ Section 718.112(2)(e)2.c., F.S.

Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives

Present Situation

Alternative Funding Method

Section 718.103(1), F.S., defines the term “alternative funding method” to mean:

a method approved by the division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget.

Budgets and Reserves

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000.³⁶

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.³⁷

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Nor may those reserves be used for any other purpose than their intended purpose.³⁸

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.³⁹

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or

³⁶ See s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.

³⁷ *Id.*

³⁸ Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.

³⁹ See ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively

architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, this provision does not require that the inspection comply with the SIRS requirements in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively.

A condominium association may temporarily pause reserve funding or reduce reserve funding if the entire condominium building is uninhabitable, as determined by the local building official, due to a natural emergency, as defined in s. 252.34, F.S., upon the approval of a majority of the members. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building and its structures are habitable, the association must immediately resume contributing funds to its reserves.⁴⁰ Cooperative associations do not have a comparable provision for pausing or reducing reserve funding if a building is uninhabitable.

Structural Integrity Reserve Studies

Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, ss. 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively, associations that are required to have a SIRS may not waive reserves for the SIRS items or use such reserves for other purposes.

Sections 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively:

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three stories or higher in height, as determined by the Florida Building Code.
- Require associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2024. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
- Require that the study include a visual inspection and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds \$10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:

⁴⁰ Section 718.112(2)(f)2.a., F.S.

- Buildings less than three stories in height;
- Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; and
- Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.⁴¹

Effect of Proposed Changes

Alternative Funding Methods

Section 4 amends s. 718.103(1), F.S., revising the term “alternative funding method” to mean a method for funding the capital expenditures and deferred maintenance obligations of the association, including:

- The allocation of funds in the annual operating budget of a multicondominium; or
- Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association’s reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

Budgets and Reserves

Sections 6 and 12 amends ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., relating to budgets in condominium and cooperative associations, respectively, and ss. 718.112(2)(g), and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively, to increase the minimum threshold amount from \$10,000 to \$25,000 for items whose deferred maintenance and replacements requires these associations to have reserves for such items.

The bill amends s. 718.112(2)(f)2.a., F.S., to provide that, if an association votes to terminate the condominium in accordance with s. 718.117, F.S., the members may vote to waive the maintenance of reserves recommended by the association’s most recent structural integrity reserve study.

The bill creates ss. 718.112(2)(f)2.c., and 719.106(1)(j)2.e., F.S., to authorize condominium and cooperative associations, respectively, to secure a line of credit in lieu of maintaining reserves for all or a portion of the required reserves upon a majority vote of the total voting interests of the association. This authorization can be used for a budget adopted on or before December 31, 2028, and the authorization is limited to unit-owner-controlled associations that must have a structural reserve study. The line of credit must be sufficient to meet the association’s deferred maintenance obligation not funded in the association’s reserve account for each budget. Funding from the line of credit must be immediately available for access by the board to fund the required

⁴¹ Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit that is used in lieu of reserves must be included in the association's annual financial report.

The bill amends s. 718.112(2)(f)2.d., F.S., to remove the requirement for the approval of a majority of the members of a condominium association before that association may temporarily pause the funding of reserves or reduce the amount of reserve funding if the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, F.S., as determined by the local enforcement agency.

The bill creates s. 719.106(1)(j)2.d., F.S., to allow cooperative associations to temporarily pause the funding of reserves or reduce the amount of reserve funding in a manner that is identical to that provided for condominium associations in s. 718.112(2)(f)2.d., F.S.

The bill creates ss. 718.112(2)(f)2.e., and 719.106(1)(j)2.f., F.S., to allow the boards of condominium or cooperative associations that have completed a milestone inspection pursuant to s. 553.899, F.S., within the previous two calendar years to temporarily pause reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection if approved by a majority of the total voting interests of the association. The temporary pause must be for a period of no more than two consecutive annual budgets immediately following completion of a milestone inspection. Associations may only temporarily pause reserve funding under this provision for budgets adopted on or before December 31, 2028. In addition, a developer-controlled association and an association in which the non-developer unit owners have been in control for less than one year, may not pause reserve funding under this provision. An association that has paused reserve contributions must have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

The bill amends ss. 718.112(2)(f)3., and 719.106(1)(j)3., F.S., to allow the boards of condominium or cooperative associations to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method without a vote of the members.

Structural Integrity Reserve Studies

The bill amends ss. 718.112(2)(g)17., to extend the deadline by which associations must complete a required SIRS from December 31, 2024, to December 31, 2025.

The bill creates ss. 718.112(2)(g)3.b., and 719.106(1)(k)3.b., F.S., to provide conflict of interest provisions for persons performing the SIRS and the persons performing maintenance, repair, and replacement services recommended by SIRS for condominium and cooperative associations, respectively. Under the bill, any design professional, as defined in s. 558.002(7), F.S.,⁴² or contractor licensed under ch. 489, F.S., who bids to perform a SIRS must disclose in writing to

⁴² Section 558.002(7), F.S., defines the term "design professional" to mean a person, as defined in s. 1.01, F.S., who is licensed in this state as an architect, a landscape architect, an engineer, a surveyor, or a geologist or who is a registered interior designer, as defined in s. 481.203, F.S.

the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the SIRS.

Additionally, any design professional or licensed contractor who submits a bid to the association for performing any services recommended by the SIRS may not have an interest, directly or indirectly, in the firm or entity providing the association's SIRS or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. The bill defines the term "relative" to mean a relative within the third degree of consanguinity by blood or marriage.

The bill provides that a contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the required written disclosure of the relationship. It also provides that a design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the required written disclosure of the relationship.

The bill amends ss. 718.112(2)(g)4.a., and 719.106(1)(k)4.a., F.S., to require that the SIRS for condominium and cooperative associations, at a minimum, must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year for deferred maintenance, repair, and replacement of reserve items are sufficient to maintain the reserve cash balance above zero. Under the bill, the study may recommend other types of reserve funding schedules if the recommended schedules are sufficient to meet the association's maintenance obligation.

The bill amends ss. 718.112(2)(g)4.b., and 719.106(1)(k)4.b., F.S., to provide that if a SIRS for a condominium or cooperative association recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required.

The bill creates ss. 718.112(2)(g)9., and 719.106(1)(k)9., F.S., to allow condominium and cooperative associations that have completed a milestone inspection required by s. 553.899, F.S., or an inspection completed for a similar local requirement, to delay performance of a required SIRS for no more than two budget years to permit the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

The bill amends ss. 718.112(2)(g)10., and 719.106(1)(k)10., F.S., to require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS.

The bill creates ss. 718.112(2)(g)13., and 719.106(1)(k)13., F.S., to require the Division of Condominiums, Timeshares, and Mobile Homes to adopt by rule the form for the SIRS in coordination with the Florida Building Commission.

Jurisdiction of the Division – Condominiums

Present Situation

Section 718.501, F.S., provides the investigative and enforcement authority of the division. The division may enforce and ensure compliance with ch. 718, F.S., and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899, F.S. The division may investigate complaints and enforce compliance with ch. 718, F.S., for associations that are still under developer control, including investigating complaints against developers involving improper turnover or failure to transfer control to the association.⁴³ After control of the condominium is transferred from the developer to the unit owners, the division only has jurisdiction to investigate complaints related to:⁴⁴

- Procedures and records related to financial issues, including annual financial reporting under s. 718.111(13), F.S., assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14), F.S., use of debit cards for other than intended purposes under s. 718.111(15), F.S., the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f), F.S., financial records under s. 718.111(12)(a)11, F.S., and any other record necessary to determine the revenues and expenses of the association;
- Elections, including election and voting requirements under s. 718.112(2)(b) and (d), F.S., recall of board members under s.718.112(2)(l), F.S., electronic voting under s. 718.128, F.S., and elections that occur during an emergency under s. 718.1265(1)(a), F.S.;
- The maintenance of and unit owner access to association records under s. 718.111(12), F.S.;
- Allegations of criminal violations under ch. 718, F.S.;
- The procedural aspects of meetings, such as unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2), F.S.;
- Disclosure of conflicts of interest under s. 718.111(1)(a), F.S., and s. 718.3027, F.S., including limitations contained in s. 718.111(3)(f), F.S.;
- Removal of a board director or officer under s. 718.111(1)(a) and (15), F.S., and s. 718.112(2)(p) and (q), F.S.;
- The procedural completion of SIRS under s. 718.112(2)(g), F.S.; and
- Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2., F.S.

Effect of Proposed Changes

Section 7 amends s. 718.501(1)(a), F.S., to expand the jurisdiction of the division to review records and investigate complaints to include:

- Completion of milestone inspections;
- Procedural compliance with the milestone inspection requirements in s. 533.899, F.S.;
- Requirements to maintain insurance and fidelity bonding for all persons who disperse funds under s. 718.111(11)(h), F.S.;
- Board member education requirements under s. 718.112(2)(d)5.b., F.S.; and

⁴³ Section 718.501(1), F.S.

⁴⁴ Section 718.501(1)(a), F.S.

- Reporting requirements for SIRS.

Reporting Requirement for Condominiums and Cooperatives

Present Situation

Sections 718.501(3)(a) and 719.501(3)(a), F.S., require condominium and cooperative associations, respectively, existing on or before July 1, 2022, to provide specified information to the division on or before January 1, 2023. The associations may provide the information in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website. The following information must be provided:

- The number of buildings on the condominium property that are three stories or higher in height;
- The total number of units in all such buildings;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Sections 718.501(3)(b) and 719.501(3)(b), F.S., require the division to compile a list of the number of buildings on condominium and cooperative property, respectively, that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. The list compiled by the division must include the following information:

- The name of each association with buildings on the condominium property that are three stories or higher in height;
- The number of such buildings on each association's property;
- The addresses of all such buildings; and
- The counties in which all such buildings are located.

Associations must provide an update in writing to the division if there are any changes to the information required for the list compiled by the division within six months after the change.⁴⁵

Effect of Proposed Changes

Sections 7 and 13 creates ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to create an online account with the division.

The bill amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to provide specified information to the division on or before October 1, 2025. The information must be provided in an electronic format as determined by the division. The information must be updated within 15 days after any change. The information that must be provided to the division may include, but not be limited to:

- The contact information for the association that includes all of the following:
 - The name of the association;
 - The mailing address and county of the association;
 - The e-mail address and telephone number for the association;
 - The name, board title, and e-mail address for each member of the association's board;

⁴⁵ Sections 718.501(3)(c) and 719.501(3)(c), F.S., relating to condominium and cooperative associations, respectively.

- The name and contact information of the association's community association manager or community association management firm, if applicable;
- The name and contact information of every individual or community association management company responsible for remitting any payment to the division; and
- The hyperlink or website address to the association's website, if applicable.
- The total number of buildings and for each building within the association:
 - The physical address of the association;
 - The total number of stories of each building, including both habitable and uninhabitable stories;
 - The total number of units;
 - The age of each building based on the certificate of occupancy; and
 - Any construction commenced within the common elements within the previous calendar year.
- The association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves;
 - Purpose of the assessment or special assessment; and
 - Name of the financial institution or institutions with which the association maintains accounts.

In addition, the associations must provide a copy of any SIRS and any associated materials requested by the department within five business days after a request in a manner prescribed by the department.

Pre-sale Disclosures - Condominium and Cooperative Associations

Present Situation

Developers and non-developer owners of condominium or cooperative units must give certain documents to a prospective buyer or lessee before the execution of a contract for the sale of a residential unit, including a copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4), F.S., and a copy of the most recent SIRS, or a statement that the association has not completed a SIRS or that a SIRS is not required.⁴⁶

The developer may not close for 15 days following the execution of a purchase contract, or execution of a lease of a residential unit for an unexpired term of more than five years, and the delivery of the required documents to the buyer, including the documents creating the association, the bylaws, and the estimated operating budget of the association. A prospective purchaser may void the contract within 15 days of his or her receipt of all the required documents.⁴⁷

A non-developer unit owner must provide the prospective buyer or lessee certain information, including the articles of incorporation, bylaws and rules, a copy of the most recent financial

⁴⁶ Sections 718.503(1) and 719.503(1), F.S.

⁴⁷ Sections 718.503(1) and 719.503(1), F.S., providing the developer disclosures before the sale or lease of a residential condominium or cooperative unit, respectively.

information, and a “Frequently Asked Questions and Answers” document.⁴⁸ These documents must be provided more than three days, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract, or the sales contract is voidable by the prospective purchaser. These disclosures do not apply to the leasing of a residential unit by a non-developer owner.⁴⁹

Each contract for sale of a residential unit by a developer or non-developer must contain in conspicuous type a statement acknowledging that the purchaser has received the document and his or her right to void the contract if the required documents are not provided more than three days in the case of a non-developer sale or 15 days in the case of a developer sale, excluding Saturdays, Sundays, and legal holidays, before the execution of the contract.

These disclosures for developers and the non-developers also require that the prospective purchaser must be given a copy of the most recent financial statement and annual budget. However, the term “recent financial statement and annual budget” is not uniformly used throughout these requirements and instead uses the broader term “financial information.”

Effect of Proposed Changes

Sections 8 and 14 amends ss.718.503(1) and (2) and 719.503(1) and (2), F.S., to replace the term “financial information” with the terms “recent financial statement and annual budget.”

The bill also extends a three-day rescission period for condominium sales by non-developer unit owners to 15 days.

Condominiums within a Portion of a Building or within a Multiple Parcel Building

Present Situation

In a recent decision by the Florida Third District Court of Appeals (3rd DCA), the court held that the declaration of condominium had impermissibly divested a unit of its undivided share of the common elements by designating certain portions of the condominium property as “shared facilities.”⁵⁰

In *IconBrickell*, the condominium is a mixed-use condominium consisting of residential condominium units and a luxury hotel. The declaration of condominium designated a wide variety of specific portions of the common elements as “shared facilities” under the exclusive ownership and control of the hotel unit owner. The “shared facilities” include the balconies, lobby, elevators, and the infrastructure for utilities, such as wires and pipes. The term “shared facilities” is not defined in ch. 718, F.S.

Even though the residential unit owners did not have a common ownership interest in the “shared facilities,” the declaration burdened the residential unit owners, and not the owner of the hotel, with expenses incurred by the owner of the hotel for the maintenance, repair, replacement,

⁴⁸ See ss. 718.503(2) and 719.503(2), F.S., providing the non-developer disclosures before the sale of a residential condominium or cooperative unit, respectively.

⁴⁹ *Id.*

⁵⁰ *IconBrickell Condominium No. three Association, Inc. v. New Media Consulting, L.L.C.*, 310 So.3rd 477 (Fla. 3rd DCA 2020).

improvement, management, and operation of the shared facilities. The court held that the “recharacterization, and the resultant expropriation of undivided common ownership, indubitably contravenes the edict of the [Condominium] Act.”⁵¹

Revised by s. 5, ch. 2024-244, Laws of Fla., the term “condominium property” in s. 718.103(14), F.S., means “the lands, leaseholds, improvements, any personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which are subjected to condominium ownership.”

Section 718.104(4)(b), F.S., relating to the creation of condominiums, was revised by s. 6, ch. 2024-244, Laws of Fla., to provide that condominiums created within a portion of a building or within a multiple parcel building must include the name by which the condominium is to be identified and be followed by “a condominium within a portion of a building or within a multiple parcel building.”

Effective October 1, 2024, s. 718.407, F.S., which was created by s. 20, ch. 2024-244, Laws of Fla., provides conditions, including disclosure requirements in sales contracts, for the creation of condominiums within a portion of a building or within a multiple parcel building. The bill provides that the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable (creating document) must specify the following:

- The portions of the building which are included in the condominium and the portions of the building that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, and which may include, among other things, the roof, the exterior of the building, windows, balconies, elevators, the building lobby, corridors, recreational amenities, and utilities.
- The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned:
 - An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association for the portion of the building submitted to the condominium form of ownership, must approve any increase in the apportionment of expenses to such portion of the building.
 - The apportionment of expenses for the maintenance and operation of the shared facilities may be based on any of the specified criteria or any combination thereof.
 - An alternative method of apportionment of expenses may be provided if the apportionment method is stated in the creating document.
- The party responsible for collecting shared expenses.
- The rights and remedies available to enforce payment of shared expenses.

The association of a condominium created within a portion of a building or within a multiple parcel building has the right to inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

⁵¹ *IconBrickell* at 481.

A disclosure summary must be included, in conspicuous type, in every contract for the sale of any condominium created under s. 718.407, F.S. The disclosure summary informs the prospective purchaser of a condominium unit that:

- The condominium is created within a portion of a building or within a multiple parcel building.
- The common elements of the condominium consist only of the portions of the building submitted to the condominium.

The disclosure summary also includes the buyer's acknowledgment that:

- The condominium may have minimal or no common elements.
- Portions of the building that are not included in the condominium are (or will be) governed by a separate recorded instrument that contains important provisions and rights.
- The party that controls the maintenance and operation of the portions of the building that are not included in the condominium determines the budget for the operation and maintenance of such portions; however, the association and unit owners are still responsible for their share of such expenses.
- The allocation between the owners of the costs to maintain and operate the building can be found in the declaration of condominium or other recorded instruments.

Section 718.407(6), F.S., provides that the creation of a multiple parcel building is not a subdivision of the land upon which such building is situated, provided the land itself is not subdivided.

Section 31 of ch. 2024-244, Laws of Fla., provided that the amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), F.S., are intended to clarify existing law and apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Effect of Proposed Changes

Section 10 revises the provision in section 31 of ch. 2024-244, Laws of Florida, to provide that those provisions do not apply retroactively and only apply to condominiums for which declarations were initially recorded on or after July 1, 2025.

Law Enforcement

Present Situation

Section 914.21(3), F.S., defines the term "official investigation," as the term is used in ss. 914.22 to 914.24, F.S., to mean any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics.

Section 914.22, F.S., prohibits tampering with or harassing a witness, victim, or informant and provides criminal penalties. Section 914.23, F.S., prohibits retaliation against a witness, victim, or informant and provides criminal penalties. Section 914.24, F.S., provides requirements for civil actions to restrain harassment of a victim or witness.

Effect of Proposed Changes

Section 15 amends s. 914.21(3), F.S., revising the definition of the term “official investigation”; providing appropriations to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S., relating to the criminal prohibitions against tampering with, harassing, or retaliation against a witness, victim, or informant.

Appropriation

For the 2025-2026 fiscal year, **Section 16** of the bill appropriates the recurring sum of \$150,000 and the nonrecurring sum of \$100,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida to implement the study required under s. 553.899(3)(f), F.S., as provided by this bill. Under the bill, the unexpended balance of nonrecurring funds shall revert and are appropriated for the same purpose for the 2026-2027 fiscal year.

Additional Provisions

Sections 17-22 reenact the following provisions:

- Section 721.13(3)(e), F.S., relating to timeshare management, to incorporate the amendment made to s. 718.111, F.S.;
- Sections 718.504(7)(a) and (21)(c), and 718.618(1)(d), F.S., relating to prospectus or offering circulars; and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S.;
- Section 718.706(1) and (3), F.S., relating to specific provisions pertaining to the offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S.; and
- Sections 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S.

Effective Date

Except as otherwise expressly provided, 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:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may reduce the impact of assessments against unit owners that are related to reserve requirements arising from structural integrity reserve studies (SIRS), such as, by authorizing the increase of the reserve threshold for reserve items from \$10,000 to \$25,000, authorizing the use of lines of credit in lieu of reserves, authorizing the temporary stay of reserve funding under the limited conditions in the bill, and requiring that a SIRS must, at minimum, recommend a baseline funding plan.

C. Government Sector Impact:

For the 2025-2026 fiscal year, the bill appropriates \$150,000 in recurring and \$100,000 in nonrecurring funds from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of creating a specified report on milestone inspections performed in Florida during each calendar year. The bill directs the unexpended balance of nonrecurring funds to revert and to be appropriated for the same purpose for the 2026-2027 fiscal year.

The Department of Business and Professional Regulation (department) may incur an indeterminate increase in workload costs related to implementing provisions in the bill; however, it's expected that any costs could be handled with existing resources. To date, no analysis by the department of the impact of the bill on its operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.432, 468.4334, 553.899, 718.103, 718.111, 718.112, 718.501, 718.503, 719.104, 719.106, 719.501, 719.503, and 914.21.

This bill substantially amends the following sections of the Laws of Florida: sections 8 and 31 of chapter 2024-244.

This bill reenacts the following sections of the Florida Statutes: 721.13, 718.504, 718.618, 718.706, 719.103, 719.504, and 721.13.

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 Regulated Industries on March 25, 2025:

The committee substitute:

- Amends s. 468.432, F.S., to:
 - Prohibit a person whose community association manager (CAM) license is revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm for 10 years after the revocation or reapply for 10 years; and
 - Require a licensee to provide specific information on his or her licensure account, and that such information be updated.
- Amends s. 468.4334, F.S., to:
 - Revise the requirements for contracts between an association and CAMs or CAM firms;
 - Require a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or application;
 - Change the term “homeowners’ association” to “community association;” and
 - Limit the requirement that a community association must include its contract with the CAM or CAM firm on its website or mobile application to associations that are required to maintain official records on a website or application.
- Amends s. 553.899, F.S., to:
 - Require local enforcement agencies, on or before October 1, 2025, to report to the Department of Business and Professional Regulation specified information regarding the inspections;
 - Require the Florida Building Commission to contract with the University of Florida to create a report related to milestone inspections;
 - Require submission of the report to the Governor and the presiding officers of the Legislature;
 - Require the boards of county commissioners to adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to a

milestone inspection requirement to commence repairs within 365 days after a phase two report is received.

- Amends s. 718.103(1), F.S., to revise the term “alternative funding method.”
- Creates s. 718.103(33), F.S., to define the term “videoconference.”
- Amends s. 718.111(3), F.S., to revise the requirements for contracts between CAM and CAM firms and associations.
- Amends s. 718.111(12), F.S., and section 8, ch. 2024-244, Laws of Fla., to revise the requirements for the official records that an association must maintain on its website or make available for download by an application on a mobile device.
- Amends s. 718.111(13), F.S., to require an officer or director of the association to sign an affidavit evidencing compliance with the notice delivery requirements in this subsection.
- Revises ss. 718.111(16) and 719.104(13), F.S., relating to the investing of reserves, to remove the requirement that deposited funds must be insured by the federal government, and to limit the procedures in these subsections to investments other than certificates of deposit and depository accounts at specified financial institutions.
- Amends s. 718.112(2)(b)-(d), F.S., to revise the requirements for the conduct of meetings by videoconference, and delete the requirements for broadcasting notice.
- Amends s. 718.112(2)(e), F.S., to revise the requirements for substitute budgets in circumstances in which assessments against unit owners exceed 115 percent of assessments for the preceding fiscal year.
- Amends ss. 718.112(2)(f)2.c. and (g) and 719.106(1)(j)2.e. and (k), F.S. to increase the threshold amount for reserves from \$10,000 to \$25,000 in condominium and cooperative associations, respectively.
- Amends ss. 718.112(2)(f) and (g), and 719.106(1)(j) and (k), F.S., to limit the temporary pause of reserve funding for the purpose of making repairs required by a milestone inspection to the two consecutive annual budgets immediately following completion of a milestone inspection; and require that an officer or director of a condominium or cooperative association, respectively, must sign an affidavit acknowledging receipt of a completed SIRS; and revise the meaning of baseline reserve funding.
- Amends s. 718.112(2)(f), F.S., to also allow the members of a condominium to waive reserves recommended by the SIRS if an association votes to terminate the condominium in accordance with s. 718.117, F.S.
- Amends s. 718.501(1), F.S., to revise the jurisdiction of the division.
- Amends ss. 718.501(2)(d) and 719.501(2)(c), F.S., to require condominium and cooperative associations, respectively, to maintain an online account with the division,
- Amends ss. 718.501(3) and 719.501(3), F.S., to require condominium and cooperative associations, respectively, to report specified information to the division, and amends those provisions to repeal the requirement for the division to compile a list with specified information.
- Amends s. 914.21(3), F.S., revising the definition of the term “official investigation” to include official investigations by the division in the prohibitions in ss. 914.22 and 914.23, F.S.

- Appropriates \$250,000 from the Professional Regulation Trust Fund to the Florida Building Commission to contract with the University of Florida for the purpose of implementing s. 553.899(3)(f), F.S., as provided by this bill.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) is added to subsection (2) of section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other



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11 similar organization responsible for the management of more than
12 10 units or a budget of \$100,000 or greater shall not engage or
13 hold itself out to the public as being able to engage in the
14 business of community association management in this state
15 unless it is licensed by the department as a community
16 association management firm in accordance with the provisions of
17 this part.

18 (h) A person who has had his or her community association
19 manager license revoked may not have an indirect or direct
20 ownership interest in, or be an employee, partner, officer,
21 director, or trustee of, a community association management firm
22 during the 10-year period after the effective date of the
23 revocation. Such person is ineligible to reapply for
24 certification or registration under this part for a period of 10
25 years after the effective date of a revocation.

26 (3) A licensee must create and maintain an online licensure
27 account with the department. Each community association manager
28 must identify on his or her online licensure account the
29 community association management firm for which he or she
30 provides management services and identify each community
31 association for which he or she is the designated on-site
32 community association manager. A licensee must update his or her
33 online licensure account with this information within 30 days
34 after any change to the required information. A community
35 association management firm must identify on its online
36 licensure account the community association managers that it
37 employs to provide community association management services. If
38 a community association manager has his or her license suspended
39 or revoked, the department must give written notice of such



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40 suspension or revocation to the community association management
41 firm and the community association for which the manager
42 performs community management services.

43 Section 2. Subsections (1) and (3) of section 468.4334,
44 Florida Statutes, are amended to read:

45 468.4334 Professional practice standards; liability;
46 community association manager requirements; return of records
47 after termination of contract.—

48 (1)(a) A community association manager or a community
49 association management firm is deemed to act as agent on behalf
50 of a community association as principal within the scope of
51 authority authorized by a written contract or under this
52 chapter. A community association manager or a community
53 association management firm may not knowingly perform any act
54 directed by the community association if such an act violates
55 any state or federal law. A community association manager and a
56 community association management firm shall discharge duties
57 performed on behalf of the association as authorized by this
58 chapter loyally, skillfully, and diligently; dealing honestly
59 and fairly; in good faith; with care and full disclosure to the
60 community association; accounting for all funds; and not
61 charging unreasonable or excessive fees.

62 (b) If a community association manager or a community
63 association management firm has a contract with a community
64 association that is subject to the milestone inspection
65 requirements in s. 553.899, or the structural integrity reserve
66 study requirements in s. 718.112(2)(g) and 719.106(1)(k), the
67 community association manager or the community association
68 management firm must comply with those sections ~~that section~~ as



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69 directed by the board.

70 (c) Each contract between a community association and a
71 community association manager or community association
72 management firm for community association management services
73 must include the following written statement in at least 12-
74 point type, if applicable to the type of management services
75 provided in the contract:

76
77 The community association manager shall abide by all
78 professional standards and record keeping requirements
79 imposed pursuant to part VIII of chapter 468, Florida
80 Statutes.

81
82 (d) A contract between a community association manager or
83 community association management firm and a community
84 association may not waive or limit the professional practice
85 standards required pursuant to this part.

86 (3) A community association manager or community
87 association management firm that is authorized by contract to
88 provide community association management services to a community
89 ~~homeowners'~~ association shall do all of the following:

90 (a) Attend in person at least one member meeting or board
91 meeting of the community ~~homeowners'~~ association annually.

92 (b) Provide to the members of the community ~~homeowners'~~
93 association the name and contact information for each community
94 association manager or representative of a community association
95 management firm assigned to the community ~~homeowners'~~
96 association, the manager's or representative's hours of
97 availability, and a summary of the duties for which the manager



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98 or representative is responsible. The community homeowners'
99 association shall also post this information on the
100 association's website or mobile application, if the association
101 is required to maintain official records on a website or
102 application required under s. 720.303(4)(b). The community
103 association manager or community association management firm
104 shall update the community homeowners' association and its
105 members within 14 business days after any change to such
106 information.

107 (c) Provide to any member upon request a copy of the
108 contract between the community association manager or community
109 association management firm and the community homeowners'
110 association and include such contract with association's
111 official records.

112 Section 3. Subsection (11) and present subsections (12) and
113 (13) of section 553.899, Florida Statutes, are amended,
114 paragraphs (e) and (f) are added to subsection (3) and a new
115 subsection (12) is added to that section, to read:

116 553.899 Mandatory structural inspections for condominium
117 and cooperative buildings.—

118 (3)

119 (e) On or before October 1, 2025, and on or before each
120 December 31 thereafter, the local enforcement agency responsible
121 for milestone inspections must provide the department, in an
122 electronic format determined by the department, information that
123 may include, but is not limited to:

124 1. The number of buildings required to have a milestone
125 inspection within the agency's jurisdiction.

126 2. The number of buildings for which a phase one milestone



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127 inspection has been completed.

128 3. The number of buildings granted an extension under
129 paragraph (3) (c).

130 4. The number of buildings required to have a phase two
131 milestone inspection.

132 5. The number of buildings for which a phase two milestone
133 inspection has been completed.

134 6. The number, type, and value of permits applied for to
135 complete repairs pursuant to a phase two milestone inspection.

136 7. A list of buildings deemed to be unsafe or uninhabitable
137 due to a milestone inspection.

138 8. The license number of the building code administrator
139 responsible for milestone inspections for the local enforcement
140 agency.

141 (f) Subject to appropriation, the department shall contract
142 with the University of Florida for the purpose of creating a
143 report that provides comprehensive data, evaluation, and
144 analysis on the milestone inspections performed throughout this
145 state during each calendar year or other time period approved by
146 the department. Every local enforcement agency responsible for
147 milestone inspections must provide the university with a copy of
148 any phase one or phase two milestone inspection report by the
149 date specified by the department in a manner prescribed by the
150 university. The university may request any additional
151 information from a local enforcement agency which the university
152 requires to complete this report. The university shall compile
153 the report, and the department shall transmit the report to the
154 Governor, the President of the Senate, and the Speaker of the
155 House of Representatives.



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156 (11) A board of county commissioners or municipal governing
157 body shall ~~may~~ adopt an ordinance requiring that a condominium
158 or cooperative association and any other owner that is subject
159 to this section schedule or commence repairs for substantial
160 structural deterioration within a specified timeframe after the
161 local enforcement agency receives a phase two inspection report;
162 however, such repairs must be commenced within 365 days after
163 receiving such report. If an owner of the building fails to
164 submit proof to the local enforcement agency that repairs have
165 been scheduled or have commenced for substantial structural
166 deterioration identified in a phase two inspection report within
167 the required timeframe, the local enforcement agency must review
168 and determine if the building is unsafe for human occupancy.

169 (12) A licensed architect or engineer who bids to perform a
170 milestone inspection must disclose in writing to the association
171 his or her intent to bid on any services related to any
172 maintenance, repair, or replacement which may be recommended by
173 the milestone inspection. Any design professional as defined in
174 s. 558.002(7) or contractor licensed under chapter 489 who
175 submits a bid to the association for performing any services
176 recommended by the milestone inspection may not have an
177 interest, directly or indirectly, in the firm or entity
178 providing the milestone inspection or be a relative of any
179 person having a direct or indirect interest in such firm, unless
180 such relationship is disclosed to the association in writing. As
181 used in this section, the term "relative" means a relative
182 within the third degree of consanguinity by blood or marriage. A
183 contract for services is voidable and terminates upon the
184 association filing a written notice terminating the contract if



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185 the design professional or licensed contractor failed to provide
186 the written disclosure of the relationship required under this
187 subsection. A design professional or licensed contractor may be
188 subject to discipline under the applicable practice act for his
189 or her profession for failure to provide the written disclosure
190 of the relationship required under this subsection.

191 (13)~~(12)~~ By December 31, 2024, the Florida Building
192 Commission shall adopt rules pursuant to ss. 120.536(1) and
193 120.54 to establish a building safety program for the
194 implementation of this section within the Florida Building Code:
195 Existing Building. The building inspection program must, at
196 minimum, include inspection criteria, testing protocols,
197 standardized inspection and reporting forms that are adaptable
198 to an electronic format, and record maintenance requirements for
199 the local authority.

200 (14)~~(13)~~ The Florida Building Commission shall consult with
201 the State Fire Marshal to provide recommendations to the
202 Legislature for the adoption of comprehensive structural and
203 life safety standards for maintaining and inspecting all types
204 of buildings and structures in this state that are three stories
205 or more in height. The commission shall provide a written report
206 of its recommendations to the Governor, the President of the
207 Senate, and the Speaker of the House of Representatives by
208 December 31, 2023.

209 Section 4. Present subsections (33) and (34) of section
210 718.103, Florida Statutes, are redesignated as subsections (34)
211 and (35), respectively, a new subsection (33) is added to that
212 section, and subsection (1) of that section is amended, to read:

213 718.103 Definitions.—As used in this chapter, the term:



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214 (1) "Alternative funding method" means a method ~~approved by~~
215 ~~the division~~ for funding the capital expenditures and deferred
216 maintenance obligations of the association for a
217 ~~multicondominium association operating at least 25 condominiums~~
218 ~~which may reasonably be expected to fully satisfy the~~
219 ~~association's reserve funding obligations by the, including:~~

220 (a) The allocation of funds in the annual operating budget
221 of a multicondominium; or

222 (b) Any other method defined by rule of the division which
223 may reasonably be expected to fully satisfy the association's
224 reserve funding obligations or fund its capital expenditure and
225 deferred maintenance obligations.

226 (33) "Videoconference" means a real-time audio and video-
227 based meeting between two or more people in different locations
228 using video-enabled and audio-enabled devices. The notice for
229 any meeting that will be conducted by videoconference must have
230 a hyperlink and call-in conference telephone number for unit
231 owners to attend the meeting and must have a physical location
232 where unit owners can also attend the meeting in person. All
233 meetings conducted by videoconference must be recorded and such
234 recording must be maintained as an official record of the
235 association.

236 Section 5. Paragraphs (a) and (g) of subsection (12) and
237 subsection (13) of section 718.111, Florida Statutes, are
238 amended, paragraphs (g), (h), and (i) are added to subsection
239 (3) of that section, and subsection (16) is added to that
240 section, to read:

241 718.111 The association.—

242 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,



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243 SUE, AND BE SUED; CONFLICT OF INTEREST.—

244 (g) If an association contracts with a community
245 association manager or a community association management firm,
246 the community association manager or community association
247 management firm must possess all applicable licenses required by
248 part VIII of chapter 468. All board members or officers of an
249 association that contracts with a community association manager
250 or a community association management firm have a duty to ensure
251 that the community association manager or community association
252 management firm is properly licensed before entering into a
253 contract.

254 (h) If a community association manager has his or her
255 license suspended or revoked during the term of a contract with
256 the association, the association may terminate the contract upon
257 delivery of a written notice to the community association
258 manager whose license has been revoked or suspended, effective
259 on the date the community association manager became unlicensed.

260 (i) If a community association management firm has its
261 license suspended or revoked during the term of a contract with
262 the association, the association has the right to terminate the
263 contract upon delivery of a written notice to the community
264 association management firm whose license has been revoked or
265 suspended, effective on the date the community association
266 management firm became unlicensed.

267 (12) OFFICIAL RECORDS.—

268 (a) From the inception of the association, the association
269 shall maintain each of the following items, if applicable, which
270 constitutes the official records of the association:

271 1. A copy of the plans, permits, warranties, and other



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272 items provided by the developer under s. 718.301(4).

273 2. A copy ~~photocopy~~ of the recorded declaration of
274 condominium of each condominium operated by the association and
275 each amendment to each declaration.

276 3. A copy ~~photocopy~~ of the recorded bylaws of the
277 association and each amendment to the bylaws.

278 4. A certified copy of the articles of incorporation of the
279 association, or other documents creating the association, and
280 each amendment thereto.

281 5. A copy of the current rules of the association.

282 6. A book or books or electronic records that contain the
283 minutes of all meetings of the association, the board of
284 administration, any committee, and the unit owners, and a
285 recording of all such meetings that are conducted by
286 videoconference. If there are approved minutes for a meeting
287 held by video conference, recordings of meetings that are
288 conducted by videoconference must be maintained for at least 1
289 year after the date the video recording is posted as required
290 under paragraph (g).

291 7. A current roster of all unit owners and their mailing
292 addresses, unit identifications, voting certifications, and, if
293 known, telephone numbers. The association shall also maintain
294 the e-mail addresses and facsimile numbers of unit owners
295 consenting to receive notice by electronic transmission. In
296 accordance with sub-subparagraph (c)5.e., the e-mail addresses
297 and facsimile numbers are only accessible to unit owners if
298 consent to receive notice by electronic transmission is
299 provided, or if the unit owner has expressly indicated that such
300 personal information can be shared with other unit owners and



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301 the unit owner has not provided the association with a request
302 to opt out of such dissemination with other unit owners. An
303 association must ensure that the e-mail addresses and facsimile
304 numbers are only used for the business operation of the
305 association and may not be sold or shared with outside third
306 parties. If such personal information is included in documents
307 that are released to third parties, other than unit owners, the
308 association must redact such personal information before the
309 document is disseminated. However, the association is not liable
310 for an inadvertent disclosure of the e-mail address or facsimile
311 number for receiving electronic transmission of notices unless
312 such disclosure was made with a knowing or intentional disregard
313 of the protected nature of such information.

314 8. All current insurance policies of the association and
315 condominiums operated by the association.

316 9. A current copy of any management agreement, lease, or
317 other contract to which the association is a party or under
318 which the association or the unit owners have an obligation or
319 responsibility.

320 10. Bills of sale or transfer for all property owned by the
321 association.

322 11. Accounting records for the association and separate
323 accounting records for each condominium that the association
324 operates. Any person who knowingly or intentionally defaces or
325 destroys such records, or who knowingly or intentionally fails
326 to create or maintain such records, with the intent of causing
327 harm to the association or one or more of its members, is
328 personally subject to a civil penalty pursuant to s.
329 718.501(1)(e). The accounting records must include, but are not



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- 330 limited to:
- 331 a. Accurate, itemized, and detailed records of all receipts
332 and expenditures, including all bank statements and ledgers.
- 333 b. All invoices, transaction receipts, or deposit slips
334 that substantiate any receipt or expenditure of funds by the
335 association.
- 336 c. A current account and a monthly, bimonthly, or quarterly
337 statement of the account for each unit designating the name of
338 the unit owner, the due date and amount of each assessment, the
339 amount paid on the account, and the balance due.
- 340 d. All audits, reviews, accounting statements, structural
341 integrity reserve studies, and financial reports of the
342 association or condominium. Structural integrity reserve studies
343 must be maintained for at least 15 years after the study is
344 completed.
- 345 e. All contracts for work to be performed. Bids for work to
346 be performed are also considered official records and must be
347 maintained by the association for at least 1 year after receipt
348 of the bid.
- 349 12. Ballots, sign-in sheets, voting proxies, and all other
350 papers and electronic records relating to voting by unit owners,
351 which must be maintained for 1 year from the date of the
352 election, vote, or meeting to which the document relates,
353 notwithstanding paragraph (b).
- 354 13. All rental records if the association is acting as
355 agent for the rental of condominium units.
- 356 14. A copy of the current question and answer sheet as
357 described in s. 718.504.
- 358 15. A copy of the inspection reports described in ss.



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359 553.899 and 718.301(4) (p) and any other inspection report
360 relating to a structural or life safety inspection of
361 condominium property. Such record must be maintained by the
362 association for 15 years after receipt of the report.

363 16. Bids for materials, equipment, or services.

364 17. All affirmative acknowledgments made pursuant to s.
365 718.121(4) (c).

366 18. A copy of all building permits.

367 19. A copy of all satisfactorily completed board member
368 educational certificates.

369 20. A copy of all affidavits required by this chapter.

370 21. A copy of all investment policy statements adopted
371 pursuant to paragraph (16) (c), and all financial statements
372 related to the association's investment of funds under
373 subsection (16).

374 ~~22.20.~~ All other written records of the association not
375 specifically included in the foregoing which are related to the
376 operation of the association.

377 (g)1. By January 1, 2019, an association managing a
378 condominium with 150 or more units which does not contain
379 timeshare units shall post digital copies of the documents
380 specified in subparagraph 2. on its website or make such
381 documents available through an application that can be
382 downloaded on a mobile device. Unless a shorter period is
383 otherwise required, a document must be made available on the
384 association's website or made available for download through an
385 application on a mobile device within 30 days after the
386 association receives or creates an official record specified in
387 subparagraph 2.



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388 a. The association's website or application must be:
389 (I) An independent website, application, or web portal
390 wholly owned and operated by the association; or
391 (II) A website, application, or web portal operated by a
392 third-party provider with whom the association owns, leases,
393 rents, or otherwise obtains the right to operate a web page,
394 subpage, web portal, collection of subpages or web portals, or
395 an application which is dedicated to the association's
396 activities and on which required notices, records, and documents
397 may be posted or made available by the association.

398 b. The association's website or application must be
399 accessible through the Internet and must contain a subpage, web
400 portal, or other protected electronic location that is
401 inaccessible to the general public and accessible only to unit
402 owners and employees of the association.

403 c. Upon a unit owner's written request, the association
404 must provide the unit owner with a username and password and
405 access to the protected sections of the association's website or
406 application which contain any notices, records, or documents
407 that must be electronically provided.

408 2. A current copy of the following documents must be posted
409 in digital format on the association's website or application:

410 a. The recorded declaration of condominium of each
411 condominium operated by the association and each amendment to
412 each declaration.

413 b. The recorded bylaws of the association and each
414 amendment to the bylaws.

415 c. The articles of incorporation of the association, or
416 other documents creating the association, and each amendment to



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417 the articles of incorporation or other documents. The copy
418 posted pursuant to this sub-subparagraph must be a copy of the
419 articles of incorporation filed with the Department of State.

420 d. The rules of the association.

421 e. The approved minutes of all board of administration
422 meetings over the preceding 12 months.

423 f. The video recording or a hyperlink to the video
424 recording for all meetings of the association, the board of
425 administration, any committee, and the unit owners which are
426 conducted by videoconference over the preceding 12 months.

427 ~~g.e.~~ A list of all executory contracts or documents to
428 which the association is a party or under which the association
429 or the unit owners have an obligation or responsibility and,
430 after bidding for the related materials, equipment, or services
431 has closed, a list of bids received by the association within
432 the past year. Summaries of bids for materials, equipment, or
433 services which exceed \$500 must be maintained on the website or
434 application for 1 year. In lieu of summaries, complete copies of
435 the bids may be posted.

436 ~~h.f.~~ The annual budget required by s. 718.112(2)(f) and any
437 proposed budget to be considered at the annual meeting.

438 ~~i.g.~~ The financial report required by subsection (13) and
439 any monthly income or expense statement to be considered at a
440 meeting.

441 ~~j.h.~~ The certification of each director required by s.
442 718.112(2)(d)4.b.

443 ~~k.i.~~ All contracts or transactions between the association
444 and any director, officer, corporation, firm, or association
445 that is not an affiliated condominium association or any other



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446 entity in which an association director is also a director or
447 officer and financially interested.

448 ~~l.j.~~ Any contract or document regarding a conflict of
449 interest or possible conflict of interest as provided in ss.
450 468.4335, 468.436(2)(b)6., and 718.3027(3).

451 ~~m.k.~~ The notice of any unit owner meeting and the agenda
452 for the meeting, as required by s. 718.112(2)(d)3., no later
453 than 14 days before the meeting. The notice must be posted in
454 plain view on the front page of the website or application, or
455 on a separate subpage of the website or application labeled
456 "Notices" which is conspicuously visible and linked from the
457 front page. The association must also post on its website or
458 application any document to be considered and voted on by the
459 owners during the meeting or any document listed on the agenda
460 at least 7 days before the meeting at which the document or the
461 information within the document will be considered.

462 ~~n.l.~~ Notice of any board meeting, the agenda, and any other
463 document required for the meeting as required by s.
464 718.112(2)(c), which must be posted no later than the date
465 required for notice under s. 718.112(2)(c).

466 ~~o.m.~~ The inspection reports described in ss. 553.899 and
467 718.301(4)(p) and any other inspection report relating to a
468 structural or life safety inspection of condominium property.

469 ~~p.n.~~ The association's most recent structural integrity
470 reserve study, if applicable.

471 ~~q.o.~~ Copies of all building permits issued for ongoing or
472 planned construction.

473 r. A copy of all affidavits required by this chapter.

474 s. A copy of all investment policy statements adopted



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475 pursuant to paragraph (16)(c), and all financial statements
476 related to the association's investment of funds under
477 subsection (16).

478 3. The association shall ensure that the information and
479 records described in paragraph (c), which are not allowed to be
480 accessible to unit owners, are not posted on the association's
481 website or application. If protected information or information
482 restricted from being accessible to unit owners is included in
483 documents that are required to be posted on the association's
484 website or application, the association shall ensure the
485 information is redacted before posting the documents.

486 Notwithstanding the foregoing, the association or its agent is
487 not liable for disclosing information that is protected or
488 restricted under this paragraph unless such disclosure was made
489 with a knowing or intentional disregard of the protected or
490 restricted nature of such information.

491 4. The failure of the association to post information
492 required under subparagraph 2. is not in and of itself
493 sufficient to invalidate any action or decision of the
494 association's board or its committees.

495 (13) FINANCIAL REPORTING.—Within 90 days after the end of
496 the fiscal year, or annually on a date provided in the bylaws,
497 the association shall prepare and complete, or contract for the
498 preparation and completion of, a financial report for the
499 preceding fiscal year. Within 21 days after the final financial
500 report is completed by the association or received from the
501 third party, but not later than 180 ~~120~~ days after the end of
502 the fiscal year or other date as provided in the bylaws, the
503 association shall deliver to each unit owner by United States



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504 mail or personal delivery at the mailing address, property
505 address, e-mail address, or facsimile number provided to fulfill
506 the association's notice requirements, a copy of the most recent
507 financial report, or ~~and~~ a notice that a copy of the most recent
508 financial report will be, as requested by the owner, mailed, ~~or~~
509 hand delivered, or electronically delivered via the Internet to
510 the unit owner, without charge, within 5 business days after
511 receipt of a written request from the unit owner. Evidence of
512 compliance with this delivery requirement must be made by an
513 affidavit executed by an officer or director of the association.

514 The division shall adopt rules setting forth uniform accounting
515 principles and standards to be used by all associations and
516 addressing the financial reporting requirements for
517 multicondominium associations. The rules must include, but not
518 be limited to, standards for presenting a summary of association
519 reserves, including a good faith estimate disclosing the annual
520 amount of reserve funds that would be necessary for the
521 association to fully fund reserves for each reserve item based
522 on the straight-line accounting method. This disclosure is not
523 applicable to reserves funded via the pooling method. In
524 adopting such rules, the division shall consider the number of
525 members and annual revenues of an association. Financial reports
526 shall be prepared as follows:

527 (a) An association that meets the criteria of this
528 paragraph shall prepare a complete set of financial statements
529 in accordance with generally accepted accounting principles. The
530 financial statements must be based upon the association's total
531 annual revenues, as follows:

532 1. An association with total annual revenues of \$150,000 or



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533 more, but less than \$300,000, shall prepare compiled financial
534 statements.

535 2. An association with total annual revenues of at least
536 \$300,000, but less than \$500,000, shall prepare reviewed
537 financial statements.

538 3. An association with total annual revenues of \$500,000 or
539 more shall prepare audited financial statements.

540 (b)1. An association with total annual revenues of less
541 than \$150,000 shall prepare a report of cash receipts and
542 expenditures.

543 2. A report of cash receipts and disbursements must
544 disclose the amount of receipts by accounts and receipt
545 classifications and the amount of expenses by accounts and
546 expense classifications, including, but not limited to, the
547 following, as applicable: costs for security, professional and
548 management fees and expenses, taxes, costs for recreation
549 facilities, expenses for refuse collection and utility services,
550 expenses for lawn care, costs for building maintenance and
551 repair, insurance costs, administration and salary expenses, and
552 reserves accumulated and expended for capital expenditures,
553 deferred maintenance, and any other category for which the
554 association maintains reserves.

555 (c) An association may prepare, without a meeting of or
556 approval by the unit owners:

557 1. Compiled, reviewed, or audited financial statements, if
558 the association is required to prepare a report of cash receipts
559 and expenditures;

560 2. Reviewed or audited financial statements, if the
561 association is required to prepare compiled financial



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562 statements; or

563 3. Audited financial statements if the association is
564 required to prepare reviewed financial statements.

565 (d) If approved by a majority vote of all the voting
566 interests ~~present at a properly called meeting~~ of the
567 association, an association may prepare:

568 1. A report of cash receipts and expenditures in lieu of a
569 compiled, reviewed, or audited financial statement;

570 2. A report of cash receipts and expenditures or a compiled
571 financial statement in lieu of a reviewed or audited financial
572 statement; or

573 3. A report of cash receipts and expenditures, a compiled
574 financial statement, or a reviewed financial statement in lieu
575 of an audited financial statement.

576

577 Such meeting and approval must occur before the end of the
578 fiscal year and is effective only for the fiscal year in which
579 the vote is taken. An association may not prepare a financial
580 report pursuant to this paragraph for consecutive fiscal years.
581 If the developer has not turned over control of the association,
582 all unit owners, including the developer, may vote on issues
583 related to the preparation of the association's financial
584 reports, from the date of incorporation of the association
585 through the end of the second fiscal year after the fiscal year
586 in which the certificate of a surveyor and mapper is recorded
587 pursuant to s. 718.104(4)(e) or an instrument that transfers
588 title to a unit in the condominium which is not accompanied by a
589 recorded assignment of developer rights in favor of the grantee
590 of such unit is recorded, whichever occurs first. Thereafter,



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591 all unit owners except the developer may vote on such issues
592 until control is turned over to the association by the
593 developer. Any audit or review prepared under this section shall
594 be paid for by the developer if done before turnover of control
595 of the association.

596 (e) A unit owner may provide written notice to the division
597 of the association's failure to mail or hand deliver him or her
598 a copy of the most recent financial report within 5 business
599 days after he or she submitted a written request to the
600 association for a copy of such report. If the division
601 determines that the association failed to mail or hand deliver a
602 copy of the most recent financial report to the unit owner, the
603 division shall provide written notice to the association that
604 the association must mail or hand deliver a copy of the most
605 recent financial report to the unit owner and the division
606 within 5 business days after it receives such notice from the
607 division. An association that fails to comply with the
608 division's request may not waive the financial reporting
609 requirement provided in paragraph (d) for the fiscal year in
610 which the unit owner's request was made and the following fiscal
611 year. A financial report received by the division pursuant to
612 this paragraph shall be maintained, and the division shall
613 provide a copy of such report to an association member upon his
614 or her request.

615 (16) INVESTMENT OF ASSOCIATION FUNDS.-

616 (a) A board shall, in fulfilling its duty to manage
617 operating and reserve funds of its association, use best efforts
618 to make prudent investment decisions that carefully consider
619 risk and return in an effort to maximize returns on invested



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620 funds.

621 (b) An association, including a multicondominium
622 association, may invest reserve funds in one or any combination
623 of certificates of deposit or in depository accounts at a
624 community bank, savings bank, commercial bank, savings and loan
625 association, or credit union. Upon a majority vote of the voting
626 interests, an association may invest reserve funds in
627 investments other than certificates of deposit or depository
628 accounts at a community bank, savings bank, commercial bank,
629 savings and loan association, or credit union, provided the
630 association complies with paragraphs (c)-(g). Notwithstanding
631 any declaration, only funds identified as reserve funds may be
632 invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
633 not apply to funds invested in one or any combination of
634 certificates of deposit or depository accounts at a community
635 bank, savings bank, commercial bank, savings and loan
636 association, or credit union.

637 (c) The board shall create an investment committee composed
638 of at least two board members and two-unit unit owners who are
639 not board members. The board shall also adopt rules for invested
640 funds, including, but not limited to, rules requiring periodic
641 reviews of any investment manager's performance, the development
642 of an investment policy statement, and that all meetings of the
643 investment committee be recorded and made part of the official
644 records of the association. The investment policy statement
645 developed pursuant to this paragraph must, at a minimum, address
646 risk, liquidity, and benchmark measurements; authorized classes
647 of investments; authorized investment mixes; limitations on
648 authority relating to investment transactions; requirements for



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649 projected reserve expenditures within, at minimum, the next 24
650 months to be held in cash or cash equivalents; projected
651 expenditures relating to a mandatory structural inspection
652 performed pursuant to s. 553.899; and protocols for proxy
653 response.

654 (d) The investment committee shall recommend investment
655 advisers to the board, and the board shall select one of the
656 recommended investment advisers to provide services to the
657 association. Such investment advisers must be registered or have
658 notice filed under s. 517.12. The selected investment adviser
659 and any representative or association of the investment adviser
660 may not be related by affinity or consanguinity to, or under
661 common ownership with, any board member, community management
662 company, reserve study provider, or co-owner of a unit with a
663 board member or investment committee member. The investment
664 adviser shall comply with the prudent investor rule in s.
665 518.11. The investment adviser shall act as a fiduciary to the
666 association in compliance with the standards set forth in the
667 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
668 1104(a)(1)(A)-(C). In case of conflict with other laws
669 authorizing investments, the investment and fiduciary standards
670 set forth in this subsection must prevail. If at any time the
671 investment committee determines that an investment adviser does
672 not meet the requirements of this section, the investment
673 committee must recommend a replacement investment adviser to the
674 board.

675 (e) At least once each calendar year, or sooner if a
676 substantial financial obligation of the association becomes
677 known to the board, the association must provide the investment



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678 adviser with the association's investment policy statement, the
679 most recent reserve study report, the association's structural
680 integrity report, and the financial reports prepared pursuant to
681 subsection (13). If there is no recent reserve study report, the
682 association must provide the investment adviser with a good
683 faith estimate disclosing the annual amount of reserve funds
684 necessary for the association to fund reserves fully for the
685 life of each reserve component and each component's
686 redundancies. The investment adviser shall annually review these
687 documents and provide the association with a portfolio
688 allocation model that is suitably structured and prudently
689 designed to match projected annual reserve fund requirements and
690 liability, assets, and liquidity requirements. The investment
691 adviser shall prepare a funding projection for each reserve
692 component, including any of the component's redundancies. The
693 association must have available at all times a minimum of 24
694 months of projected reserves in cash or cash equivalents.

695 (f) Portfolios managed by the investment adviser may
696 contain any type of investment necessary to meet the objectives
697 in the investment policy statement; however, portfolios may not
698 contain stocks, securities, or other obligations that the State
699 Board of Administration is prohibited from investing in under s.
700 215.471, s. 215.4725, or s. 215.473 or that state agencies are
701 prohibited from investing in under s. 215.472, as determined by
702 the investment adviser. Any funds invested by the investment
703 adviser must be held in third-party custodial accounts that are
704 subject to insurance coverage by the Securities Investor
705 Protection Corporation in an amount equal to or greater than the
706 invested amount. The investment adviser may withdraw investment



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707 fees, expenses, and commissions from invested funds.

708 (g) The investment adviser shall:

709 1. Annually provide the association with a written
710 certification of compliance with this section and a list of
711 stocks, securities, and other obligations that are prohibited
712 from being in association portfolios under paragraph (f); and

713 2. Submit monthly, quarterly, and annual reports to the
714 association which are prepared in accordance with established
715 financial industry standards and in accordance with chapter 517.

716 (h) Any principal, earnings, or interest managed under this
717 subsection must be available at no cost or charge to the
718 association within 15 business days after delivery of the
719 association's written or electronic request.

720 (i) Unallocated income earned on reserve fund investments
721 must be spent only on capital expenditures, planned maintenance,
722 structural repairs, or other items for which the reserve
723 accounts have been established. Any surplus of funds which
724 exceeds the amount required to maintain reasonably funded
725 reserves must be managed pursuant to s. 718.115.

726 Section 6. Paragraphs (b) through (g) of subsection (2) of
727 section 718.112, Florida Statutes, are amended to read:

728 718.112 Bylaws.—

729 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
730 following and, if they do not do so, shall be deemed to include
731 the following:

732 (b) Quorum; voting requirements; proxies.—

733 1. Unless a lower number is provided in the bylaws, the
734 percentage of voting interests required to constitute a quorum
735 at a meeting of the members is a majority of the voting



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736 interests. Unless otherwise provided in this chapter or in the
737 declaration, articles of incorporation, or bylaws, and except as
738 provided in subparagraph (d)4., decisions shall be made by a
739 majority of the voting interests represented at a meeting at
740 which a quorum is present.

741 2. Except as specifically otherwise provided herein, unit
742 owners in a residential condominium may not vote by general
743 proxy, but may vote by limited proxies substantially conforming
744 to a limited proxy form adopted by the division. A voting
745 interest or consent right allocated to a unit owned by the
746 association may not be exercised or considered for any purpose,
747 whether for a quorum, an election, or otherwise. Limited proxies
748 and general proxies may be used to establish a quorum. Limited
749 proxies shall be used for votes taken to waive or reduce
750 reserves in accordance with subparagraph (f)2.; for votes taken
751 to waive the financial reporting requirements of s. 718.111(13);
752 for votes taken to amend the declaration pursuant to s. 718.110;
753 for votes taken to amend the articles of incorporation or bylaws
754 pursuant to this section; and for any other matter for which
755 this chapter requires or permits a vote of the unit owners.
756 Except as provided in paragraph (d), a proxy, limited or
757 general, may not be used in the election of board members in a
758 residential condominium. General proxies may be used for other
759 matters for which limited proxies are not required, and may be
760 used in voting for nonsubstantive changes to items for which a
761 limited proxy is required and given. Notwithstanding this
762 subparagraph, unit owners may vote in person at unit owner
763 meetings. This subparagraph does not limit the use of general
764 proxies or require the use of limited proxies for any agenda



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765 item or election at any meeting of a timeshare condominium
766 association or a nonresidential condominium association.

767 3. A proxy given is effective only for the specific meeting
768 for which originally given and any lawfully adjourned meetings
769 thereof. A proxy is not valid longer than 90 days after the date
770 of the first meeting for which it was given. Each proxy is
771 revocable at any time at the pleasure of the unit owner
772 executing it.

773 4. A member of the board of administration or a committee
774 may submit in writing his or her agreement or disagreement with
775 any action taken at a meeting that the member did not attend.
776 This agreement or disagreement may not be used as a vote for or
777 against the action taken or to create a quorum.

778 5. A board meeting may be conducted in person or by
779 videoconference. A board or committee member's participation in
780 a meeting via telephone, real-time videoconferencing, or similar
781 real-time electronic or video communication counts toward a
782 quorum, and such member may vote as if physically present. A
783 speaker must be used so that the conversation of such members
784 may be heard by the board or committee members attending in
785 person as well as by any unit owners present at a meeting. The
786 division shall adopt rules pursuant to ss. 120.536 and 120.54
787 governing the requirements for meetings.

788 (c) Board of administration meetings.—In a residential
789 condominium association of more than 10 units, the board of
790 administration shall meet at least once each quarter. At least
791 four times each year, the meeting agenda must include an
792 opportunity for members to ask questions of the board. Meetings
793 of the board of administration at which a quorum of the members



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794 is present are open to all unit owners. Members of the board of
795 administration may use e-mail as a means of communication but
796 may not cast a vote on an association matter via e-mail. A unit
797 owner may tape record or videotape the meetings. The right to
798 attend such meetings includes the right to speak at such
799 meetings with reference to all designated agenda items and the
800 right to ask questions relating to reports on the status of
801 construction or repair projects, the status of revenues and
802 expenditures during the current fiscal year, and other issues
803 affecting the condominium. The division shall adopt reasonable
804 rules governing the tape recording and videotaping of the
805 meeting. The association may adopt written reasonable rules
806 governing the frequency, duration, and manner of unit owner
807 statements.

808 1. Adequate notice of all board meetings, which must
809 specifically identify all agenda items, must be posted
810 conspicuously on the condominium property at least 48 continuous
811 hours before the meeting except in an emergency. If the board
812 meeting is to be conducted via videoconference, the notice must
813 state that such meeting will be via videoconference and must
814 include a hyperlink and a conference telephone number for unit
815 owners to attend the meeting via videoconference, as well as the
816 address of the physical location where the unit owners can
817 attend the meeting in person. If the meeting is conducted via
818 videoconference, it must be recorded and such recording must be
819 maintained as an official record of the association. If 20
820 percent of the voting interests petition the board to address an
821 item of business, the board, within 60 days after receipt of the
822 petition, shall place the item on the agenda at its next regular



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823 board meeting or at a special meeting called for that purpose.
824 An item not included on the notice may be taken up on an
825 emergency basis by a vote of at least a majority plus one of the
826 board members. Such emergency action must be noticed and
827 ratified at the next regular board meeting. Written notice of a
828 meeting at which a nonemergency special assessment or an
829 amendment to rules regarding unit use will be considered must be
830 mailed, delivered, or electronically transmitted to the unit
831 owners and posted conspicuously on the condominium property at
832 least 14 days before the meeting. Evidence of compliance with
833 this 14-day notice requirement must be made by an affidavit
834 executed by the person providing the notice and filed with the
835 official records of the association.

836 2. Upon notice to the unit owners, the board shall, by duly
837 adopted rule, designate a specific location on the condominium
838 property at which all notices of board meetings must be posted.
839 ~~If there is no condominium property at which notices can be~~
840 ~~posted,~~ Notices shall be mailed, delivered, or electronically
841 transmitted to each unit owner who has consented to receive
842 electronic notifications at least 14 days before the meeting. In
843 ~~lieu of or in~~ addition to the physical posting of the notice on
844 the condominium property and mailing, delivering, or
845 electronically transmitting the notice, the association may, by
846 reasonable rule, adopt a procedure for conspicuously posting and
847 repeatedly broadcasting the notice and the agenda on a closed-
848 circuit cable television system serving the condominium
849 association. ~~However, if broadcast notice is used in lieu of a~~
850 ~~notice physically posted on condominium property, the notice and~~
851 ~~agenda must be broadcast at least four times every broadcast~~



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852 ~~hour of each day that a posted notice is otherwise required~~
853 ~~under this section. If broadcast notice is provided, the notice~~
854 ~~and agenda must be broadcast in a manner and for a sufficient~~
855 ~~continuous length of time so as to allow an average reader to~~
856 ~~observe the notice and read and comprehend the entire content of~~
857 ~~the notice and the agenda.~~ In addition to any of the authorized
858 means of providing notice of a meeting of the board, the
859 association may, by rule, adopt a procedure for conspicuously
860 posting the meeting notice and the agenda on a website serving
861 the condominium association for at least the minimum period of
862 time for which a notice of a meeting is also required to be
863 physically posted on the condominium property. Any rule adopted
864 shall, in addition to other matters, include a requirement that
865 the association send an electronic notice in the same manner as
866 a notice for a meeting of the members, which must include a
867 hyperlink to the website at which the notice is posted, to unit
868 owners whose e-mail addresses are included in the association's
869 official records.

870 3. Notice of any meeting in which regular or special
871 assessments against unit owners are to be considered must
872 specifically state that assessments will be considered and
873 provide the estimated cost and description of the purposes for
874 such assessments. If an agenda item relates to the approval of a
875 contract for goods or services, a copy of the contract must be
876 provided with the notice and be made available for inspection
877 and copying upon a written request from a unit owner or made
878 available on the association's website or through an application
879 that can be downloaded on a mobile device.

880 4. Meetings of a committee to take final action on behalf



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881 of the board or make recommendations to the board regarding the
882 association budget are subject to this paragraph. Meetings of a
883 committee that does not take final action on behalf of the board
884 or make recommendations to the board regarding the association
885 budget are subject to this section, unless those meetings are
886 exempted from this section by the bylaws of the association.

887 5. Notwithstanding any other law, the requirement that
888 board meetings and committee meetings be open to the unit owners
889 does not apply to:

890 a. Meetings between the board or a committee and the
891 association's attorney, with respect to proposed or pending
892 litigation, if the meeting is held for the purpose of seeking or
893 rendering legal advice; or

894 b. Board meetings held for the purpose of discussing
895 personnel matters.

896 (d) Unit owner meetings.—

897 1. An annual meeting of the unit owners must be held at the
898 location provided in the association bylaws and, if the bylaws
899 are silent as to the location, the meeting must be held within
900 15 miles ~~45 miles~~ of the condominium property or within the same
901 county as the condominium property. However, such distance
902 requirement does not apply to an association governing a
903 timeshare condominium. If a unit owner meeting is conducted via
904 videoconference, a unit owner may vote electronically in the
905 manner provided in s. 718.128.

906 2. Unit owner meetings, including the annual meeting of the
907 unit owners, may be conducted in person or via videoconference.
908 If the annual meeting of the unit owners is conducted via
909 videoconference, a quorum of the members of the board of



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910 administration must be physically present at the physical
911 location where unit owners can attend the meeting. The location
912 must be provided in the association bylaws and, if the bylaws
913 are silent as to the location, the meeting must be held within
914 10 miles of the condominium property. If the unit owner meeting
915 is conducted via videoconference, the videoconference must be
916 recorded and such recording must be maintained as an official
917 record of the association. The division shall adopt rules
918 pursuant to ss. 120.536 and 120.54 governing the requirements
919 for meetings.

920 3.2- Unless the bylaws provide otherwise, a vacancy on the
921 board caused by the expiration of a director's term must be
922 filled by electing a new board member, and the election must be
923 by secret ballot. An election is not required if the number of
924 vacancies equals or exceeds the number of candidates. For
925 purposes of this paragraph, the term "candidate" means an
926 eligible person who has timely submitted the written notice, as
927 described in sub-subparagraph 4.a., of his or her intention to
928 become a candidate. Except in a timeshare or nonresidential
929 condominium, or if the staggered term of a board member does not
930 expire until a later annual meeting, or if all members' terms
931 would otherwise expire but there are no candidates, the terms of
932 all board members expire at the annual meeting, and such members
933 may stand for reelection unless prohibited by the bylaws. Board
934 members may serve terms longer than 1 year if permitted by the
935 bylaws or articles of incorporation. A board member may not
936 serve more than 8 consecutive years unless approved by an
937 affirmative vote of unit owners representing two-thirds of all
938 votes cast in the election or unless there are not enough



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939 eligible candidates to fill the vacancies on the board at the
940 time of the vacancy. Only board service that occurs on or after
941 July 1, 2018, may be used when calculating a board member's term
942 limit. If the number of board members whose terms expire at the
943 annual meeting equals or exceeds the number of candidates, the
944 candidates become members of the board effective upon the
945 adjournment of the annual meeting. Unless the bylaws provide
946 otherwise, any remaining vacancies shall be filled by the
947 affirmative vote of the majority of the directors making up the
948 newly constituted board even if the directors constitute less
949 than a quorum or there is only one director. In a residential
950 condominium association of more than 10 units or in a
951 residential condominium association that does not include
952 timeshare units or timeshare interests, co-owners of a unit may
953 not serve as members of the board of directors at the same time
954 unless they own more than one unit or unless there are not
955 enough eligible candidates to fill the vacancies on the board at
956 the time of the vacancy. A unit owner in a residential
957 condominium desiring to be a candidate for board membership must
958 comply with sub-subparagraph 4.a. and must be eligible to be a
959 candidate to serve on the board of directors at the time of the
960 deadline for submitting a notice of intent to run in order to
961 have his or her name listed as a proper candidate on the ballot
962 or to serve on the board. A person who has been suspended or
963 removed by the division under this chapter, or who is delinquent
964 in the payment of any assessment due to the association, is not
965 eligible to be a candidate for board membership and may not be
966 listed on the ballot. For purposes of this paragraph, a person
967 is delinquent if a payment is not made by the due date as



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968 specifically identified in the declaration of condominium,
969 bylaws, or articles of incorporation. If a due date is not
970 specifically identified in the declaration of condominium,
971 bylaws, or articles of incorporation, the due date is the first
972 day of the assessment period. A person who has been convicted of
973 any felony in this state or in a United States District or
974 Territorial Court, or who has been convicted of any offense in
975 another jurisdiction which would be considered a felony if
976 committed in this state, is not eligible for board membership
977 unless such felon's civil rights have been restored for at least
978 5 years as of the date such person seeks election to the board.
979 The validity of an action by the board is not affected if it is
980 later determined that a board member is ineligible for board
981 membership due to having been convicted of a felony. This
982 subparagraph does not limit the term of a member of the board of
983 a nonresidential or timeshare condominium.

984 ~~4.3~~ The bylaws must provide the method of calling meetings
985 of unit owners, including annual meetings. Written notice of an
986 annual meeting must include an agenda; be mailed, hand
987 delivered, or electronically transmitted to each unit owner at
988 least 14 days before the annual meeting; and be posted in a
989 conspicuous place on the condominium property or association
990 property at least 14 continuous days before the annual meeting.
991 Written notice of a meeting other than an annual meeting must
992 include an agenda; be mailed, hand delivered, or electronically
993 transmitted to each unit owner; and be posted in a conspicuous
994 place on the condominium property or association property within
995 the timeframe specified in the bylaws. If the bylaws do not
996 specify a timeframe for written notice of a meeting other than



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997 an annual meeting, notice must be provided at least 14
998 continuous days before the meeting. Upon notice to the unit
999 owners, the board shall, by duly adopted rule, designate a
1000 specific location on the condominium property or association
1001 property at which all notices of unit owner meetings must be
1002 posted. This requirement does not apply if there is no
1003 condominium property for posting notices. ~~In lieu of, or in~~ In
1004 addition to, the physical posting of meeting notices, the
1005 association may, by reasonable rule, adopt a procedure for
1006 conspicuously posting and repeatedly broadcasting the notice and
1007 the agenda on a closed-circuit cable television system serving
1008 the condominium association. ~~However, if broadcast notice is~~
1009 ~~used in lieu of a notice posted physically on the condominium~~
1010 ~~property, the notice and agenda must be broadcast at least four~~
1011 ~~times every broadcast hour of each day that a posted notice is~~
1012 ~~otherwise required under this section.~~ If broadcast notice is
1013 provided, the notice and agenda must be broadcast in a manner
1014 and for a sufficient continuous length of time so as to allow an
1015 average reader to observe the notice and read and comprehend the
1016 entire content of the notice and the agenda. In addition to any
1017 of the authorized means of providing notice of a meeting of the
1018 board, the association may, by rule, adopt a procedure for
1019 conspicuously posting the meeting notice and the agenda on a
1020 website serving the condominium association for at least the
1021 minimum period of time for which a notice of a meeting is also
1022 required to be physically posted on the condominium property.
1023 Any rule adopted shall, in addition to other matters, include a
1024 requirement that the association send an electronic notice in
1025 the same manner as a notice for a meeting of the members, which



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1026 must include a hyperlink to the website at which the notice is
1027 posted, to unit owners whose e-mail addresses are included in
1028 the association's official records. Unless a unit owner waives
1029 in writing the right to receive notice of the annual meeting,
1030 such notice must be hand delivered, mailed, or electronically
1031 transmitted to each unit owner. Notice for meetings and notice
1032 for all other purposes must be mailed to each unit owner at the
1033 address last furnished to the association by the unit owner, or
1034 hand delivered to each unit owner. However, if a unit is owned
1035 by more than one person, the association must provide notice to
1036 the address that the developer identifies for that purpose and
1037 thereafter as one or more of the owners of the unit advise the
1038 association in writing, or if no address is given or the owners
1039 of the unit do not agree, to the address provided on the deed of
1040 record. An officer of the association, or the manager or other
1041 person providing notice of the association meeting, must provide
1042 an affidavit or United States Postal Service certificate of
1043 mailing, to be included in the official records of the
1044 association affirming that the notice was mailed or hand
1045 delivered in accordance with this provision.

1046 5.4. The members of the board of a residential condominium
1047 shall be elected by written ballot or voting machine. Proxies
1048 may not be used in electing the board in general elections or
1049 elections to fill vacancies caused by recall, resignation, or
1050 otherwise, unless otherwise provided in this chapter. This
1051 subparagraph does not apply to an association governing a
1052 timeshare condominium.

1053 a. At least 60 days before a scheduled election, the
1054 association shall mail, deliver, or electronically transmit, by



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1055 separate association mailing or included in another association
1056 mailing, delivery, or transmission, including regularly
1057 published newsletters, to each unit owner entitled to a vote, a
1058 first notice of the date of the election. A unit owner or other
1059 eligible person desiring to be a candidate for the board must
1060 give written notice of his or her intent to be a candidate to
1061 the association at least 40 days before a scheduled election.
1062 Together with the written notice and agenda as set forth in
1063 subparagraph 3., the association shall mail, deliver, or
1064 electronically transmit a second notice of the election to all
1065 unit owners entitled to vote, together with a ballot that lists
1066 all candidates not less than 14 days or more than 34 days before
1067 the date of the election. Upon request of a candidate, an
1068 information sheet, no larger than 8 1/2 inches by 11 inches,
1069 which must be furnished by the candidate at least 35 days before
1070 the election, must be included with the mailing, delivery, or
1071 transmission of the ballot, with the costs of mailing, delivery,
1072 or electronic transmission and copying to be borne by the
1073 association. The association is not liable for the contents of
1074 the information sheets prepared by the candidates. In order to
1075 reduce costs, the association may print or duplicate the
1076 information sheets on both sides of the paper. The division
1077 shall by rule establish voting procedures consistent with this
1078 sub-subparagraph, including rules establishing procedures for
1079 giving notice by electronic transmission and rules providing for
1080 the secrecy of ballots. Elections shall be decided by a
1081 plurality of ballots cast. There is no quorum requirement;
1082 however, at least 20 percent of the eligible voters must cast a
1083 ballot in order to have a valid election. A unit owner may not



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1084 authorize any other person to vote his or her ballot, and any
1085 ballots improperly cast are invalid. A unit owner who violates
1086 this provision may be fined by the association in accordance
1087 with s. 718.303. A unit owner who needs assistance in casting
1088 the ballot for the reasons stated in s. 101.051 may obtain such
1089 assistance. The regular election must occur on the date of the
1090 annual meeting. Notwithstanding this sub-subparagraph, an
1091 election is not required unless more candidates file notices of
1092 intent to run or are nominated than board vacancies exist.

1093 b. A director of a board of an association of a residential
1094 condominium shall:

1095 (I) Certify in writing to the secretary of the association
1096 that he or she has read the association's declaration of
1097 condominium, articles of incorporation, bylaws, and current
1098 written policies; that he or she will work to uphold such
1099 documents and policies to the best of his or her ability; and
1100 that he or she will faithfully discharge his or her fiduciary
1101 responsibility to the association's members.

1102 (II) Submit to the secretary of the association a
1103 certificate of having satisfactorily completed the educational
1104 curriculum administered by the division or a division-approved
1105 condominium education provider. The educational curriculum must
1106 be at least 4 hours long and include instruction on milestone
1107 inspections, structural integrity reserve studies, elections,
1108 recordkeeping, financial literacy and transparency, levying of
1109 fines, and notice and meeting requirements.

1110
1111 Each newly elected or appointed director must submit to the
1112 secretary of the association the written certification and



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1113 educational certificate within 1 year before being elected or
1114 appointed or 90 days after the date of election or appointment.
1115 A director of an association of a residential condominium who
1116 was elected or appointed before July 1, 2024, must comply with
1117 the written certification and educational certificate
1118 requirements in this sub-subparagraph by June 30, 2025. The
1119 written certification and educational certificate is valid for 7
1120 years after the date of issuance and does not have to be
1121 resubmitted as long as the director serves on the board without
1122 interruption during the 7-year period. A director who is
1123 appointed by the developer may satisfy the educational
1124 certificate requirement in sub-sub-subparagraph (II) for any
1125 subsequent appointment to a board by a developer within 7 years
1126 after the date of issuance of the most recent educational
1127 certificate, including any interruption of service on a board or
1128 appointment to a board in another association within that 7-year
1129 period. One year after submission of the most recent written
1130 certification and educational certificate, and annually
1131 thereafter, a director of an association of a residential
1132 condominium must submit to the secretary of the association a
1133 certificate of having satisfactorily completed at least 1 hour
1134 of continuing education administered by the division, or a
1135 division-approved condominium education provider, relating to
1136 any recent changes to this chapter and the related
1137 administrative rules during the past year. A director of an
1138 association of a residential condominium who fails to timely
1139 file the written certification and educational certificate is
1140 suspended from service on the board until he or she complies
1141 with this sub-subparagraph. The board may temporarily fill the



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1142 vacancy during the period of suspension. The secretary shall
1143 cause the association to retain a director's written
1144 certification and educational certificate for inspection by the
1145 members for 7 years after a director's election or the duration
1146 of the director's uninterrupted tenure, whichever is longer.
1147 Failure to have such written certification and educational
1148 certificate on file does not affect the validity of any board
1149 action.

1150 c. Any challenge to the election process must be commenced
1151 within 60 days after the election results are announced.

1152 ~~6.5-~~ Any approval by unit owners called for by this chapter
1153 or the applicable declaration or bylaws, including, but not
1154 limited to, the approval requirement in s. 718.111(8), must be
1155 made at a duly noticed meeting of unit owners and is subject to
1156 all requirements of this chapter or the applicable condominium
1157 documents relating to unit owner decisionmaking, except that
1158 unit owners may take action by written agreement, without
1159 meetings, on matters for which action by written agreement
1160 without meetings is expressly allowed by the applicable bylaws
1161 or declaration or any law that provides for such action.

1162 ~~7.6-~~ Unit owners may waive notice of specific meetings if
1163 allowed by the applicable bylaws or declaration or any law.
1164 Notice of meetings of the board of administration; unit owner
1165 meetings, except unit owner meetings called to recall board
1166 members under paragraph (1); and committee meetings may be given
1167 by electronic transmission to unit owners who consent to receive
1168 notice by electronic transmission. A unit owner who consents to
1169 receiving notices by electronic transmission is solely
1170 responsible for removing or bypassing filters that block receipt



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1171 of mass e-mails sent to members on behalf of the association in
1172 the course of giving electronic notices.

1173 ~~8.7.~~ Unit owners have the right to participate in meetings
1174 of unit owners with reference to all designated agenda items.
1175 However, the association may adopt reasonable rules governing
1176 the frequency, duration, and manner of unit owner participation.

1177 ~~9.8.~~ A unit owner may tape record or videotape a meeting of
1178 the unit owners subject to reasonable rules adopted by the
1179 division.

1180 ~~10.9.~~ Unless otherwise provided in the bylaws, any vacancy
1181 occurring on the board before the expiration of a term may be
1182 filled by the affirmative vote of the majority of the remaining
1183 directors, even if the remaining directors constitute less than
1184 a quorum, or by the sole remaining director. In the alternative,
1185 a board may hold an election to fill the vacancy, in which case
1186 the election procedures must conform to sub-subparagraph 4.a.
1187 unless the association governs 10 units or fewer and has opted
1188 out of the statutory election process, in which case the bylaws
1189 of the association control. Unless otherwise provided in the
1190 bylaws, a board member appointed or elected under this section
1191 shall fill the vacancy for the unexpired term of the seat being
1192 filled. Filling vacancies created by recall is governed by
1193 paragraph (1) and rules adopted by the division.

1194 ~~11.10.~~ This chapter does not limit the use of general or
1195 limited proxies, require the use of general or limited proxies,
1196 or require the use of a written ballot or voting machine for any
1197 agenda item or election at any meeting of a timeshare
1198 condominium association or nonresidential condominium
1199 association.



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1200
1201 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1202 association of 10 or fewer units may, by affirmative vote of a
1203 majority of the total voting interests, provide for different
1204 voting and election procedures in its bylaws, which may be by a
1205 proxy specifically delineating the different voting and election
1206 procedures. The different voting and election procedures may
1207 provide for elections to be conducted by limited or general
1208 proxy.

1209 (e) Budget meeting.—

1210 1. Any meeting at which a proposed annual budget of an
1211 association will be considered by the board or unit owners shall
1212 be open to all unit owners. A meeting of the board or unit
1213 owners at which a proposed annual association budget will be
1214 considered may be conducted by videoconference. The division
1215 shall adopt rules pursuant to ss. 120.536 and 120.54 governing
1216 the requirements for such meetings. A sound transmitting device
1217 must be used so that the conversation of such members may be
1218 heard by the board or committee members attending in person, as
1219 well as any unit owners present at the meeting. At least 14 days
1220 before ~~prior to~~ such a meeting, the board shall hand deliver to
1221 each unit owner, mail to each unit owner at the address last
1222 furnished to the association by the unit owner, or
1223 electronically transmit to the location furnished by the unit
1224 owner for that purpose a notice of such meeting and a copy of
1225 the proposed annual budget. An officer or manager of the
1226 association, or other person providing notice of such meeting,
1227 shall execute an affidavit evidencing compliance with such
1228 notice requirement, and such affidavit shall be filed among the



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1229 official records of the association.

1230 2.a. If a board proposes ~~adopts~~ in any fiscal year an
1231 annual budget which requires assessments against unit owners
1232 which exceed 115 percent of assessments for the preceding fiscal
1233 year, the board shall simultaneously propose a substitute budget
1234 that does not include any discretionary expenditures that are
1235 not required to be in the budget. The substitute budget must be
1236 proposed at the budget meeting before the adoption of the annual
1237 budget ~~conduct a special meeting of the unit owners to consider~~
1238 ~~a substitute budget if the board receives, within 21 days after~~
1239 ~~adoption of the annual budget, a written request for a special~~
1240 ~~meeting from at least 10 percent of all voting interests. The~~
1241 ~~special meeting shall be conducted within 60 days after adoption~~
1242 ~~of the annual budget. At least 14 days~~ before such budget
1243 meeting in which a substitute budget will be proposed ~~prior to~~
1244 ~~such special meeting~~, the board shall hand deliver to each unit
1245 owner, or mail to each unit owner at the address last furnished
1246 to the association, a notice of the meeting. An officer or
1247 manager of the association, or other person providing notice of
1248 such meeting shall execute an affidavit evidencing compliance
1249 with this notice requirement, and such affidavit shall be filed
1250 among the official records of the association. Unit owners must
1251 ~~may~~ consider and may adopt a substitute budget at the ~~special~~
1252 meeting. A substitute budget is adopted if approved by a
1253 majority of all voting interests unless the bylaws require
1254 adoption by a greater percentage of voting interests. If ~~there~~
1255 ~~is not a quorum at the special meeting or a substitute budget is~~
1256 not adopted, the annual budget previously initially proposed
1257 ~~adopted~~ by the board may be adopted ~~shall take effect as~~



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1258 ~~scheduled.~~

1259 b. Any determination of whether assessments exceed 115
1260 percent of assessments for the prior fiscal year shall exclude
1261 any authorized provision for required ~~reasonable~~ reserves for
1262 repair or replacement of the condominium property, anticipated
1263 expenses of the association which the board does not expect to
1264 be incurred on a regular or annual basis for the repair,
1265 maintenance, or replacement of the items listed in paragraph
1266 (g), and insurance premiums, ~~or assessments for betterments to~~
1267 ~~the condominium property.~~

1268 c. If the developer controls the board, assessments may
1269 ~~shall~~ not exceed 115 percent of assessments for the prior fiscal
1270 year unless approved by a majority of all voting interests.

1271 (f) Annual budget.—

1272 1. The proposed annual budget of estimated revenues and
1273 expenses must be detailed and must show the amounts budgeted by
1274 accounts and expense classifications, including, at a minimum,
1275 any applicable expenses listed in s. 718.504(21). The board
1276 shall adopt the annual budget at least 14 days before the start
1277 of the association's fiscal year. In the event that the board
1278 fails to timely adopt the annual budget a second time, it is
1279 deemed a minor violation and the prior year's budget shall
1280 continue in effect until a new budget is adopted. A
1281 multicondominium association must adopt a separate budget of
1282 common expenses for each condominium the association operates
1283 and must adopt a separate budget of common expenses for the
1284 association. In addition, if the association maintains limited
1285 common elements with the cost to be shared only by those
1286 entitled to use the limited common elements as provided for in



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1287 s. 718.113(1), the budget or a schedule attached to it must show
1288 the amount budgeted for this maintenance. If, after turnover of
1289 control of the association to the unit owners, any of the
1290 expenses listed in s. 718.504(21) are not applicable, they do
1291 not need to be listed.

1292 2.a. In addition to annual operating expenses, the budget
1293 must include reserve accounts for capital expenditures and
1294 deferred maintenance. These accounts must include, but are not
1295 limited to, roof replacement, building painting, and pavement
1296 resurfacing, regardless of the amount of deferred maintenance
1297 expense or replacement cost, and any other item that has a
1298 deferred maintenance expense or replacement cost that exceeds
1299 \$25,000 ~~\$10,000~~. The amount to be reserved must be computed
1300 using a formula based upon estimated remaining useful life and
1301 estimated replacement cost or deferred maintenance expense of
1302 the reserve item. In a budget adopted by an association that is
1303 required to obtain a structural integrity reserve study,
1304 reserves must be maintained for the items identified in
1305 paragraph (g) for which the association is responsible pursuant
1306 to the declaration of condominium, and the reserve amount for
1307 such items must be based on the findings and recommendations of
1308 the association's most recent structural integrity reserve
1309 study. If an association votes to terminate the condominium in
1310 accordance with s. 718.117, the members may vote to waive the
1311 maintenance of reserves recommended by the association's most
1312 recent structural integrity reserve study. With respect to items
1313 for which an estimate of useful life is not readily
1314 ascertainable or with an estimated remaining useful life of
1315 greater than 25 years, an association is not required to reserve



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1316 replacement costs for such items, but an association must
1317 reserve the amount of deferred maintenance expense, if any,
1318 which is recommended by the structural integrity reserve study
1319 for such items. The association may adjust replacement reserve
1320 assessments annually to take into account an inflation
1321 adjustment and any changes in estimates or extension of the
1322 useful life of a reserve item caused by deferred maintenance.

1323 b. The members of a unit-owner-controlled association may
1324 determine, by a majority vote of the total voting interests of
1325 the association, to provide no reserves or less reserves than
1326 required by this subsection. For a budget adopted on or after
1327 December 31, 2024, the members of a unit-owner-controlled
1328 association that must obtain a structural integrity reserve
1329 study may not determine to provide no reserves or less reserves
1330 than required by this subsection for items listed in paragraph
1331 (g), except that members of an association ~~operating a~~
1332 ~~multicondominium~~ may determine to provide no reserves or less
1333 reserves than required by this subsection if an alternative
1334 funding method is used by the association ~~has been approved by~~
1335 ~~the division.~~

1336 c.(I) Reserves for the items listed in paragraph (g) may be
1337 funded by regular assessments, special assessments, lines of
1338 credit, or loans.

1339 (II) A unit-owner-controlled association that must have a
1340 structural reserve study may secure a line of credit or a loan
1341 to fund capital expenses required by a milestone inspection
1342 under s. 553.899 or a structural integrity reserve study. A line
1343 of credit or a loan under this subparagraph requires the
1344 approval of a majority vote of the total voting interests of the



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1345 association. The line of credit or loan must be sufficient to
1346 fund the cumulative amount of any previously waived or unfunded
1347 portions of the reserve funding amount required by this
1348 paragraph and the most recent structural integrity reserve
1349 study. Funding from the line of credit or loan must be
1350 immediately available for access by the board to fund required
1351 repair, maintenance, or replacement expenses without further
1352 approval by the members of the association. A line of credit or
1353 a loan secured under this sub-subparagraph must be included in
1354 the financial report required under s. 718.111(13).

1355 d. If the local building official, as defined in s.
1356 468.603, determines that the entire condominium building is
1357 uninhabitable due to a natural emergency, as defined in s.
1358 252.34, the board, ~~upon the approval of a majority of its~~
1359 ~~members,~~ may pause the contribution to its reserves or reduce
1360 reserve funding until the local building official determines
1361 that the condominium building is habitable. Any reserve account
1362 funds held by the association may be expended, pursuant to the
1363 board's determination, to make the condominium building and its
1364 structures habitable. Upon the determination by the local
1365 building official that the condominium building is habitable,
1366 the association must immediately resume contributing funds to
1367 its reserves.

1368 e. For a budget adopted on or before December 31, 2028, if
1369 the association has completed a milestone inspection pursuant to
1370 s. 553.899 within the previous 2 calendar years, the board, upon
1371 the approval of a majority of the total voting interests of the
1372 association, may temporarily pause, for a period of no more than
1373 2 consecutive annual budgets, reserve fund contributions or



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1374 reduce the amount of reserve funding for the purpose of funding
1375 repairs recommended by the milestone inspection. This sub-
1376 paragraph does not apply to a developer-controlled
1377 association and an association in which the non-developer unit
1378 owners have been in control for less than 1 year. An association
1379 that has paused reserve contributions under this subparagraph
1380 must have a structural integrity reserve study performed before
1381 the continuation of reserve contributions in order to determine
1382 the association's reserve funding needs and to recommend a
1383 reserve funding plan.

1384 ~~f.b.~~ Before turnover of control of an association by a
1385 developer to unit owners other than a developer under s.
1386 718.301, the developer-controlled association may not vote to
1387 waive the reserves or reduce funding of the reserves. If a
1388 meeting of the unit owners has been called to determine whether
1389 to waive or reduce the funding of reserves and no such result is
1390 achieved or a quorum is not attained, the reserves included in
1391 the budget shall go into effect. After the turnover, the
1392 developer may vote its voting interest to waive or reduce the
1393 funding of reserves.

1394 3. Reserve funds and any interest accruing thereon shall
1395 remain in the reserve account or accounts, and may be used only
1396 for authorized reserve expenditures unless their use for other
1397 purposes is approved in advance by a majority vote of all the
1398 total voting interests of the association. Before turnover of
1399 control of an association by a developer to unit owners other
1400 than the developer pursuant to s. 718.301, the developer-
1401 controlled association may not vote to use reserves for purposes
1402 other than those for which they were intended. For a budget



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1403 adopted on or after December 31, 2024, members of a unit-owner-
1404 controlled association that must obtain a structural integrity
1405 reserve study may not vote to use reserve funds, or any interest
1406 accruing thereon, for any other purpose other than the
1407 replacement or deferred maintenance costs of the components
1408 listed in paragraph (g). A vote of the members is not required
1409 for the board to change the accounting method for reserves to a
1410 pooling accounting method or a straight-line accounting method.

1411 4. The only voting interests that are eligible to vote on
1412 questions that involve waiving or reducing the funding of
1413 reserves, or using existing reserve funds for purposes other
1414 than purposes for which the reserves were intended, are the
1415 voting interests of the units subject to assessment to fund the
1416 reserves in question. Proxy questions relating to waiving or
1417 reducing the funding of reserves or using existing reserve funds
1418 for purposes other than purposes for which the reserves were
1419 intended must contain the following statement in capitalized,
1420 bold letters in a font size larger than any other used on the
1421 face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN**
1422 **PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY**
1423 **RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED**
1424 **SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

1425 (g) Structural integrity reserve study.-

1426 1. A residential condominium association must have a
1427 structural integrity reserve study completed at least every 10
1428 years after the condominium's creation for each building on the
1429 condominium property that is three stories or higher in height,
1430 as determined by the Florida Building Code, which includes, at a
1431 minimum, a study of the following items as related to the



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1432 structural integrity and safety of the building:
1433 a. Roof.
1434 b. Structure, including load-bearing walls and other
1435 primary structural members and primary structural systems as
1436 those terms are defined in s. 627.706.
1437 c. Fireproofing and fire protection systems.
1438 d. Plumbing.
1439 e. Electrical systems.
1440 f. Waterproofing and exterior painting.
1441 g. Windows and exterior doors.
1442 h. Any other item that has a deferred maintenance expense
1443 or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure
1444 to replace or maintain such item negatively affects the items
1445 listed in sub-subparagraphs a.-g., as determined by the visual
1446 inspection portion of the structural integrity reserve study.
1447 2. A structural integrity reserve study is based on a
1448 visual inspection of the condominium property.
1449 3.a. A structural integrity reserve study may be performed
1450 by any person qualified to perform such study. However, the
1451 visual inspection portion of the structural integrity reserve
1452 study must be performed or verified by an engineer licensed
1453 under chapter 471, an architect licensed under chapter 481, or a
1454 person certified as a reserve specialist or professional reserve
1455 analyst by the Community Associations Institute or the
1456 Association of Professional Reserve Analysts.
1457 b. Any design professional as defined in s. 558.002 or any
1458 contractor licensed under chapter 489 who bids to perform a
1459 structural integrity reserve study must disclose in writing to
1460 the association his or her intent to bid on any services related



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1461 to any maintenance, repair, or replacement that may be
1462 recommended by the structural integrity reserve study. Any
1463 design professional as defined in s. 558.002 or contractor
1464 licensed under chapter 489 who submits a bid to the association
1465 for performing any services recommended by the structural
1466 integrity reserve study may not have an interest, directly or
1467 indirectly, in the firm or entity providing the association's
1468 structural integrity reserve study or be a relative of any
1469 person having a direct or indirect interest in such firm, unless
1470 such relationship is disclosed to the association in writing. As
1471 used in this section, the term "relative" means a relative
1472 within the third degree of consanguinity by blood or marriage. A
1473 contract for services is voidable and terminates upon the
1474 association filing a written notice terminating the contract if
1475 the design professional or licensed contractor failed to provide
1476 the written disclosure of the interests or relationships
1477 required under this paragraph. A design professional or licensed
1478 contractor may be subject to discipline under the applicable
1479 practice act for his or her profession for failure to provide
1480 the written disclosure of the interests or relationships
1481 required under this paragraph.

1482 4.a.3- At a minimum, a structural integrity reserve study
1483 must identify each item of the condominium property being
1484 visually inspected, state the estimated remaining useful life
1485 and the estimated replacement cost or deferred maintenance
1486 expense of each item of the condominium property being visually
1487 inspected, and provide a reserve funding plan or schedule with a
1488 recommended annual reserve amount that achieves the estimated
1489 replacement cost or deferred maintenance expense of each item of



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1490 condominium property being visually inspected by the end of the
1491 estimated remaining useful life of the item. At a minimum, the
1492 structural integrity reserve study must include a recommendation
1493 for a reserve funding schedule based on a baseline funding plan
1494 that provides a reserve funding goal in which the reserve
1495 funding for each budget year is sufficient to maintain the
1496 reserve cash balance above zero. The study may recommend other
1497 types of reserve funding schedules, provided that each
1498 recommended schedule is sufficient to meet the association's
1499 maintenance obligation.

1500 b. The structural integrity reserve study may recommend
1501 that reserves do not need to be maintained for any item for
1502 which an estimate of useful life and an estimate of replacement
1503 cost cannot be determined, or the study may recommend a deferred
1504 maintenance expense amount for such item. The structural
1505 integrity reserve study may recommend that reserves for
1506 replacement costs do not need to be maintained for any item with
1507 an estimated remaining useful life of greater than 25 years, but
1508 the study may recommend a deferred maintenance expense amount
1509 for such item. If the structural integrity reserve study
1510 recommends reserves for any item for which reserves are not
1511 required under this paragraph, the amount of the recommended
1512 reserves for such item must be separately identified in the
1513 structural integrity reserve study as an item for which reserves
1514 are not required under this paragraph.

1515 c. The structural integrity reserve study must take into
1516 consideration the funding method or methods used by the
1517 association to fund its maintenance and reserve funding
1518 obligations through regular assessments, special assessments,



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1519 lines of credit, or loans. If the structural integrity reserve
1520 study is performed before the association has approved a special
1521 assessment or secured a line of credit or a loan, the structural
1522 integrity reserve study must be updated to reflect the funding
1523 method selected by the association and its effect on the reserve
1524 funding schedule, including any anticipated change in the amount
1525 of regular assessments. The structural integrity reserve study
1526 may be updated to reflect any changes to the useful life of the
1527 reserve items after such items are repaired or replaced, and the
1528 effect such repair or replacement will have on the reserve
1529 funding schedule. The association must obtain an updated
1530 structural integrity reserve study before adopting any budget in
1531 which the reserve funding from regular assessments, special
1532 assessments, lines of credit, or loans do not align with the
1533 funding plan from the most recent version of the structural
1534 integrity reserve study.

1535 5.4- This paragraph does not apply to buildings less than
1536 three stories in height; single-family, two-family, or three-
1537 family dwellings with three or fewer habitable stories above
1538 ground; any portion or component of a building that has not been
1539 submitted to the condominium form of ownership; or any portion
1540 or component of a building that is maintained by a party other
1541 than the association.

1542 6.5- Before a developer turns over control of an
1543 association to unit owners other than the developer, the
1544 developer must have a turnover inspection report in compliance
1545 with s. 718.301(4)(p) and (q) for each building on the
1546 condominium property that is three stories or higher in height.

1547 7.6- Associations existing on or before July 1, 2022, which



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1548 are controlled by unit owners other than the developer, must
1549 have a structural integrity reserve study completed by December
1550 31, 2025 ~~2024~~, for each building on the condominium property
1551 that is three stories or higher in height. An association that
1552 is required to complete a milestone inspection in accordance
1553 with s. 553.899 on or before December 31, 2026, may complete the
1554 structural integrity reserve study simultaneously with the
1555 milestone inspection. In no event may the structural integrity
1556 reserve study be completed after December 31, 2026.

1557 ~~8.7.~~ If the milestone inspection required by s. 553.899, or
1558 an inspection completed for a similar local requirement, was
1559 performed within the past 5 years and meets the requirements of
1560 this paragraph, such inspection may be used in place of the
1561 visual inspection portion of the structural integrity reserve
1562 study.

1563 9. If the association completes a milestone inspection
1564 required by s. 553.899, or an inspection completed for a similar
1565 local requirement, the association may delay performance of a
1566 required structural integrity reserve study for no more than the
1567 2 consecutive budget years immediately following the milestone
1568 inspection in order to allow the association to focus its
1569 financial resources on completing the repair and maintenance
1570 recommendations of the milestone inspection.

1571 ~~10.8.~~ If the officers or directors of an association
1572 willfully and knowingly fail to complete a structural integrity
1573 reserve study pursuant to this paragraph, such failure is a
1574 breach of an officer's and director's fiduciary relationship to
1575 the unit owners under s. 718.111(1). An officer or director of
1576 an association must sign an affidavit acknowledging receipt of



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1577 the completed structural integrity reserve study.

1578 11.9. Within 45 days after receiving the structural
1579 integrity reserve study, the association must distribute a copy
1580 of the study to each unit owner or deliver to each unit owner a
1581 notice that the completed study is available for inspection and
1582 copying upon a written request. Distribution of a copy of the
1583 study or notice must be made by United States mail or personal
1584 delivery to the mailing address, property address, or any other
1585 address of the owner provided to fulfill the association's
1586 notice requirements under this chapter, or by electronic
1587 transmission to the e-mail address or facsimile number provided
1588 to fulfill the association's notice requirements to unit owners
1589 who previously consented to receive notice by electronic
1590 transmission.

1591 12.10. Within 45 days after receiving the structural
1592 integrity reserve study, the association must provide the
1593 division with a statement indicating that the study was
1594 completed and that the association provided or made available
1595 such study to each unit owner in accordance with this section.
1596 The statement must be provided to the division in the manner
1597 established by the division using a form posted on the
1598 division's website.

1599 13. The division shall adopt by rule the form for the
1600 structural integrity reserve study in coordination with the
1601 Florida Building Commission.

1602 Section 7. Subsections (1) and (3) of section 718.501,
1603 Florida Statutes, are amended, and paragraph (d) is added to
1604 subsection (2) of that section, to read:

1605 718.501 Authority, responsibility, and duties of Division



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1606 of Florida Condominiums, Timeshares, and Mobile Homes.—

1607 (1) The division may enforce and ensure compliance with
1608 this chapter and rules relating to the development,
1609 construction, sale, lease, ownership, operation, and management
1610 of residential condominium units and complaints ~~related to the~~
1611 ~~procedural completion of milestone inspections under s. 553.899.~~
1612 In performing its duties, the division has complete jurisdiction
1613 to investigate complaints and enforce compliance with respect to
1614 associations that are still under developer control or the
1615 control of a bulk assignee or bulk buyer pursuant to part VII of
1616 this chapter and complaints against developers, bulk assignees,
1617 or bulk buyers involving improper turnover or failure to
1618 turnover, pursuant to s. 718.301. However, after turnover has
1619 occurred, the division has jurisdiction to review records and
1620 investigate complaints related only to:

1621 (a)1. Procedural aspects and records relating to financial
1622 issues, including annual financial reporting under s.
1623 718.111(13); assessments for common expenses, fines, and
1624 commingling of reserve and operating funds under s. 718.111(14);
1625 use of debit cards for unintended purposes under s. 718.111(15);
1626 the annual operating budget and the allocation of reserve funds
1627 under s. 718.112(2)(f); financial records under s.
1628 718.111(12)(a)11.; and any other record necessary to determine
1629 the revenues and expenses of the association.

1630 2. Elections, including election and voting requirements
1631 under s. 718.112(2)(b) and (d), recall of board members under s.
1632 718.112(2)(1), electronic voting under s. 718.128, and elections
1633 that occur during an emergency under s. 718.1265(1)(a).

1634 3. The maintenance of and unit owner access to association



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1635 records under s. 718.111(12).

1636 4. The procedural aspects of meetings, including unit owner
1637 meetings, quorums, voting requirements, proxies, board of
1638 administration meetings, and budget meetings under s.
1639 718.112(2).

1640 5. The disclosure of conflicts of interest under ss.
1641 718.111(1)(a) and 718.3027, including limitations contained in
1642 s. 718.111(3)(f).

1643 6. The removal of a board director or officer under ss.
1644 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

1645 7. The procedural completion of structural integrity
1646 reserve studies under s. 718.112(2)(g) and the milestone
1647 inspections under s. 553.899.

1648 8. Completion of repairs required by a milestone inspection
1649 under s. 553.899.

1650 9.8. Any written inquiries by unit owners to the
1651 association relating to such matters, including written
1652 inquiries under s. 718.112(2)(a)2.

1653 10. The requirement for associations to maintain an
1654 insurance policy or fidelity bonding for all persons who control
1655 or disperse funds of the association under s. 718.111(11)(h).

1656 11. Board member education requirements under s.
1657 718.112(2)(d)5.b.

1658 12. Reporting requirements for structural integrity reserve
1659 studies in paragraph (3) and under s 718.112(2)(g)12.

1660 (b)1. The division may make necessary public or private
1661 investigations within or outside this state to determine whether
1662 any person has violated this chapter or any rule or order
1663 hereunder, to aid in the enforcement of this chapter, or to aid



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1664 in the adoption of rules or forms.

1665 2. The division may submit any official written report,
1666 worksheet, or other related paper, or a duly certified copy
1667 thereof, compiled, prepared, drafted, or otherwise made by and
1668 duly authenticated by a financial examiner or analyst to be
1669 admitted as competent evidence in any hearing in which the
1670 financial examiner or analyst is available for cross-examination
1671 and attests under oath that such documents were prepared as a
1672 result of an examination or inspection conducted pursuant to
1673 this chapter.

1674 (c) The division may require or permit any person to file a
1675 statement in writing, under oath or otherwise, as the division
1676 determines, as to the facts and circumstances concerning a
1677 matter to be investigated.

1678 (d) For the purpose of any investigation under this
1679 chapter, the division director or any officer or employee
1680 designated by the division director may administer oaths or
1681 affirmations, subpoena witnesses and compel their attendance,
1682 take evidence, and require the production of any matter which is
1683 relevant to the investigation, including the existence,
1684 description, nature, custody, condition, and location of any
1685 books, documents, or other tangible things and the identity and
1686 location of persons having knowledge of relevant facts or any
1687 other matter reasonably calculated to lead to the discovery of
1688 material evidence. Upon the failure by a person to obey a
1689 subpoena or to answer questions propounded by the investigating
1690 officer and upon reasonable notice to all affected persons, the
1691 division may apply to the circuit court for an order compelling
1692 compliance.



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1693 (e) Notwithstanding any remedies available to unit owners
1694 and associations, if the division has reasonable cause to
1695 believe that a violation of any provision of this chapter or
1696 related rule has occurred, the division may institute
1697 enforcement proceedings in its own name against any developer,
1698 bulk assignee, bulk buyer, association, officer, or member of
1699 the board of administration, or its assignees or agents, as
1700 follows:

1701 1. The division may permit a person whose conduct or
1702 actions may be under investigation to waive formal proceedings
1703 and enter into a consent proceeding whereby orders, rules, or
1704 letters of censure or warning, whether formal or informal, may
1705 be entered against the person.

1706 2. The division may issue an order requiring the developer,
1707 bulk assignee, bulk buyer, association, developer-designated
1708 officer, or developer-designated member of the board of
1709 administration, developer-designated assignees or agents, bulk
1710 assignee-designated assignees or agents, bulk buyer-designated
1711 assignees or agents, community association manager, or community
1712 association management firm to cease and desist from the
1713 unlawful practice and take such affirmative action as in the
1714 judgment of the division carry out the purposes of this chapter.
1715 If the division finds that a developer, bulk assignee, bulk
1716 buyer, association, officer, or member of the board of
1717 administration, or its assignees or agents, is violating or is
1718 about to violate any provision of this chapter, any rule adopted
1719 or order issued by the division, or any written agreement
1720 entered into with the division, and presents an immediate danger
1721 to the public requiring an immediate final order, it may issue



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1722 an emergency cease and desist order reciting with particularity
1723 the facts underlying such findings. The emergency cease and
1724 desist order is effective for 90 days. If the division begins
1725 nonemergency cease and desist proceedings, the emergency cease
1726 and desist order remains effective until the conclusion of the
1727 proceedings under ss. 120.569 and 120.57.

1728 3. If a developer, bulk assignee, or bulk buyer fails to
1729 pay any restitution determined by the division to be owed, plus
1730 any accrued interest at the highest rate permitted by law,
1731 within 30 days after expiration of any appellate time period of
1732 a final order requiring payment of restitution or the conclusion
1733 of any appeal thereof, whichever is later, the division must
1734 bring an action in circuit or county court on behalf of any
1735 association, class of unit owners, lessees, or purchasers for
1736 restitution, declaratory relief, injunctive relief, or any other
1737 available remedy. The division may also temporarily revoke its
1738 acceptance of the filing for the developer to which the
1739 restitution relates until payment of restitution is made.

1740 4. The division may petition the court for appointment of a
1741 receiver or conservator. If appointed, the receiver or
1742 conservator may take action to implement the court order to
1743 ensure the performance of the order and to remedy any breach
1744 thereof. In addition to all other means provided by law for the
1745 enforcement of an injunction or temporary restraining order, the
1746 circuit court may impound or sequester the property of a party
1747 defendant, including books, papers, documents, and related
1748 records, and allow the examination and use of the property by
1749 the division and a court-appointed receiver or conservator.

1750 5. The division may apply to the circuit court for an order



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1751 of restitution whereby the defendant in an action brought under
1752 subparagraph 4. is ordered to make restitution of those sums
1753 shown by the division to have been obtained by the defendant in
1754 violation of this chapter. At the option of the court, such
1755 restitution is payable to the conservator or receiver appointed
1756 under subparagraph 4. or directly to the persons whose funds or
1757 assets were obtained in violation of this chapter.

1758 6. The division may impose a civil penalty against a
1759 developer, bulk assignee, or bulk buyer, or association, or its
1760 assignee or agent, for any violation of this chapter or related
1761 rule. The division may impose a civil penalty individually
1762 against an officer or board member who willfully and knowingly
1763 violates this chapter, an adopted rule, or a final order of the
1764 division; may order the removal of such individual as an officer
1765 or from the board of administration or as an officer of the
1766 association; and may prohibit such individual from serving as an
1767 officer or on the board of a community association for a period
1768 of time. The term "willfully and knowingly" means that the
1769 division informed the officer or board member that his or her
1770 action or intended action violates this chapter, a rule adopted
1771 under this chapter, or a final order of the division and that
1772 the officer or board member refused to comply with the
1773 requirements of this chapter, a rule adopted under this chapter,
1774 or a final order of the division. The division, before
1775 initiating formal agency action under chapter 120, must afford
1776 the officer or board member an opportunity to voluntarily
1777 comply, and an officer or board member who complies within 10
1778 days is not subject to a civil penalty. A penalty may be imposed
1779 on the basis of each day of continuing violation, but the



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1780 penalty for any offense may not exceed \$5,000. The division
1781 shall adopt⁷ by rule⁷ penalty guidelines applicable to possible
1782 violations or to categories of violations of this chapter or
1783 rules adopted by the division. The guidelines must specify a
1784 meaningful range of civil penalties for each such violation of
1785 the statute and rules and must be based upon the harm caused by
1786 the violation, upon the repetition of the violation, and upon
1787 such other factors deemed relevant by the division. For example,
1788 the division may consider whether the violations were committed
1789 by a developer, bulk assignee, or bulk buyer, or owner-
1790 controlled association, the size of the association, and other
1791 factors. The guidelines must designate the possible mitigating
1792 or aggravating circumstances that justify a departure from the
1793 range of penalties provided by the rules. It is the legislative
1794 intent that minor violations be distinguished from those which
1795 endanger the health, safety, or welfare of the condominium
1796 residents or other persons and that such guidelines provide
1797 reasonable and meaningful notice to the public of likely
1798 penalties that may be imposed for proscribed conduct. This
1799 subsection does not limit the ability of the division to
1800 informally dispose of administrative actions or complaints by
1801 stipulation, agreed settlement, or consent order. All amounts
1802 collected shall be deposited with the Chief Financial Officer to
1803 the credit of the Division of Florida Condominiums, Timeshares,
1804 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
1805 bulk buyer fails to pay the civil penalty and the amount deemed
1806 to be owed to the association, the division shall issue an order
1807 directing that such developer, bulk assignee, or bulk buyer
1808 cease and desist from further operation until such time as the



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1809 civil penalty is paid or may pursue enforcement of the penalty
1810 in a court of competent jurisdiction. If an association fails to
1811 pay the civil penalty, the division shall pursue enforcement in
1812 a court of competent jurisdiction, and the order imposing the
1813 civil penalty or the cease and desist order is not effective
1814 until 20 days after the date of such order. Any action commenced
1815 by the division shall be brought in the county in which the
1816 division has its executive offices or in the county in which the
1817 violation occurred.

1818 7. If a unit owner presents the division with proof that
1819 the unit owner has requested access to official records in
1820 writing by certified mail, and that after 10 days the unit owner
1821 again made the same request for access to official records in
1822 writing by certified mail, and that more than 10 days has
1823 elapsed since the second request and the association has still
1824 failed or refused to provide access to official records as
1825 required by this chapter, the division shall issue a subpoena
1826 requiring production of the requested records at the location in
1827 which the records are kept pursuant to s. 718.112. Upon receipt
1828 of the records, the division must provide to the unit owner who
1829 was denied access to such records the produced official records
1830 without charge.

1831 8. In addition to subparagraph 6., the division may seek
1832 the imposition of a civil penalty through the circuit court for
1833 any violation for which the division may issue a notice to show
1834 cause under paragraph (t). The civil penalty shall be at least
1835 \$500 but no more than \$5,000 for each violation. The court may
1836 also award to the prevailing party court costs and reasonable
1837 attorney fees and, if the division prevails, may also award



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1838 reasonable costs of investigation.

1839 9. The division may issue citations and promulgate rules to
1840 provide for citation bases and citation procedures in accordance
1841 with this paragraph.

1842 (f) The division may prepare and disseminate a prospectus
1843 and other information to assist prospective owners, purchasers,
1844 lessees, and developers of residential condominiums in assessing
1845 the rights, privileges, and duties pertaining thereto.

1846 (g) The division may adopt rules to administer and enforce
1847 this chapter.

1848 (h) The division shall establish procedures for providing
1849 notice to an association and the developer, bulk assignee, or
1850 bulk buyer during the period in which the developer, bulk
1851 assignee, or bulk buyer controls the association if the division
1852 is considering the issuance of a declaratory statement with
1853 respect to the declaration of condominium or any related
1854 document governing such condominium community.

1855 (i) The division shall furnish each association that pays
1856 the fees required by paragraph (2)(a) a copy of this chapter, as
1857 amended, and the rules adopted thereto on an annual basis.

1858 (j) The division shall annually provide each association
1859 with a summary of declaratory statements and formal legal
1860 opinions relating to the operations of condominiums which were
1861 rendered by the division during the previous year.

1862 (k) The division shall provide training and educational
1863 programs for condominium association board members and unit
1864 owners. The training may, in the division's discretion, include
1865 web-based electronic media and live training and seminars in
1866 various locations throughout the state. The division may review



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1867 and approve education and training programs for board members
1868 and unit owners offered by providers and shall maintain a
1869 current list of approved programs and providers and make such
1870 list available to board members and unit owners in a reasonable
1871 and cost-effective manner. The division shall provide the
1872 division-approved provider with the template certificate for
1873 issuance directly to the association's board of directors who
1874 have satisfactorily completed the requirements under s.
1875 718.112(2)(d). The division shall adopt rules to implement this
1876 section.

1877 (l) The division shall maintain a toll-free telephone
1878 number accessible to condominium unit owners.

1879 (m) The division shall develop a program to certify both
1880 volunteer and paid mediators to provide mediation of condominium
1881 disputes. The division shall provide, upon request, a list of
1882 such mediators to any association, unit owner, or other
1883 participant in alternative dispute resolution proceedings under
1884 s. 718.1255 requesting a copy of the list. The division shall
1885 include on the list of volunteer mediators only the names of
1886 persons who have received at least 20 hours of training in
1887 mediation techniques or who have mediated at least 20 disputes.
1888 In order to become initially certified by the division, paid
1889 mediators must be certified by the Supreme Court to mediate
1890 court cases in county or circuit courts. However, the division
1891 may adopt~~7~~ by rule~~7~~ additional factors for the certification of
1892 paid mediators, which must be related to experience, education,
1893 or background. Any person initially certified as a paid mediator
1894 by the division must, in order to continue to be certified,
1895 comply with the factors or requirements adopted by rule.



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1896 (n) If a complaint is made, the division must conduct its
1897 inquiry with due regard for the interests of the affected
1898 parties. Within 30 days after receipt of a complaint, the
1899 division shall acknowledge the complaint in writing and notify
1900 the complainant whether the complaint is within the jurisdiction
1901 of the division and whether additional information is needed by
1902 the division from the complainant. The division shall conduct
1903 its investigation and, within 90 days after receipt of the
1904 original complaint or of timely requested additional
1905 information, take action upon the complaint. However, the
1906 failure to complete the investigation within 90 days does not
1907 prevent the division from continuing the investigation,
1908 accepting or considering evidence obtained or received after 90
1909 days, or taking administrative action if reasonable cause exists
1910 to believe that a violation of this chapter or a rule has
1911 occurred. If an investigation is not completed within the time
1912 limits established in this paragraph, the division shall, on a
1913 monthly basis, notify the complainant in writing of the status
1914 of the investigation. When reporting its action to the
1915 complainant, the division shall inform the complainant of any
1916 right to a hearing under ss. 120.569 and 120.57. The division
1917 may adopt rules regarding the submission of a complaint against
1918 an association.

1919 (o) Condominium association directors, officers, and
1920 employees; condominium developers; bulk assignees, bulk buyers,
1921 and community association managers; and community association
1922 management firms have an ongoing duty to reasonably cooperate
1923 with the division in any investigation under this section. The
1924 division shall refer to local law enforcement authorities any



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1925 person whom the division believes has altered, destroyed,
1926 concealed, or removed any record, document, or thing required to
1927 be kept or maintained by this chapter with the purpose to impair
1928 its verity or availability in the department's investigation.
1929 The division shall refer to local law enforcement authorities
1930 any person whom the division believes has engaged in fraud,
1931 theft, embezzlement, or other criminal activity or when the
1932 division has cause to believe that fraud, theft, embezzlement,
1933 or other criminal activity has occurred.

1934 (p) The division director or any officer or employee of the
1935 division and the condominium ombudsman or any employee of the
1936 Office of the Condominium Ombudsman may attend and observe any
1937 meeting of the board of administration or any unit owner
1938 meeting, including any meeting of a subcommittee or special
1939 committee, which is open to members of the association for the
1940 purpose of performing the duties of the division or the Office
1941 of the Condominium Ombudsman under this chapter.

1942 (q) The division may:

- 1943 1. Contract with agencies in this state or other
1944 jurisdictions to perform investigative functions; or
1945 2. Accept grants-in-aid from any source.

1946 (r) The division shall cooperate with similar agencies in
1947 other jurisdictions to establish uniform filing procedures and
1948 forms, public offering statements, advertising standards, and
1949 rules and common administrative practices.

1950 (s) The division shall consider notice to a developer, bulk
1951 assignee, or bulk buyer to be complete when it is delivered to
1952 the address of the developer, bulk assignee, or bulk buyer
1953 currently on file with the division.



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1954 (t) In addition to its enforcement authority, the division
1955 may issue a notice to show cause, which must provide for a
1956 hearing, upon written request, in accordance with chapter 120.

1957 (u) If the division receives a complaint regarding access
1958 to official records on the association's website or through an
1959 application that can be downloaded on a mobile device under s.
1960 718.111(12)(g), the division may request access to the
1961 association's website or application and investigate. The
1962 division may adopt rules to carry out this paragraph.

1963 (v) The division shall submit to the Governor, the
1964 President of the Senate, the Speaker of the House of
1965 Representatives, and the chairs of the legislative
1966 appropriations committees an annual report that includes, but
1967 need not be limited to, the number of training programs provided
1968 for condominium association board members and unit owners, the
1969 number of complaints received by type, the number and percent of
1970 complaints acknowledged in writing within 30 days and the number
1971 and percent of investigations acted upon within 90 days in
1972 accordance with paragraph (n), and the number of investigations
1973 exceeding the 90-day requirement. The annual report must also
1974 include an evaluation of the division's core business processes
1975 and make recommendations for improvements, including statutory
1976 changes. After December 31, 2024, the division must include a
1977 list of the associations that have completed the structural
1978 integrity reserve study required under s. 718.112(2)(g). The
1979 report shall be submitted by September 30 following the end of
1980 the fiscal year.

1981 (2)

1982 (d) Each condominium association must create and maintain



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1983 an online account with the division, as required in subsection
1984 (3).

1985 (3) On or before October 1, 2025, all condominium
1986 associations must create and maintain an online account with the
1987 division and provide information requested by the division in an
1988 electronic format determined by the division. The division shall
1989 adopt rules to implement this subsection. The division may
1990 require condominium associations to provide such information no
1991 more than once per year, except that the division may require
1992 condominium associations to update the contact information in
1993 paragraph (a) within 30 days after any change. The division
1994 shall provide a condominium association at least a 45-day notice
1995 of any requirement to provide any information after the
1996 condominium association initially creates an online account. The
1997 information that the division may require from condominium
1998 associations is limited to:

- 1999 (a) Contact information for the association that includes:
2000 1. Name of the association.
2001 2. The physical address of the condominium property.
2002 3. Mailing address and county of the association.
2003 4. E-mail address and telephone number for the association.
2004 5. Name and board title for each member of the
2005 association's board.
2006 6. Name and contact information of the association's
2007 community association manager or community association
2008 management firm, if applicable.
2009 7. The hyperlink or website address of the association's
2010 website, if applicable.

2011 (b) Total number of buildings and for each building in the



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2012 association:
2013 1. Total number of stories, including both habitable and
2014 uninhabitable stories.
2015 2. Total number of units.
2016 3. Age of each building based on the certificate of
2017 occupancy.
2018 4. Any construction commenced within the common elements
2019 within the calendar year.
2020 (c) The association's assessments, including the:
2021 1. Amount of assessment or special assessment by unit type,
2022 including reserves.
2023 2. Purpose of the assessment or special assessment.
2024 3. Name of the financial institution or institutions with
2025 which the association maintains accounts.
2026 (d) A copy of any structural integrity reserve study and
2027 any associated materials requested by the department within 5
2028 business days after such request, in a manner prescribed by the
2029 department.
2030 ~~(a) On or before January 1, 2023, condominium associations~~
2031 ~~existing on or before July 1, 2022, must provide the following~~
2032 ~~information to the division in writing, by e-mail, United States~~
2033 ~~Postal Service, commercial delivery service, or hand delivery,~~
2034 ~~at a physical address or e-mail address provided by the division~~
2035 ~~and on a form posted on the division's website:~~
2036 ~~1. The number of buildings on the condominium property that~~
2037 ~~are three stories or higher in height.~~
2038 ~~2. The total number of units in all such buildings.~~
2039 ~~3. The addresses of all such buildings.~~
2040 ~~4. The counties in which all such buildings are located.~~



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2041 ~~(b) The division must compile a list of the number of~~
2042 ~~buildings on condominium property that are three stories or~~
2043 ~~higher in height, which is searchable by county, and must post~~
2044 ~~the list on the division's website. This list must include all~~
2045 ~~of the following information:~~

2046 ~~1. The name of each association with buildings on the~~
2047 ~~condominium property that are three stories or higher in height.~~

2048 ~~2. The number of such buildings on each association's~~
2049 ~~property.~~

2050 ~~3. The addresses of all such buildings.~~

2051 ~~4. The counties in which all such buildings are located.~~

2052 ~~(c) An association must provide an update in writing to the~~
2053 ~~division if there are any changes to the information in the list~~
2054 ~~under paragraph (b) within 6 months after the change.~~

2055 Section 8. Paragraph (d) of subsection (1) and paragraphs
2056 (d) and (e) of subsection (2) of section 718.503, Florida
2057 Statutes, are amended, to read:

2058 718.503 Developer disclosure prior to sale; nondeveloper
2059 unit owner disclosure prior to sale; voidability.—

2060 (1) DEVELOPER DISCLOSURE.—

2061 (d) Milestone inspection, turnover inspection report, or
2062 structural integrity reserve study.—If the association is
2063 required to have completed a milestone inspection as described
2064 in s. 553.899, a turnover inspection report for a turnover
2065 inspection performed on or after July 1, 2023, or a structural
2066 integrity reserve study, and the association has not completed
2067 the milestone inspection, the turnover inspection report, or the
2068 structural integrity reserve study, each contract entered into
2069 after December 31, 2024, for the sale of a residential unit



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2070 shall contain in conspicuous type a statement indicating that
2071 the association is required to have a milestone inspection, a
2072 turnover inspection report, or a structural integrity reserve
2073 study and has not completed such inspection, report, or study,
2074 as appropriate. If the association is not required to have a
2075 milestone inspection as described in s. 553.899 or a structural
2076 integrity reserve study, each contract entered into after
2077 December 31, 2024, for the sale of a residential unit shall
2078 contain in conspicuous type a statement indicating that the
2079 association is not required to have a milestone inspection or a
2080 structural integrity reserve study, as appropriate. If the
2081 association has completed a milestone inspection as described in
2082 s. 553.899, a turnover inspection report for a turnover
2083 inspection performed on or after July 1, 2023, or a structural
2084 integrity reserve study, each contract entered into after
2085 December 31, 2024, for the sale of a residential unit shall
2086 contain in conspicuous type:

2087 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2088 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
2089 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2090 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2091 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2092 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2093 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2094 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
2095 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
2096 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
2097 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2098 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY



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2099 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2100 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2101 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2102 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
2103 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2104 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2105 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2106 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2107 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2108 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
2109 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
2110 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2111 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
2112 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
2113 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
2114 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
2115 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
2116 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
2117 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
2118 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
2119 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
2120 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
2121 CLOSING.

2122
2123 A contract that does not conform to the requirements of this
2124 paragraph is voidable at the option of the purchaser before
2125 ~~prior to~~ closing.

2126 (2) NONDEVELOPER DISCLOSURE.—

2127 (d) Each contract entered into after July 1, 1992, for the



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2128 resale of a residential unit must ~~shall~~ contain in conspicuous
2129 type either:

2130 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2131 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
2132 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
2133 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
2134 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY
2135 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS,
2136 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~
2137 ~~TO~~ EXECUTION OF THIS CONTRACT; or

2138 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
2139 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2140 CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2141 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2142 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
2143 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
2144 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL
2145 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND
2146 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
2147 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2148 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
2149 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
2150 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
2151 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
2152 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
2153 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
2154 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
2155 SHALL TERMINATE AT CLOSING.

2156



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2157 A contract that does not conform to the requirements of this
2158 paragraph is voidable at the option of the purchaser before
2159 ~~prior to~~ closing.

2160 (e) If the association is required to have completed a
2161 milestone inspection as described in s. 553.899, a turnover
2162 inspection report for a turnover inspection performed on or
2163 after July 1, 2023, or a structural integrity reserve study, and
2164 the association has not completed the milestone inspection, the
2165 turnover inspection report, or the structural integrity reserve
2166 study, each contract entered into after December 31, 2024, for
2167 the sale of a residential unit shall contain in conspicuous type
2168 a statement indicating that the association is required to have
2169 a milestone inspection, a turnover inspection report, or a
2170 structural integrity reserve study and has not completed such
2171 inspection, report, or study, as appropriate. If the association
2172 is not required to have a milestone inspection as described in
2173 s. 553.899 or a structural integrity reserve study, each
2174 contract entered into after December 31, 2024, for the sale of a
2175 residential unit shall contain in conspicuous type a statement
2176 indicating that the association is not required to have a
2177 milestone inspection or a structural integrity reserve study, as
2178 appropriate. If the association has completed a milestone
2179 inspection as described in s. 553.899, a turnover inspection
2180 report for a turnover inspection performed on or after July 1,
2181 2023, or a structural integrity reserve study, each contract
2182 entered into after December 31, 2024, for the resale of a
2183 residential unit shall contain in conspicuous type:

2184 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2185 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-



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2186 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2187 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2188 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2189 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2190 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2191 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
2192 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~
2193 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
2194 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2195 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
2196 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2197 CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2198 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2199 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
2200 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2201 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2202 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2203 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2204 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2205 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
2206 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
2207 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2208 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
2209 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
2210 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
2211 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
2212 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
2213 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
2214 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT



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2215 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
2216 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
2217 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
2218 CLOSING.

2219

2220 A contract that does not conform to the requirements of this
2221 paragraph is voidable at the option of the purchaser before
2222 ~~prior to~~ closing.

2223 Section 9. Section 8 of chapter 2024-244, Laws of Florida,
2224 is amended to read:

2225 Section 8. Effective January 1, 2026, paragraph (g) of
2226 subsection (12) of section 718.111, Florida Statutes, as amended
2227 by this act, is amended to read:

2228 718.111 The association.—

2229 (12) OFFICIAL RECORDS.—

2230 (g)1. An association managing a condominium with 25 or more
2231 units which does not contain timeshare units shall post digital
2232 copies of the documents specified in subparagraph 2. on its
2233 website or make such documents available through an application
2234 that can be downloaded on a mobile device. Unless a shorter
2235 period is otherwise required, a document must be made available
2236 on the association's website or made available for download
2237 through an application on a mobile device within 30 days after
2238 the association receives or creates an official record specified
2239 in subparagraph 2.

2240 a. The association's website or application must be:

2241 (I) An independent website, application, or web portal
2242 wholly owned and operated by the association; or

2243 (II) A website, application, or web portal operated by a



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2244 third-party provider with whom the association owns, leases,
2245 rents, or otherwise obtains the right to operate a web page,
2246 subpage, web portal, collection of subpages or web portals, or
2247 an application which is dedicated to the association's
2248 activities and on which required notices, records, and documents
2249 may be posted or made available by the association.

2250 b. The association's website or application must be
2251 accessible through the Internet and must contain a subpage, web
2252 portal, or other protected electronic location that is
2253 inaccessible to the general public and accessible only to unit
2254 owners and employees of the association.

2255 c. Upon a unit owner's written request, the association
2256 must provide the unit owner with a username and password and
2257 access to the protected sections of the association's website or
2258 application which contain any notices, records, or documents
2259 that must be electronically provided.

2260 2. A current copy of the following documents must be posted
2261 in digital format on the association's website or application:

2262 a. The recorded declaration of condominium of each
2263 condominium operated by the association and each amendment to
2264 each declaration.

2265 b. The recorded bylaws of the association and each
2266 amendment to the bylaws.

2267 c. The articles of incorporation of the association, or
2268 other documents creating the association, and each amendment to
2269 the articles of incorporation or other documents. The copy
2270 posted pursuant to this sub-subparagraph must be a copy of the
2271 articles of incorporation filed with the Department of State.

2272 d. The rules of the association.



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2273 e. The approved minutes of all board of administration
2274 meetings over the preceding 12 months.

2275 f. The video recording or a hyperlink to the video
2276 recording for all meetings of the association, the board of
2277 administration, any committee, and the unit owners which are
2278 conducted by videoconference over the preceding 12 months.

2279 g. A list of all executory contracts or documents to which
2280 the association is a party or under which the association or the
2281 unit owners have an obligation or responsibility and, after
2282 bidding for the related materials, equipment, or services has
2283 closed, a list of bids received by the association within the
2284 past year. Summaries of bids for materials, equipment, or
2285 services which exceed \$500 must be maintained on the website or
2286 application for 1 year. In lieu of summaries, complete copies of
2287 the bids may be posted.

2288 ~~h.f.~~ The annual budget required by s. 718.112(2)(f) and any
2289 proposed budget to be considered at the annual meeting.

2290 ~~i.g.~~ The financial report required by subsection (13) and
2291 any monthly income or expense statement to be considered at a
2292 meeting.

2293 ~~j.h.~~ The certification of each director required by s.
2294 718.112(2)(d)4.b.

2295 ~~k.i.~~ All contracts or transactions between the association
2296 and any director, officer, corporation, firm, or association
2297 that is not an affiliated condominium association or any other
2298 entity in which an association director is also a director or
2299 officer and financially interested.

2300 ~~l.j.~~ Any contract or document regarding a conflict of
2301 interest or possible conflict of interest as provided in ss.



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2302 468.4335, 468.436(2)(b)6., and 718.3027(3).

2303 ~~m.k.~~ The notice of any unit owner meeting and the agenda
2304 for the meeting, as required by s. 718.112(2)(d)3., no later
2305 than 14 days before the meeting. The notice must be posted in
2306 plain view on the front page of the website or application, or
2307 on a separate subpage of the website or application labeled
2308 "Notices" which is conspicuously visible and linked from the
2309 front page. The association must also post on its website or
2310 application any document to be considered and voted on by the
2311 owners during the meeting or any document listed on the agenda
2312 at least 7 days before the meeting at which the document or the
2313 information within the document will be considered.

2314 ~~n.l.~~ Notice of any board meeting, the agenda, and any other
2315 document required for the meeting as required by s.
2316 718.112(2)(c), which must be posted no later than the date
2317 required for notice under s. 718.112(2)(c).

2318 ~~o.m.~~ The inspection reports described in ss. 553.899 and
2319 718.301(4)(p) and any other inspection report relating to a
2320 structural or life safety inspection of condominium property.

2321 ~~p.n.~~ The association's most recent structural integrity
2322 reserve study, if applicable.

2323 ~~q.e.~~ Copies of all building permits issued for ongoing or
2324 planned construction.

2325 r. A copy of all affidavits required by this chapter.

2326 s. A copy of all investment policy statements adopted
2327 pursuant to paragraph (16)(c), and all financial statements
2328 related to the association's investment of funds under
2329 subsection (16).

2330 3. The association shall ensure that the information and



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2331 records described in paragraph (c), which are not allowed to be
2332 accessible to unit owners, are not posted on the association's
2333 website or application. If protected information or information
2334 restricted from being accessible to unit owners is included in
2335 documents that are required to be posted on the association's
2336 website or application, the association shall ensure the
2337 information is redacted before posting the documents.

2338 Notwithstanding the foregoing, the association or its agent is
2339 not liable for disclosing information that is protected or
2340 restricted under this paragraph unless such disclosure was made
2341 with a knowing or intentional disregard of the protected or
2342 restricted nature of such information.

2343 4. The failure of the association to post information
2344 required under subparagraph 2. is not in and of itself
2345 sufficient to invalidate any action or decision of the
2346 association's board or its committees.

2347 Section 10. Section 31 of chapter 2024-244, Laws of
2348 Florida, is amended to read:

2349 Section 31. The amendments made to ss. 718.103(14) and
2350 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as
2351 created by this act, may not ~~are intended to clarify existing~~
2352 ~~law and shall~~ apply retroactively and shall only apply to
2353 condominiums for which declarations were initially recorded on
2354 or after October 1, 2024. ~~However, such amendments do not revive~~
2355 ~~or reinstate any right or interest that has been fully and~~
2356 ~~finally adjudicated as invalid before October 1, 2024.~~

2357 Section 11. Subsection (13) is added to section 719.104,
2358 Florida Statutes, to read:

2359 719.104 Cooperatives; access to units; records; financial



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2360 reports; assessments; purchase of leases.-

2361 (13) INVESTMENT OF ASSOCIATION FUNDS.-

2362 (a) A board shall, in fulfilling its duty to manage
2363 operating and reserve funds of its association, use best efforts
2364 to make prudent investment decisions that carefully consider
2365 risk and return in an effort to maximize returns on invested
2366 funds.

2367 (b) An association may invest reserve funds in one or any
2368 combination of certificates of deposit or in depository accounts
2369 at a community bank, savings bank, commercial bank, savings and
2370 loan association, or credit union. Upon a majority vote of the
2371 voting interests, an association may invest reserve funds in
2372 investments other than certificates of deposit or depository
2373 accounts at a community bank, savings bank, commercial bank,
2374 savings and loan association, or credit union, provided the
2375 association complies with paragraphs (c)-(g). Notwithstanding
2376 any declaration, only funds identified as reserve funds may be
2377 invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
2378 not apply to funds invested in one or any combination of
2379 certificates of deposit or depository accounts at a community
2380 bank, savings bank, commercial bank, savings and loan
2381 association, or credit union.

2382 (c) The board shall create an investment committee composed
2383 of at least two board members and two-unit unit members who are
2384 unit owners but not board members. The board shall also adopt
2385 rules for invested funds, including, but not limited to, rules
2386 requiring periodic reviews of any investment manager's
2387 performance, the development of an investment policy statement,
2388 and that all meetings of the investment committee be recorded



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2389 and made part of the official records of the association. The
2390 investment policy statement developed pursuant to this paragraph
2391 must, at a minimum, address risk, liquidity, and benchmark
2392 measurements; authorized classes of investments; authorized
2393 investment mixes; limitations on authority relating to
2394 investment transactions; requirements for projected reserve
2395 expenditures within, at minimum, the next 24 months to be held
2396 in cash or cash equivalents; projected expenditures relating to
2397 an inspection performed pursuant to s. 553.899; and protocols
2398 for proxy response.

2399 (d) The investment committee shall recommend investment
2400 advisers to the board, and the board shall select one of the
2401 recommended investment advisers to provide services to the
2402 association. Such investment advisers must be registered or have
2403 notice filed under s. 517.12. The selected investment adviser
2404 and any representative or association of the investment adviser
2405 may not be related by affinity or consanguinity to, or under
2406 common ownership with, any board member, community management
2407 company, reserve study provider, or a co-owner of a unit with a
2408 board member or investment committee member. The investment
2409 adviser shall comply with the prudent investor rule in s.
2410 518.11. The investment adviser shall act as a fiduciary to the
2411 association in compliance with the standards set forth in the
2412 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
2413 1104(a)(1)(A)-(C). In case of conflict with other laws
2414 authorizing investments, the investment and fiduciary standards
2415 set forth in this subsection must prevail. If at any time the
2416 investment committee determines that an investment adviser does
2417 not meet the requirements of this section, the investment



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2418 committee must recommend a replacement investment adviser to the
2419 board.

2420 (e) At least once each calendar year, or sooner if a
2421 substantial financial obligation of the association becomes
2422 known to the board, the association must provide the investment
2423 adviser with the association's investment policy statement, the
2424 most recent reserve study report, the association's structural
2425 integrity report, and the financial reports prepared pursuant to
2426 subsection (13). If there is no recent reserve study report, the
2427 association must provide the investment adviser with a good
2428 faith estimate disclosing the annual amount of reserve funds
2429 necessary for the association to fund reserves fully for the
2430 life of each reserve component and each component's
2431 redundancies. The investment adviser shall annually review these
2432 documents and provide the association with a portfolio
2433 allocation model that is suitably structured and prudently
2434 designed to match projected annual reserve fund requirements and
2435 liability, assets, and liquidity requirements. The investment
2436 adviser shall prepare a funding projection for each reserve
2437 component, including any of the component's redundancies. The
2438 association shall have available at all times a minimum of 24
2439 months of projected reserves in cash or cash equivalents.

2440 (f) Portfolios managed by the investment adviser may
2441 contain any type of investment necessary to meet the objectives
2442 in the investment policy statement; however, portfolios may not
2443 contain stocks, securities, or other obligations that the State
2444 Board of Administration is prohibited from investing in under s.
2445 215.471, s. 215.4725, or s. 215.473 or that state agencies are
2446 prohibited from investing in under s. 215.472, as determined by



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2447 the investment adviser. Any funds invested by the investment
2448 adviser must be held in third-party custodial accounts that are
2449 subject to insurance coverage by the Securities Investor
2450 Protection Corporation in an amount equal to or greater than the
2451 invested amount. The investment adviser may withdraw investment
2452 fees, expenses, and commissions from invested funds.

2453 (g) The investment adviser shall:

2454 1. Annually provide the association with a written
2455 certification of compliance with this section and a list of
2456 stocks, securities, and other obligations that are prohibited
2457 from being in association portfolios under paragraph (f); and

2458 2. Submit monthly, quarterly, and annual reports to the
2459 association which are prepared in accordance with established
2460 financial industry standards and in accordance with chapter 517.

2461 (h) Any principal, earnings, or interest managed under this
2462 subsection must be available at no cost or charge to the
2463 association within 15 business days after delivery of the
2464 association's written or electronic request.

2465 (i) Unallocated income earned on reserve fund investments
2466 may be spent only on capital expenditures, planned maintenance,
2467 structural repairs, or other items for which the reserve
2468 accounts have been established. Any surplus of funds which
2469 exceeds the amount required to maintain reasonably funded
2470 reserves must be managed pursuant to s. 718.115.

2471 Section 12. Paragraphs (j) and (k) of subsection (1) of
2472 section 719.106, Florida Statutes, are amended to read:

2473 719.106 Bylaws; cooperative ownership.—

2474 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
2475 documents shall provide for the following, and if they do not,



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2476 they shall be deemed to include the following:

2477 (j) Annual budget.—

2478 1. The proposed annual budget of common expenses must be
2479 detailed and must show the amounts budgeted by accounts and
2480 expense classifications, including, if applicable, but not
2481 limited to, those expenses listed in s. 719.504(20). The board
2482 of administration shall adopt the annual budget at least 14 days
2483 before the start of the association's fiscal year. In the event
2484 that the board fails to timely adopt the annual budget a second
2485 time, it is deemed a minor violation and the prior year's budget
2486 shall continue in effect until a new budget is adopted.

2487 2.a. In addition to annual operating expenses, the budget
2488 must include reserve accounts for capital expenditures and
2489 deferred maintenance. These accounts must include, but not be
2490 limited to, roof replacement, building painting, and pavement
2491 resurfacing, regardless of the amount of deferred maintenance
2492 expense or replacement cost, and for any other items for which
2493 the deferred maintenance expense or replacement cost exceeds
2494 \$25,000 ~~\$10,000~~. The amount to be reserved must be computed by
2495 means of a formula which is based upon estimated remaining
2496 useful life and estimated replacement cost or deferred
2497 maintenance expense of the reserve item. In a budget adopted by
2498 an association that is required to obtain a structural integrity
2499 reserve study, reserves must be maintained for the items
2500 identified in paragraph (k) for which the association is
2501 responsible pursuant to the declaration, and the reserve amount
2502 for such items must be based on the findings and recommendations
2503 of the association's most recent structural integrity reserve
2504 study. With respect to items for which an estimate of useful



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2505 life is not readily ascertainable or with an estimated remaining
2506 useful life of greater than 25 years, an association is not
2507 required to reserve replacement costs for such items, but an
2508 association must reserve the amount of deferred maintenance
2509 expense, if any, which is recommended by the structural
2510 integrity reserve study for such items. The association may
2511 adjust replacement reserve assessments annually to take into
2512 account an inflation adjustment and any changes in estimates or
2513 extension of the useful life of a reserve item caused by
2514 deferred maintenance.

2515 b. The members of a unit-owner-controlled association may
2516 determine, by a majority vote of the total voting interests of
2517 the association, for a fiscal year to provide no reserves or
2518 reserves less adequate than required by this subsection. Before
2519 turnover of control of an association by a developer to unit
2520 owners other than a developer under s. 719.301, the developer-
2521 controlled association may not vote to waive the reserves or
2522 reduce funding of the reserves.

2523 c. For a budget adopted on or after December 31, 2024, a
2524 unit-owner-controlled association that must obtain a structural
2525 integrity reserve study may not determine to provide no reserves
2526 or reserves less adequate than required by this paragraph for
2527 items listed in paragraph (k). If a meeting of the unit owners
2528 has been called to determine to provide no reserves, or reserves
2529 less adequate than required, and such result is not attained or
2530 a quorum is not attained, the reserves as included in the budget
2531 shall go into effect.

2532 d. If the local building official as defined in s. 468.603,
2533 determines that the entire cooperative building is uninhabitable



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2534 due to a natural emergency as defined in s. 252.34, the board
2535 may pause the contribution to its reserves or reduce reserve
2536 funding until the local building official determines that the
2537 cooperative building is habitable. Any reserve account funds
2538 held by the association may be expended, pursuant to the board's
2539 determination, to make the cooperative building and its
2540 structures habitable. Upon the determination by the local
2541 building official that the cooperative building is habitable,
2542 the association must immediately resume contributing funds to
2543 its reserves.

2544 e.1. Reserves for the items listed in paragraph (g) may be
2545 funded by regular assessments, special assessments, lines of
2546 credit, or loans.

2547 2. A unit-owner-controlled association that must have a
2548 structural reserve study may secure a line of credit or a loan
2549 to fund capital expenses required by a milestone inspection
2550 under s. 553.899 or a structural integrity reserve study. Any
2551 line of credit or loan under this subparagraph requires the
2552 approval of a majority vote of the total voting interests of the
2553 association. The lines of credit or loans must be sufficient to
2554 fund the cumulative amount of any previously waived or unfunded
2555 portion of the reserve funding amount required by this paragraph
2556 and the most recent structural integrity reserve study. Funding
2557 from the lines of credit or loans must be immediately available
2558 for access by the board to fund required repair, maintenance, or
2559 replacement expenses without further approval by the members of
2560 the association. Any lines of credit or loans secured under this
2561 paragraph must be included in the financial report required
2562 under s. 719.104(4).



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2563 a. For a budget adopted on or before December 31, 2028, if
2564 the association has completed a milestone inspection pursuant to
2565 s. 553.899 within the previous 2 calendar years, the board, upon
2566 the approval of a majority of the total voting interests of the
2567 association, may temporarily pause, for a period of no more than
2568 2 consecutive annual budgets, reserve fund contributions or
2569 reduce the amount of reserve funding for the purpose of funding
2570 repairs recommended by the milestone inspection. This sub-
2571 subparagraph does not apply to a developer-controlled
2572 association and an association in which the non-developer unit
2573 owners have been in control for less than 1 year.

2574 b. An association that has paused reserve contributions
2575 under this sub-subparagraph a. must have a structural integrity
2576 reserve study performed before the continuation of reserve
2577 contributions in order to determine the association's reserve
2578 funding needs and to recommend a reserve funding plan.

2579 3. Reserve funds and any interest accruing thereon shall
2580 remain in the reserve account or accounts, and shall be used
2581 only for authorized reserve expenditures unless their use for
2582 other purposes is approved in advance by a vote of the majority
2583 of the total voting interests of the association. Before
2584 turnover of control of an association by a developer to unit
2585 owners other than the developer under s. 719.301, the developer
2586 may not vote to use reserves for purposes other than that for
2587 which they were intended. For a budget adopted on or after
2588 December 31, 2024, members of a unit-owner-controlled
2589 association that must obtain a structural integrity reserve
2590 study may not vote to use reserve funds, or any interest
2591 accruing thereon, for purposes other than the replacement or



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2592 deferred maintenance costs of the components listed in paragraph
2593 (k). A vote of the members is not required for the board to
2594 change the accounting method for reserves to a pooling
2595 accounting method or a straight-line accounting method.

2596 (k) Structural integrity reserve study.-

2597 1. A residential cooperative association must have a
2598 structural integrity reserve study completed at least every 10
2599 years for each building on the cooperative property that is
2600 three stories or higher in height, as determined by the Florida
2601 Building Code, that includes, at a minimum, a study of the
2602 following items as related to the structural integrity and
2603 safety of the building:

2604 a. Roof.

2605 b. Structure, including load-bearing walls and other
2606 primary structural members and primary structural systems as
2607 those terms are defined in s. 627.706.

2608 c. Fireproofing and fire protection systems.

2609 d. Plumbing.

2610 e. Electrical systems.

2611 f. Waterproofing and exterior painting.

2612 g. Windows and exterior doors.

2613 h. Any other item that has a deferred maintenance expense
2614 or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure
2615 to replace or maintain such item negatively affects the items
2616 listed in sub-subparagraphs a.-g., as determined by the visual
2617 inspection portion of the structural integrity reserve study.

2618 2. A structural integrity reserve study is based on a
2619 visual inspection of the cooperative property.

2620 3.a. A structural integrity reserve study may be performed



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2621 by any person qualified to perform such study. However, the
2622 visual inspection portion of the structural integrity reserve
2623 study must be performed or verified by an engineer licensed
2624 under chapter 471, an architect licensed under chapter 481, or a
2625 person certified as a reserve specialist or professional reserve
2626 analyst by the Community Associations Institute or the
2627 Association of Professional Reserve Analysts.

2628 b. Any design professional as defined in s. 558.002(7) or
2629 contractor licensed under chapter 489 who bids to perform a
2630 structural integrity reserve study must disclose in writing to
2631 the association his or her intent to bid on any services related
2632 to any maintenance, repair, or replacement that may be
2633 recommended by the structural integrity reserve study. Any
2634 design professional as defined in s. 558.002 or contractor
2635 licensed under chapter 489 who submits a bid to the association
2636 for performing any services recommended by the structural
2637 integrity reserve study may not have an interest, directly or
2638 indirectly, in the firm or entity providing the association's
2639 structural integrity reserve study or be a relative of any
2640 person having a direct or indirect interest in such firm, unless
2641 such relationship is disclosed to the association in writing. As
2642 used in this section, the term "relative" means a relative
2643 within the third degree of consanguinity by blood or marriage. A
2644 contract for services is voidable and terminates upon the
2645 association filing a written notice terminating the contract if
2646 the design professional or licensed contractor failed to provide
2647 the written disclosure of the relationship required under this
2648 paragraph. A design professional or licensed contractor may be
2649 subject to discipline under the applicable practice act for his



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2650 or her profession for failure to provide the written disclosure
2651 of the relationship required under this subparagraph.

2652 4.a.3- At a minimum, a structural integrity reserve study
2653 must identify each item of the cooperative property being
2654 visually inspected, state the estimated remaining useful life
2655 and the estimated replacement cost or deferred maintenance
2656 expense of each item of the cooperative property being visually
2657 inspected, and provide a reserve funding schedule with a
2658 recommended annual reserve amount that achieves the estimated
2659 replacement cost or deferred maintenance expense of each item of
2660 cooperative property being visually inspected by the end of the
2661 estimated remaining useful life of the item. The structural
2662 integrity reserve study may recommend that reserves do not need
2663 to be maintained for any item for which an estimate of useful
2664 life and an estimate of replacement cost cannot be determined,
2665 or the study may recommend a deferred maintenance expense amount
2666 for such item. At a minimum, the structural integrity reserve
2667 study must include a recommendation for a reserve funding
2668 schedule based on a baseline funding plan that provides a
2669 reserve funding goal in which the reserve funding for each
2670 budget year is sufficient to maintain the reserve cash balance
2671 above zero. The study may recommend other types of reserve
2672 funding schedules, provided that each recommended schedule is
2673 sufficient to meet the association's maintenance obligation.

2674 b. The structural integrity reserve study may recommend
2675 that reserves for replacement costs do not need to be maintained
2676 for any item with an estimated remaining useful life of greater
2677 than 25 years, but the study may recommend a deferred
2678 maintenance expense amount for such item. If the structural



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2679 integrity reserve study recommends reserves for any item for
2680 which reserves are not required under this paragraph, the amount
2681 of the recommended reserves for such item must be separately
2682 identified in the structural integrity reserve study as an item
2683 for which reserves are not required under this paragraph.

2684 c. The structural integrity reserve study must take into
2685 consideration the funding method or methods used by the
2686 association to fund its maintenance and reserve funding
2687 obligations through regular assessments, special assessments,
2688 lines of credit, or loans. If the structural integrity reserve
2689 study is performed before the association has approved a special
2690 assessment or secured a line of credit or a loan, the structural
2691 integrity reserve study must be updated to reflect the funding
2692 method selected by the association and its effect on the reserve
2693 funding schedule, including any anticipated change in the amount
2694 of regular assessments. The structural integrity reserve study
2695 may be updated to reflect any changes to the useful life of the
2696 reserve items after such items are repaired or replaced, and the
2697 effect such repair or replacement will have on the reserve
2698 funding schedule. The association must obtain an updated
2699 structural integrity reserve study before adopting any budget in
2700 which the reserve funding from regular assessments, special
2701 assessments, lines of credit, or loans do not align with the
2702 funding plan from the most recent version of the structural
2703 integrity reserve study.

2704 5.4. This paragraph does not apply to buildings less than
2705 three stories in height; single-family, two-family, or three-
2706 family dwellings with three or fewer habitable stories above
2707 ground; any portion or component of a building that has not been



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2708 submitted to the cooperative form of ownership; or any portion
2709 or component of a building that is maintained by a party other
2710 than the association.

2711 ~~6.5.~~ Before a developer turns over control of an
2712 association to unit owners other than the developer, the
2713 developer must have a turnover inspection report in compliance
2714 with s. 719.301(4)(p) and (q) for each building on the
2715 cooperative property that is three stories or higher in height.

2716 ~~7.6.~~ Associations existing on or before July 1, 2022, which
2717 are controlled by unit owners other than the developer, must
2718 have a structural integrity reserve study completed by December
2719 31, 2024, for each building on the cooperative property that is
2720 three stories or higher in height. An association that is
2721 required to complete a milestone inspection on or before
2722 December 31, 2026, in accordance with s. 553.899 may complete
2723 the structural integrity reserve study simultaneously with the
2724 milestone inspection. In no event may the structural integrity
2725 reserve study be completed after December 31, 2026.

2726 ~~8.7.~~ If the milestone inspection required by s. 553.899, or
2727 an inspection completed for a similar local requirement, was
2728 performed within the past 5 years and meets the requirements of
2729 this paragraph, such inspection may be used in place of the
2730 visual inspection portion of the structural integrity reserve
2731 study.

2732 9. If the association completes a milestone inspection
2733 required by s. 553.899, or an inspection completed for a similar
2734 local requirement, the association may delay performance of a
2735 required structural integrity reserve study for no more than the
2736 2 consecutive budget years immediately following the milestone



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2737 inspection in order to allow the association to focus its
2738 financial resources on completing the repair and maintenance
2739 recommendations of the milestone inspection.

2740 10.8. If the officers or directors of an association
2741 willfully and knowingly fail to complete a structural integrity
2742 reserve study pursuant to this paragraph, such failure is a
2743 breach of an officer's and director's fiduciary relationship to
2744 the unit owners under s. 719.104(9). An officer or a director of
2745 the association must sign an affidavit acknowledging receipt of
2746 the completed structural integrity reserve study.

2747 11.9. Within 45 days after receiving the structural
2748 integrity reserve study, the association must distribute a copy
2749 of the study to each unit owner or deliver to each unit owner a
2750 notice that the completed study is available for inspection and
2751 copying upon a written request. Distribution of a copy of the
2752 study or notice must be made by United States mail or personal
2753 delivery at the mailing address, property address, or any other
2754 address of the owner provided to fulfill the association's
2755 notice requirements under this chapter, or by electronic
2756 transmission to the e-mail address or facsimile number provided
2757 to fulfill the association's notice requirements to unit owners
2758 who previously consented to receive notice by electronic
2759 transmission.

2760 12.10. Within 45 days after receiving the structural
2761 integrity reserve study, the association must provide the
2762 division with a statement indicating that the study was
2763 completed and that the association provided or made available
2764 such study to each unit owner in accordance with this section.
2765 Such statement must be provided to the division in the manner



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2766 established by the division using a form posted on the
2767 division's website.

2768 13. The division shall adopt by rule the form for the
2769 structural integrity reserve study in coordination with the
2770 Florida Building Commission.

2771 Section 13. Subsection (3) of section 719.501, Florida
2772 Statutes, is amended, paragraph (c) is added to subsection (2)
2773 of that section, and subsection (1) of that section is
2774 reenacted, to read:

2775 719.501 Powers and duties of Division of Florida
2776 Condominiums, Timeshares, and Mobile Homes.—

2777 (1) The Division of Florida Condominiums, Timeshares, and
2778 Mobile Homes of the Department of Business and Professional
2779 Regulation, referred to as the "division" in this part, in
2780 addition to other powers and duties prescribed by chapter 718,
2781 has the power to enforce and ensure compliance with this chapter
2782 and adopted rules relating to the development, construction,
2783 sale, lease, ownership, operation, and management of residential
2784 cooperative units; complaints related to the procedural
2785 completion of the structural integrity reserve studies under s.
2786 719.106(1)(k); and complaints related to the procedural
2787 completion of milestone inspections under s. 553.899. In
2788 performing its duties, the division shall have the following
2789 powers and duties:

2790 (a) The division may make necessary public or private
2791 investigations within or outside this state to determine whether
2792 any person has violated this chapter or any rule or order
2793 hereunder, to aid in the enforcement of this chapter, or to aid
2794 in the adoption of rules or forms hereunder.



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2795 (b) The division may require or permit any person to file a
2796 statement in writing, under oath or otherwise, as the division
2797 determines, as to the facts and circumstances concerning a
2798 matter to be investigated.

2799 (c) For the purpose of any investigation under this
2800 chapter, the division director or any officer or employee
2801 designated by the division director may administer oaths or
2802 affirmations, subpoena witnesses and compel their attendance,
2803 take evidence, and require the production of any matter which is
2804 relevant to the investigation, including the existence,
2805 description, nature, custody, condition, and location of any
2806 books, documents, or other tangible things and the identity and
2807 location of persons having knowledge of relevant facts or any
2808 other matter reasonably calculated to lead to the discovery of
2809 material evidence. Upon failure by a person to obey a subpoena
2810 or to answer questions propounded by the investigating officer
2811 and upon reasonable notice to all persons affected thereby, the
2812 division may apply to the circuit court for an order compelling
2813 compliance.

2814 (d) Notwithstanding any remedies available to unit owners
2815 and associations, if the division has reasonable cause to
2816 believe that a violation of any provision of this chapter or
2817 related rule has occurred, the division may institute
2818 enforcement proceedings in its own name against a developer,
2819 association, officer, or member of the board, or its assignees
2820 or agents, as follows:

2821 1. The division may permit a person whose conduct or
2822 actions may be under investigation to waive formal proceedings
2823 and enter into a consent proceeding whereby orders, rules, or



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2824 letters of censure or warning, whether formal or informal, may
2825 be entered against the person.

2826 2. The division may issue an order requiring the developer,
2827 association, officer, or member of the board, or its assignees
2828 or agents, to cease and desist from the unlawful practice and
2829 take such affirmative action as in the judgment of the division
2830 will carry out the purposes of this chapter. Such affirmative
2831 action may include, but is not limited to, an order requiring a
2832 developer to pay moneys determined to be owed to a condominium
2833 association.

2834 3. The division may bring an action in circuit court on
2835 behalf of a class of unit owners, lessees, or purchasers for
2836 declaratory relief, injunctive relief, or restitution.

2837 4. The division may impose a civil penalty against a
2838 developer or association, or its assignees or agents, for any
2839 violation of this chapter or related rule. The division may
2840 impose a civil penalty individually against any officer or board
2841 member who willfully and knowingly violates a provision of this
2842 chapter, a rule adopted pursuant to this chapter, or a final
2843 order of the division. The term "willfully and knowingly" means
2844 that the division informed the officer or board member that his
2845 or her action or intended action violates this chapter, a rule
2846 adopted under this chapter, or a final order of the division,
2847 and that the officer or board member refused to comply with the
2848 requirements of this chapter, a rule adopted under this chapter,
2849 or a final order of the division. The division, prior to
2850 initiating formal agency action under chapter 120, shall afford
2851 the officer or board member an opportunity to voluntarily comply
2852 with this chapter, a rule adopted under this chapter, or a final



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2853 order of the division. An officer or board member who complies
2854 within 10 days is not subject to a civil penalty. A penalty may
2855 be imposed on the basis of each day of continuing violation, but
2856 in no event shall the penalty for any offense exceed \$5,000. The
2857 division shall adopt, by rule, penalty guidelines applicable to
2858 possible violations or to categories of violations of this
2859 chapter or rules adopted by the division. The guidelines must
2860 specify a meaningful range of civil penalties for each such
2861 violation of the statute and rules and must be based upon the
2862 harm caused by the violation, upon the repetition of the
2863 violation, and upon such other factors deemed relevant by the
2864 division. For example, the division may consider whether the
2865 violations were committed by a developer or owner-controlled
2866 association, the size of the association, and other factors. The
2867 guidelines must designate the possible mitigating or aggravating
2868 circumstances that justify a departure from the range of
2869 penalties provided by the rules. It is the legislative intent
2870 that minor violations be distinguished from those which endanger
2871 the health, safety, or welfare of the cooperative residents or
2872 other persons and that such guidelines provide reasonable and
2873 meaningful notice to the public of likely penalties that may be
2874 imposed for proscribed conduct. This subsection does not limit
2875 the ability of the division to informally dispose of
2876 administrative actions or complaints by stipulation, agreed
2877 settlement, or consent order. All amounts collected shall be
2878 deposited with the Chief Financial Officer to the credit of the
2879 Division of Florida Condominiums, Timeshares, and Mobile Homes
2880 Trust Fund. If a developer fails to pay the civil penalty, the
2881 division shall thereupon issue an order directing that such



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2882 developer cease and desist from further operation until such
2883 time as the civil penalty is paid or may pursue enforcement of
2884 the penalty in a court of competent jurisdiction. If an
2885 association fails to pay the civil penalty, the division shall
2886 thereupon pursue enforcement in a court of competent
2887 jurisdiction, and the order imposing the civil penalty or the
2888 cease and desist order shall not become effective until 20 days
2889 after the date of such order. Any action commenced by the
2890 division shall be brought in the county in which the division
2891 has its executive offices or in the county where the violation
2892 occurred.

2893 (e) The division may prepare and disseminate a prospectus
2894 and other information to assist prospective owners, purchasers,
2895 lessees, and developers of residential cooperatives in assessing
2896 the rights, privileges, and duties pertaining thereto.

2897 (f) The division has authority to adopt rules pursuant to
2898 ss. 120.536(1) and 120.54 to implement and enforce the
2899 provisions of this chapter.

2900 (g) The division shall establish procedures for providing
2901 notice to an association when the division is considering the
2902 issuance of a declaratory statement with respect to the
2903 cooperative documents governing such cooperative community.

2904 (h) The division shall furnish each association which pays
2905 the fees required by paragraph (2) (a) a copy of this act,
2906 subsequent changes to this act on an annual basis, an amended
2907 version of this act as it becomes available from the Secretary
2908 of State's office on a biennial basis, and the rules adopted
2909 thereto on an annual basis.

2910 (i) The division shall annually provide each association



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2911 with a summary of declaratory statements and formal legal
2912 opinions relating to the operations of cooperatives which were
2913 rendered by the division during the previous year.

2914 (j) The division shall adopt uniform accounting principles,
2915 policies, and standards to be used by all associations in the
2916 preparation and presentation of all financial statements
2917 required by this chapter. The principles, policies, and
2918 standards shall take into consideration the size of the
2919 association and the total revenue collected by the association.

2920 (k) The division shall provide training and educational
2921 programs for cooperative association board members and unit
2922 owners. The training may, in the division's discretion, include
2923 web-based electronic media and live training and seminars in
2924 various locations throughout the state. The division may review
2925 and approve education and training programs for board members
2926 and unit owners offered by providers and shall maintain a
2927 current list of approved programs and providers and make such
2928 list available to board members and unit owners in a reasonable
2929 and cost-effective manner.

2930 (l) The division shall maintain a toll-free telephone
2931 number accessible to cooperative unit owners.

2932 (m) When a complaint is made to the division, the division
2933 shall conduct its inquiry with reasonable dispatch and with due
2934 regard to the interests of the affected parties. Within 30 days
2935 after receipt of a complaint, the division shall acknowledge the
2936 complaint in writing and notify the complainant whether the
2937 complaint is within the jurisdiction of the division and whether
2938 additional information is needed by the division from the
2939 complainant. The division shall conduct its investigation and



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2940 shall, within 90 days after receipt of the original complaint or
2941 timely requested additional information, take action upon the
2942 complaint. However, the failure to complete the investigation
2943 within 90 days does not prevent the division from continuing the
2944 investigation, accepting or considering evidence obtained or
2945 received after 90 days, or taking administrative action if
2946 reasonable cause exists to believe that a violation of this
2947 chapter or a rule of the division has occurred. If an
2948 investigation is not completed within the time limits
2949 established in this paragraph, the division shall, on a monthly
2950 basis, notify the complainant in writing of the status of the
2951 investigation. When reporting its action to the complainant, the
2952 division shall inform the complainant of any right to a hearing
2953 pursuant to ss. 120.569 and 120.57.

2954 (n) The division shall develop a program to certify both
2955 volunteer and paid mediators to provide mediation of cooperative
2956 disputes. The division shall provide, upon request, a list of
2957 such mediators to any association, unit owner, or other
2958 participant in arbitration proceedings under s. 718.1255
2959 requesting a copy of the list. The division shall include on the
2960 list of voluntary mediators only persons who have received at
2961 least 20 hours of training in mediation techniques or have
2962 mediated at least 20 disputes. In order to become initially
2963 certified by the division, paid mediators must be certified by
2964 the Supreme Court to mediate court cases in county or circuit
2965 courts. However, the division may adopt~~7~~ by rule~~7~~ additional
2966 factors for the certification of paid mediators, which factors
2967 must be related to experience, education, or background. Any
2968 person initially certified as a paid mediator by the division



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2969 must, in order to continue to be certified, comply with the
2970 factors or requirements imposed by rules adopted by the
2971 division.

2972 (2)

2973 (c) A cooperative association shall create and maintain an
2974 online account with the division, as required in subsection (3).

2975 (3) On or before October 1, 2025, all cooperative
2976 associations shall create and maintain an online account with
2977 the division and provide information requested by the division
2978 in an electronic format determined by the division. The division
2979 shall adopt rules to implement this subsection. The division may
2980 require cooperative associations to provide such information no
2981 more than once per year, except that the division may require
2982 cooperative associations to update their contact information in
2983 paragraph (a) within 30 days after any change. The division
2984 shall provide a cooperative association at least a 45-day notice
2985 of any requirement to provide any required information after the
2986 cooperative association creates an online account. The
2987 information that the division may require associations to
2988 provide is limited to:

2989 (a) The contact information for the association that
2990 includes all of the following:

2991 1. The name of the association.

2992 2. The physical address of the cooperative property.

2993 3. The mailing address and county of the association.

2994 4. The e-mail address and telephone number for the
2995 association.

2996 5. The name and board title for each member of the
2997 association's board.



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2998 6. The name and contact information of the association's
2999 community association manager or community association
3000 management firm, if applicable.

3001 7. The hyperlink or website address of the association's
3002 website, if applicable.

3003 (b) The total number of buildings and for each building in
3004 the association:

3005 1. The total number of stories of each building, including
3006 both habitable and uninhabitable stories.

3007 2. The total number of units.

3008 3. The age of each building based on the certificate of
3009 occupancy.

3010 4. Any construction commenced on the common elements within
3011 the previous calendar year.

3012 (c) The association's assessments, including the:

3013 1. Amount of assessment or special assessment by unit type,
3014 including reserves.

3015 2. Purpose of the assessment or special assessment.

3016 3. Name of the financial institution or institutions with
3017 which the association maintains accounts.

3018 (d) A copy of any structural integrity reserve study and
3019 any associated materials requested by the department. The
3020 association must provide such materials within 5 business days
3021 after such request, in a manner prescribed by the department.

3022 ~~(a) On or before January 1, 2023, cooperative associations~~
3023 ~~existing on or before July 1, 2022, must provide the following~~
3024 ~~information to the division in writing, by e-mail, United States~~
3025 ~~Postal Service, commercial delivery service, or hand delivery,~~
3026 ~~at a physical address or e-mail address provided by the division~~



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3027 ~~and on a form posted on the division's website:~~
3028 ~~1. The number of buildings on the cooperative property that~~
3029 ~~are three stories or higher in height.~~
3030 ~~2. The total number of units in all such buildings.~~
3031 ~~3. The addresses of all such buildings.~~
3032 ~~4. The counties in which all such buildings are located.~~
3033 ~~(b) The division must compile a list of the number of~~
3034 ~~buildings on cooperative property that are three stories or~~
3035 ~~higher in height, which is searchable by county, and must post~~
3036 ~~the list on the division's website. This list must include all~~
3037 ~~of the following information:~~
3038 ~~1. The name of each association with buildings on the~~
3039 ~~cooperative property that are three stories or higher in height.~~
3040 ~~2. The number of such buildings on each association's~~
3041 ~~property.~~
3042 ~~3. The addresses of all such buildings.~~
3043 ~~4. The counties in which all such buildings are located.~~
3044 ~~(c) An association must provide an update in writing to the~~
3045 ~~division if there are any changes to the information in the list~~
3046 ~~under paragraph (b) within 6 months after the change.~~
3047 Section 14. Paragraph (d) of subsection (1) and paragraphs
3048 (c) and (d) of subsection (2) of section 719.503, Florida
3049 Statutes, are amended, to read:
3050 719.503 Disclosure prior to sale.—
3051 (1) DEVELOPER DISCLOSURE.—
3052 (d) Milestone inspection, turnover inspection report, or
3053 structural integrity reserve study.—If the association is
3054 required to have completed a milestone inspection as described
3055 in s. 553.899, a turnover inspection report for a turnover



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3056 inspection performed on or after July 1, 2023, or a structural
3057 integrity reserve study, and the association has not completed
3058 the milestone inspection, the turnover inspection report, or the
3059 structural integrity reserve study, each contract entered into
3060 after December 31, 2024, for the sale of a residential unit
3061 shall contain in conspicuous type a statement indicating that
3062 the association is required to have a milestone inspection, a
3063 turnover inspection report, or a structural integrity reserve
3064 study and has not completed such inspection, report, or study,
3065 as appropriate. If the association is not required to have a
3066 milestone inspection as described in s. 553.899 or a structural
3067 integrity reserve study, each contract entered into after
3068 December 31, 2024, for the sale of a residential unit shall
3069 contain in conspicuous type a statement indicating that the
3070 association is not required to have a milestone inspection or a
3071 structural integrity reserve study, as appropriate. If the
3072 association has completed a milestone inspection as described in
3073 s. 553.899, a turnover inspection report for a turnover
3074 inspection performed on or after July 1, 2023, or a structural
3075 integrity reserve study, each contract entered into after
3076 December 31, 2024, for the sale of a residential unit shall
3077 contain in conspicuous type:

3078 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
3079 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
3080 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
3081 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
3082 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
3083 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
3084 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY



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3085 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
3086 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
3087 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
3088 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

3089 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
3090 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
3091 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
3092 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
3093 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
3094 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
3095 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
3096 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
3097 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
3098 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
3099 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
3100 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
3101 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
3102 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
3103 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
3104 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
3105 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
3106 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
3107 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),
3108 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
3109 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
3110 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN
3111 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
3112 CLOSING.

3113



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3114 A contract that does not conform to the requirements of this
3115 paragraph is voidable at the option of the purchaser before
3116 ~~prior to~~ closing.

3117 (2) NONDEVELOPER DISCLOSURE.—

3118 (c) Each contract entered into after July 1, 1992, for the
3119 resale of an interest in a cooperative shall contain in
3120 conspicuous type either:

3121 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
3122 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF
3123 INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE
3124 ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~
3125 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
3126 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

3127 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
3128 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
3129 CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
3130 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
3131 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF
3132 INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND
3133 QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY
3134 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO
3135 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF
3136 NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
3137 HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF
3138 INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF
3139 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
3140 TERMINATE AT CLOSING.

3141
3142 A contract that does not conform to the requirements of this



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3143 paragraph is voidable at the option of the purchaser before
3144 ~~prior to~~ closing.

3145 (d) If the association is required to have completed a
3146 milestone inspection as described in s. 553.899, a turnover
3147 inspection report for a turnover inspection performed on or
3148 after July 1, 2023, or a structural integrity reserve study, and
3149 the association has not completed the milestone inspection, the
3150 turnover inspection report, or the structural integrity reserve
3151 study, each contract entered into after December 31, 2024, for
3152 the sale of a residential unit shall contain in conspicuous type
3153 a statement indicating that the association is required to have
3154 a milestone inspection, a turnover inspection report, or a
3155 structural integrity reserve study and has not completed such
3156 inspection, report, or study, as appropriate. If the association
3157 is not required to have a milestone inspection as described in
3158 s. 553.899 or a structural integrity reserve study, each
3159 contract entered into after December 31, 2024, for the sale of a
3160 residential unit shall contain in conspicuous type a statement
3161 indicating that the association is not required to have a
3162 milestone inspection or a structural integrity reserve study, as
3163 appropriate. If the association has completed a milestone
3164 inspection as described in s. 553.899, a turnover inspection
3165 report for a turnover inspection performed on or after July 1,
3166 2023, or a structural integrity reserve study, each contract
3167 entered into after December 31, 2024, for the resale of a
3168 residential unit shall contain in conspicuous type:

3169 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
3170 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
3171 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED



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3172 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
3173 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
3174 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
3175 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
3176 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
3177 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~
3178 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
3179 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

3180 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
3181 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
3182 CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
3183 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
3184 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
3185 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
3186 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
3187 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
3188 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
3189 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
3190 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
3191 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
3192 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
3193 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
3194 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
3195 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
3196 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
3197 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
3198 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),
3199 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
3200 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS



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3201 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN
3202 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
3203 CLOSING.

3204
3205 A contract that does not conform to the requirements of this
3206 paragraph is voidable at the option of the purchaser before
3207 ~~prior to~~ closing.

3208 Section 15. Subsection (3) of section 914.21, Florida
3209 Statutes, is amended to read:

3210 914.21 Definitions.—As used in ss. 914.22-914.24, the term:

3211 (3) "Official investigation" means any investigation
3212 instituted by a law enforcement agency or prosecuting officer of
3213 the state or a political subdivision of the state or the
3214 Commission on Ethics or the Division of Florida Condominiums,
3215 Timeshares, and Mobile Homes of the Department of Business and
3216 Professional Regulation.

3217 Section 16. For the 2025-2026 fiscal year, the recurring
3218 sum of \$150,000 and nonrecurring sum of \$100,000 is appropriated
3219 from the Professional Regulation Trust Fund to the Department of
3220 Business and Professional Regulation to contract with the
3221 University of Florida to implement s. 553.899(3)(f), Florida
3222 Statutes, as amended by this act. The unexpended balance of
3223 nonrecurring funds provided by this section shall revert and is
3224 appropriated for the same purpose for the 2026-2027 fiscal year.

3225 Section 17. For the purpose of incorporating the amendment
3226 made by this act to section 718.111, Florida Statutes, in a
3227 reference thereto, paragraph (e) of subsection (3) of section
3228 721.13, Florida Statutes, is reenacted to read:

3229 721.13 Management.—



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3230 (3) The duties of the managing entity include, but are not
3231 limited to:

3232 (e) Arranging for an annual audit of the financial
3233 statements of the timeshare plan by a certified public
3234 accountant licensed by the Board of Accountancy of the
3235 Department of Business and Professional Regulation, in
3236 accordance with generally accepted auditing standards as defined
3237 by the rules of the Board of Accountancy of the Department of
3238 Business and Professional Regulation. The financial statements
3239 required by this section must be prepared on an accrual basis
3240 using fund accounting, and must be presented in accordance with
3241 generally accepted accounting principles. A copy of the audited
3242 financial statements must be filed with the division for review
3243 and forwarded to the board of directors and officers of the
3244 owners' association, if one exists, no later than 5 calendar
3245 months after the end of the timeshare plan's fiscal year. If no
3246 owners' association exists, each purchaser must be notified, no
3247 later than 5 months after the end of the timeshare plan's fiscal
3248 year, that a copy of the audited financial statements is
3249 available upon request to the managing entity. Notwithstanding
3250 any requirement of s. 718.111(13) or s. 719.104(4), the audited
3251 financial statements required by this section are the only
3252 annual financial reporting requirements for timeshare
3253 condominiums or timeshare cooperatives.

3254 Section 18. For the purpose of incorporating the amendment
3255 made by this act to section 718.112, Florida Statutes, in
3256 references thereto, paragraph (a) of subsection (7) and
3257 paragraph (c) of subsection (21) of section 718.504, Florida
3258 Statutes, are reenacted to read:



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3259 718.504 Prospectus or offering circular.—Every developer of
3260 a residential condominium which contains more than 20
3261 residential units, or which is part of a group of residential
3262 condominiums which will be served by property to be used in
3263 common by unit owners of more than 20 residential units, shall
3264 prepare a prospectus or offering circular and file it with the
3265 Division of Florida Condominiums, Timeshares, and Mobile Homes
3266 prior to entering into an enforceable contract of purchase and
3267 sale of any unit or lease of a unit for more than 5 years and
3268 shall furnish a copy of the prospectus or offering circular to
3269 each buyer. In addition to the prospectus or offering circular,
3270 each buyer shall be furnished a separate page entitled
3271 “Frequently Asked Questions and Answers,” which shall be in
3272 accordance with a format approved by the division and a copy of
3273 the financial information required by s. 718.111. This page
3274 shall, in readable language, inform prospective purchasers
3275 regarding their voting rights and unit use restrictions,
3276 including restrictions on the leasing of a unit; shall indicate
3277 whether and in what amount the unit owners or the association is
3278 obligated to pay rent or land use fees for recreational or other
3279 commonly used facilities; shall contain a statement identifying
3280 that amount of assessment which, pursuant to the budget, would
3281 be levied upon each unit type, exclusive of any special
3282 assessments, and which shall further identify the basis upon
3283 which assessments are levied, whether monthly, quarterly, or
3284 otherwise; shall state and identify any court cases in which the
3285 association is currently a party of record in which the
3286 association may face liability in excess of \$100,000; shall
3287 state whether the condominium is created within a portion of a



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3288 building or within a multiple parcel building; and which shall
3289 further state whether membership in a recreational facilities
3290 association is mandatory, and if so, shall identify the fees
3291 currently charged per unit type. The division shall by rule
3292 require such other disclosure as in its judgment will assist
3293 prospective purchasers. The prospectus or offering circular may
3294 include more than one condominium, although not all such units
3295 are being offered for sale as of the date of the prospectus or
3296 offering circular. The prospectus or offering circular must
3297 contain the following information:

3298 (7) A description of the recreational and other facilities
3299 that will be used in common with other condominiums, community
3300 associations, or planned developments which require the payment
3301 of the maintenance and expenses of such facilities, directly or
3302 indirectly, by the unit owners. The description shall include,
3303 but not be limited to, the following:

3304 (a) Each building and facility committed to be built and a
3305 summary description of the structural integrity of each building
3306 for which reserves are required pursuant to s. 718.112(2)(g).

3307
3308 Descriptions shall include location, areas, capacities, numbers,
3309 volumes, or sizes and may be stated as approximations or
3310 minimums.

3311 (21) An estimated operating budget for the condominium and
3312 the association, and a schedule of the unit owner's expenses
3313 shall be attached as an exhibit and shall contain the following
3314 information:

3315 (c) The estimated items of expenses of the condominium and
3316 the association, except as excluded under paragraph (b),



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3317 including, but not limited to, the following items, which shall
3318 be stated as an association expense collectible by assessments
3319 or as unit owners' expenses payable to persons other than the
3320 association:

3321 1. Expenses for the association and condominium:

3322 a. Administration of the association.

3323 b. Management fees.

3324 c. Maintenance.

3325 d. Rent for recreational and other commonly used
3326 facilities.

3327 e. Taxes upon association property.

3328 f. Taxes upon leased areas.

3329 g. Insurance.

3330 h. Security provisions.

3331 i. Other expenses.

3332 j. Operating capital.

3333 k. Reserves for all applicable items referenced in s.

3334 718.112(2)(g).

3335 1. Fees payable to the division.

3336 2. Expenses for a unit owner:

3337 a. Rent for the unit, if subject to a lease.

3338 b. Rent payable by the unit owner directly to the lessor or
3339 agent under any recreational lease or lease for the use of
3340 commonly used facilities, which use and payment is a mandatory
3341 condition of ownership and is not included in the common expense
3342 or assessments for common maintenance paid by the unit owners to
3343 the association.

3344 Section 19. For the purpose of incorporating the amendment
3345 made by this act to section 718.112, Florida Statutes, in



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3346 references thereto, paragraph (d) of subsection (1) of section
3347 718.618, Florida Statutes, is reenacted to read:

3348 718.618 Converter reserve accounts; warranties.—

3349 (1) When existing improvements are converted to ownership
3350 as a residential condominium, the developer shall establish
3351 converter reserve accounts for capital expenditures and deferred
3352 maintenance, or give warranties as provided by subsection (6),
3353 or post a surety bond as provided by subsection (7). The
3354 developer shall fund the converter reserve accounts in amounts
3355 calculated as follows:

3356 (d) In addition to establishing the reserve accounts
3357 specified above, the developer shall establish those other
3358 reserve accounts required by s. 718.112(2)(f), and shall fund
3359 those accounts in accordance with the formula provided therein.
3360 The vote to waive or reduce the funding or reserves required by
3361 s. 718.112(2)(f) does not affect or negate the obligations
3362 arising under this section.

3363 Section 20. For the purpose of incorporating the amendment
3364 made by this act to sections 718.111, 718.112, and 718.503,
3365 Florida Statutes, in references thereto, subsections (1) and (3)
3366 of section 718.706, Florida Statutes, are reenacted to read:

3367 718.706 Specific provisions pertaining to offering of units
3368 by a bulk assignee or bulk buyer.—

3369 (1) Before offering more than seven units in a single
3370 condominium for sale or for lease for a term exceeding 5 years,
3371 a bulk assignee or a bulk buyer must file the following
3372 documents with the division and provide such documents to a
3373 prospective purchaser or tenant:

3374 (a) An updated prospectus or offering circular, or a



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3375 supplement to the prospectus or offering circular, filed by the
3376 original developer prepared in accordance with s. 718.504, which
3377 must include the form of contract for sale and for lease in
3378 compliance with s. 718.503(2);

3379 (b) An updated Frequently Asked Questions and Answers
3380 sheet;

3381 (c) The executed escrow agreement if required under s.
3382 718.202; and

3383 (d) The financial information required by s. 718.111(13).
3384 However, if a financial information report did not exist before
3385 the acquisition of title by the bulk assignee or bulk buyer, and
3386 if accounting records that permit preparation of the required
3387 financial information report for that period cannot be obtained
3388 despite good faith efforts by the bulk assignee or the bulk
3389 buyer, the bulk assignee or bulk buyer is excused from the
3390 requirement of this paragraph. However, the bulk assignee or
3391 bulk buyer must include in the purchase contract the following
3392 statement in conspicuous type:

3393
3394 ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
3395 REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
3396 BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
3397 AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
3398 EFFORTS OF THE SELLER.

3399
3400 (3) A bulk assignee, while in control of the board of
3401 administration of the association, may not authorize, on behalf
3402 of the association:

3403 (a) The waiver of reserves or the reduction of funding of



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3404 the reserves pursuant to s. 718.112(2)(f)2., unless approved by
3405 a majority of the voting interests not controlled by the
3406 developer, bulk assignee, and bulk buyer; or

3407 (b) The use of reserve expenditures for other purposes
3408 pursuant to s. 718.112(2)(f)3., unless approved by a majority of
3409 the voting interests not controlled by the developer, bulk
3410 assignee, and bulk buyer.

3411 Section 21. For the purpose of incorporating the amendment
3412 made by this act to section 719.106, Florida Statutes, in a
3413 reference thereto, subsection (24) of section 719.103, Florida
3414 Statutes, is reenacted to read:

3415 719.103 Definitions.—As used in this chapter:

3416 (24) "Structural integrity reserve study" means a study of
3417 the reserve funds required for future major repairs and
3418 replacement of the cooperative property performed as required
3419 under s. 719.106(1)(k).

3420 Section 22. For the purpose of incorporating the amendment
3421 made by this act to section 719.106, Florida Statutes, in
3422 references thereto, paragraph (a) of subsection (7) and
3423 paragraph (c) of subsection (20) of section 719.504, Florida
3424 Statutes, are reenacted to read:

3425 719.504 Prospectus or offering circular.—Every developer of
3426 a residential cooperative which contains more than 20
3427 residential units, or which is part of a group of residential
3428 cooperatives which will be served by property to be used in
3429 common by unit owners of more than 20 residential units, shall
3430 prepare a prospectus or offering circular and file it with the
3431 Division of Florida Condominiums, Timeshares, and Mobile Homes
3432 prior to entering into an enforceable contract of purchase and



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3433 sale of any unit or lease of a unit for more than 5 years and
3434 shall furnish a copy of the prospectus or offering circular to
3435 each buyer. In addition to the prospectus or offering circular,
3436 each buyer shall be furnished a separate page entitled
3437 "Frequently Asked Questions and Answers," which must be in
3438 accordance with a format approved by the division. This page
3439 must, in readable language: inform prospective purchasers
3440 regarding their voting rights and unit use restrictions,
3441 including restrictions on the leasing of a unit; indicate
3442 whether and in what amount the unit owners or the association is
3443 obligated to pay rent or land use fees for recreational or other
3444 commonly used facilities; contain a statement identifying that
3445 amount of assessment which, pursuant to the budget, would be
3446 levied upon each unit type, exclusive of any special
3447 assessments, and which identifies the basis upon which
3448 assessments are levied, whether monthly, quarterly, or
3449 otherwise; state and identify any court cases in which the
3450 association is currently a party of record in which the
3451 association may face liability in excess of \$100,000; and state
3452 whether membership in a recreational facilities association is
3453 mandatory and, if so, identify the fees currently charged per
3454 unit type. The division shall by rule require such other
3455 disclosure as in its judgment will assist prospective
3456 purchasers. The prospectus or offering circular may include more
3457 than one cooperative, although not all such units are being
3458 offered for sale as of the date of the prospectus or offering
3459 circular. The prospectus or offering circular must contain the
3460 following information:

3461 (7) A description of the recreational and other facilities



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3462 that will be used in common with other cooperatives, community
3463 associations, or planned developments which require the payment
3464 of the maintenance and expenses of such facilities, directly or
3465 indirectly, by the unit owners. The description shall include,
3466 but not be limited to, the following:

3467 (a) Each building and facility committed to be built and a
3468 summary description of the structural integrity of each building
3469 for which reserves are required pursuant to s. 719.106(1)(k).

3470
3471 Descriptions shall include location, areas, capacities, numbers,
3472 volumes, or sizes and may be stated as approximations or
3473 minimums.

3474 (20) An estimated operating budget for the cooperative and
3475 the association, and a schedule of the unit owner's expenses
3476 shall be attached as an exhibit and shall contain the following
3477 information:

3478 (c) The estimated items of expenses of the cooperative and
3479 the association, except as excluded under paragraph (b),
3480 including, but not limited to, the following items, which shall
3481 be stated as an association expense collectible by assessments
3482 or as unit owners' expenses payable to persons other than the
3483 association:

- 3484 1. Expenses for the association and cooperative:
- 3485 a. Administration of the association.
 - 3486 b. Management fees.
 - 3487 c. Maintenance.
 - 3488 d. Rent for recreational and other commonly used areas.
 - 3489 e. Taxes upon association property.
 - 3490 f. Taxes upon leased areas.



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- 3491 g. Insurance.
- 3492 h. Security provisions.
- 3493 i. Other expenses.
- 3494 j. Operating capital.
- 3495 k. Reserves for all applicable items referenced in s.
- 3496 719.106(1)(k).
- 3497 1. Fee payable to the division.
- 3498 2. Expenses for a unit owner:
 - 3499 a. Rent for the unit, if subject to a lease.
 - 3500 b. Rent payable by the unit owner directly to the lessor or
 - 3501 agent under any recreational lease or lease for the use of
 - 3502 commonly used areas, which use and payment are a mandatory
 - 3503 condition of ownership and are not included in the common
 - 3504 expense or assessments for common maintenance paid by the unit
 - 3505 owners to the association.

3506 Section 23. Except as otherwise provided in this act, this
3507 act shall take effect July 1, 2025.

3508
3509 ===== T I T L E A M E N D M E N T =====

3510 And the title is amended as follows:

3511 Delete everything before the enacting clause
3512 and insert:

3513 A bill to be entitled
3514 An act relating to condominium and cooperative
3515 associations; amending s. 468.432, F.S.; prohibiting a
3516 person whose community association manager license is
3517 revoked from having an indirect or direct ownership
3518 interest in, or be an employee, partner, officer,
3519 director, or trustee of, a community association



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3520 management firm for a specified timeframe; requiring a
3521 licensee to create and maintain an online licensure
3522 account with the Department of Business and
3523 Professional Regulation; requiring a community
3524 association manager to identify on his or her online
3525 licensure account certain information; requiring a
3526 licensee to provide specific information on his or her
3527 online licensure account; requiring that such
3528 information be updated within a specified timeframe;
3529 requiring a community association management firm to
3530 identify on its online licensure account the community
3531 association managers that it employs to provide
3532 community association management services; requiring
3533 the department to give written notice to the community
3534 association management firm and the community
3535 association if the community association manager has
3536 his or her license suspended or revoked; amending s.
3537 468.4334, F.S.; prohibiting a community association
3538 manager or a community association management firm
3539 from knowingly performing any act directed by the
3540 community association if such act violates any state
3541 or federal law; revising the contractual obligations a
3542 community association manager or a community
3543 association management firm has with the association
3544 board; requiring that such contract include a certain
3545 statement, if applicable to the type of management
3546 services provided in the contract; prohibiting such
3547 contracts from waiving or limiting certain
3548 professional practice standards; requiring a community



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3549 association to include specified information on its
3550 website or mobile application, if such association is
3551 required to maintain official records on a website or
3552 application; conforming provisions to changes made by
3553 the act; amending s. 553.899, F.S.; requiring the
3554 local enforcement agency responsible for milestone
3555 inspections to provide to the Department of Business
3556 and Professional Regulation in an electronic format
3557 certain information; specifying what information is to
3558 be provided to the department; requiring the
3559 department to contract with the University of Florida
3560 for the creation of a report that provides certain
3561 information on milestone inspections during a
3562 specified timeframe; requiring a local enforcement
3563 agency to provide the university with certain
3564 information; authorizing the university to request any
3565 additional information from a local enforcement agency
3566 required to complete the report; requiring the
3567 university to compile the report and the department to
3568 transmit the report to the Governor and the
3569 Legislature; requiring, rather than authorizing, the
3570 board of county commissioners or a municipal governing
3571 body to adopt a specified ordinance; requiring
3572 specified professionals who bid to perform a
3573 structural integrity reserve study to disclose to the
3574 association in writing their intent to bid on services
3575 related to any maintenance, repair, or replacement
3576 that may be recommended by the structural integrity
3577 reserve study; prohibiting such professionals from



3578 having any interest in or being related to any person
3579 having any interest in the firm or entity providing
3580 the association's structural integrity reserve study
3581 unless such relationship is disclosed in writing;
3582 defining the term "relative"; providing that a
3583 contract for services is voidable and terminates upon
3584 the association filing a written notice terminating
3585 such a contract if such professionals fail to provide
3586 a written disclosure of such relationship with the
3587 firm conducting the structural integrity reserve
3588 study; providing that such professionals may be
3589 subject to discipline for failure to provide such
3590 written disclosure; amending s. 718.103, F.S. ;
3591 revising the definition of the term "alternative
3592 funding method"; defining the term "videoconference";
3593 amending s. 718.111, F.S. ; requiring a community
3594 association manager or a community association
3595 management firm that contracts with a community
3596 association to possess specific licenses; providing
3597 that all board members or officers of a community
3598 association that contracts with a community
3599 association manager or a community association
3600 management firm have a duty to ensure that the
3601 community association manager or community association
3602 management firm is properly licensed before entering
3603 into a contract; authorizing a community association
3604 to terminate a contract with a community association
3605 manager or a community association management firm if
3606 the manager's or management firm's license is



3607 suspended or revoked during the term of the contract;
3608 providing that a community association has no further
3609 contractual obligations to a community association
3610 management firm if such firm has its license suspended
3611 or revoked, effective upon the date of the license
3612 suspension or revocation; revising what items
3613 constitute the official records of the association;
3614 requiring that certain documents be posted on certain
3615 associations' websites or made available for download
3616 through an application on a mobile device within a
3617 specified timeframe; revising what documents must be
3618 posted in digital format on the association's website
3619 or application; revising the timeframe in which the
3620 association must deliver a copy of the most recent
3621 financial report or a notice that a copy of the most
3622 recent financial report; revising the methods of
3623 delivery for a copy of the most recent association
3624 financial report to include electronic delivery via
3625 the Internet; requiring that an officer or a director
3626 execute an affidavit as evidence of compliance with
3627 the delivery requirement; revising how financial
3628 reports are prepared; requiring an association board
3629 to use best efforts to make prudent investment
3630 decisions in fulfilling its duty to manage operating
3631 and reserve funds of the association; authorizing an
3632 association, including a multicondominium association,
3633 to invest reserve funds in specified financial
3634 institutions; authorizing such associations to place
3635 reserve funds in other investments upon a majority



3636 vote of the voting interests of the association;
3637 providing restrictions; prohibiting any funds not
3638 identified as reserve funds from being used for
3639 investments; requiring a board to create an investment
3640 committee composed of a specified minimum number of
3641 board members; requiring the board to adopt rules;
3642 requiring that all meetings of the investment
3643 committee be recorded and made part of the official
3644 records of the association; requiring that the
3645 investment policy statement developed pursuant to
3646 certain provisions address specified issues; requiring
3647 the investment committee to recommend investment
3648 advisers to the board; requiring the board to select
3649 one of the recommended investment advisers to provide
3650 services to the association; requiring that such
3651 advisers be registered; prohibiting an investment
3652 adviser from being related to any board member,
3653 community management company, reserve study provider,
3654 or co-owner of a unit with a board member or
3655 investment committee member; requiring investment
3656 advisers to comply with the prudent investor rule;
3657 requiring an adviser to act as a fiduciary to the
3658 association; providing that the investment and
3659 fiduciary standards required by the act take
3660 precedence over any conflicting law; requiring the
3661 investment committee to recommend a replacement
3662 adviser if the committee determines that an investment
3663 adviser is not meeting requirements; requiring the
3664 association to provide the investment adviser with



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3665 specified financial information at least once each
3666 calendar year, or sooner if a substantial financial
3667 obligation of the association becomes known to the
3668 board; requiring the investment adviser to annually
3669 review such financial information and provide the
3670 association with a portfolio allocation model that is
3671 suitably structured and prudently designed to match
3672 projected annual reserve fund requirements and
3673 liability, assets, and liquidity requirements;
3674 requiring the investment adviser to prepare a funding
3675 projection for each reserve component, including any
3676 of the component's redundancies; requiring that a
3677 specified minimum timeframe of projected reserves in
3678 cash or cash equivalents be available to the
3679 association; authorizing a portfolio managed by an
3680 investment adviser to contain any type of investment
3681 necessary to meet the objectives in the investment
3682 policy statement; providing exceptions; requiring that
3683 any funds invested by the investment adviser be held
3684 in third-party custodial accounts that are subject to
3685 insurance coverage by the Securities Investor
3686 Protection Corporation in an amount equal to or
3687 greater than the invested amount; authorizing the
3688 investment adviser to withdraw investment fees,
3689 expenses, and commissions from invested funds;
3690 requiring the investment adviser to annually provide
3691 the association with a written certification of
3692 compliance with certain provisions and provide the
3693 association with a list of certain stocks, securities,



3694 and other obligations; requiring the investment
3695 adviser to submit monthly, quarterly, and annual
3696 reports to the association, prepared in accordance
3697 with established financial industry standards;
3698 requiring that any principal, earnings, or interest
3699 managed be available to the association at no cost
3700 within a specified timeframe after the association's
3701 written or electronic request; requiring that
3702 unallocated income earned on reserve fund investments
3703 be spent only on specified expenditures; amending s.
3704 718.112, F.S.; authorizing an association board
3705 meeting to be conducted in person or by
3706 videoconference; requiring the Division of Florida
3707 Condominiums, Timeshares, and Mobile Homes to adopt
3708 rules; requiring that notice for board meetings
3709 conducted via videoconference contain specific
3710 information; requiring that such meetings be recorded
3711 and maintained as an official record of the
3712 association; revising how notice may be sent to unit
3713 owners; revising the distance from the condominium
3714 property within which a unit owner meeting must be
3715 held; authorizing a unit owner to vote electronically
3716 if the unit owner meeting is conducted via
3717 videoconference; authorizing unit owner meetings to be
3718 conducted in person or via videoconference; specifying
3719 what constitutes a quorum for meetings held via
3720 videoconference; requiring that the location of the
3721 meeting be provided in the association bylaws or
3722 within a specified distance from the condominium



3723 property if the bylaws are silent; requiring that
3724 meetings held via videoconference be recorded and be
3725 maintained as an official record of the association;
3726 requiring the division to adopt rules; revising the
3727 method of serving notices of unit owner meetings;
3728 authorizing budget meetings to be conducted via
3729 videoconference; requiring the division to adopt
3730 rules; requiring that a sound transmitting device be
3731 used at such meetings for a specified purpose;
3732 revising a provision that a board proposing a budget
3733 that requires a certain special assessment against
3734 unit owners to simultaneously propose a substitute
3735 budget that meets certain requirements, rather than
3736 conduct a special meeting of the unit owners to
3737 consider a substitute budget after the adoption of the
3738 annual budget; requiring unit owners, rather than
3739 authorizing them, to consider a substitute budget;
3740 authorizing the annual budget initially proposed to be
3741 adopted by the board; revising the criteria used in
3742 determining whether assessments exceed the specified
3743 percentage of assessments of the previous fiscal year;
3744 revising the threshold for deferred maintenance
3745 expenses or replacements in reserve accounts;
3746 authorizing the members to vote to waive the
3747 maintenance of reserves recommended in the most recent
3748 structural integrity reserve study under certain
3749 circumstances; revising the provision that any
3750 association, rather than an association operating a
3751 multicondominium, may determine to provide no reserves



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3752 or less reserves than required if an alternative
3753 funding method is used by the association; deleting
3754 the requirement that the division approve the funding
3755 method; providing that specified reserves may be
3756 funded by regular assessments, special assessments,
3757 lines of credit, or loans under certain circumstances;
3758 authorizing a unit-owner-controlled association that
3759 is required to have a structural reserve study to
3760 obtain a line of credit or a loan to fund capital
3761 expenses required by a milestone inspection or a
3762 structural integrity reserve study; requiring that
3763 such line of credit or loan be approved by a majority
3764 of the total voting interests of the association;
3765 requiring that such line of credit or loan be
3766 sufficient to fund the cumulative amount of any
3767 previously waived or unfunded portions of the reserve
3768 funding amount and the most recent structural
3769 integrity reserve study; requiring that funding from
3770 the line of credit or loan be immediately available
3771 for access by the board for a specified purpose;
3772 requiring that such lines of credit or loans be
3773 included in the association's financial report;
3774 deleting a requirement that the majority of the
3775 members must approve of the board pausing
3776 contributions to the association's reserves for a
3777 specified purpose; authorizing the board to
3778 temporarily pause reserve fund contributions or reduce
3779 the amount of reserve funding for a specified purpose
3780 for a budget adopted on or before a specified date if



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3781 the association has completed a milestone inspection
3782 within a specified timeframe and such inspection
3783 recommended certain repairs; requiring that such
3784 temporary pause or reduction be approved by a majority
3785 of the total voting interests of the association;
3786 providing applicability; requiring associations that
3787 have paused or reduced their reserve funding to have a
3788 structural integrity reserve study performed before
3789 the continuation of reserve contributions for
3790 specified purposes; providing that a vote of the
3791 members is not required for the board to change the
3792 accounting method for reserves to specified accounting
3793 methods; revising the items to be included in a
3794 structural integrity reserve study; requiring
3795 specified design professionals or contractors who bid
3796 to perform a structural integrity reserve study to
3797 disclose in writing to the association their intent to
3798 bid on any services related to the maintenance,
3799 repair, or replacement that may be recommended by the
3800 structural integrity reserve study; prohibiting such
3801 professionals or contractors from having any interest
3802 in or being related to any person having any interest
3803 in the firm or entity providing the association's
3804 structural integrity reserve study unless such
3805 relationship is disclosed in writing; defining the
3806 term "relative"; providing that a contract for
3807 services is voidable and terminates upon the
3808 association filing a written notice terminating such a
3809 contract if such professional or contractor fails to



3810 provide a written disclosure of such relationship with
3811 the firm conducting the structural integrity reserve
3812 study; providing that such professional or contractor
3813 may be subject to discipline for his or her failure to
3814 provide such written disclosure; requiring that a
3815 structural integrity reserve study include a
3816 recommendation for a reserve funding schedule based on
3817 specified criteria; authorizing the study to recommend
3818 other types of reserve funding schedules, provided
3819 each recommended schedule is sufficient to meet the
3820 association's maintenance obligations; requiring that
3821 reserves not required for certain items be separately
3822 identified as such in the structural integrity reserve
3823 study; requiring the structural integrity reserve
3824 study to take into consideration the funding method or
3825 methods used by the association to fund its
3826 maintenance and reserve funding obligations through
3827 regular assessments, special assessments, loans, or
3828 lines of credit; requiring a structural integrity
3829 reserve study that has been performed before the
3830 approval of a special assessment or the securing of a
3831 line of credit or a loan to be updated to reflect
3832 certain information regarding the reserve funding
3833 schedule; authorizing a structural integrity reserve
3834 study to be updated to reflect changes in the useful
3835 life of the reserve items after such items are
3836 repaired or replaced, and the effect of such repair or
3837 replacement will have on the reserve funding schedule;
3838 requiring an association to obtain an updated



3839 structural integrity reserve study before adopting any
3840 budget in which the reserve funding from regular
3841 assessments, special assessments, loans, or lines of
3842 credit do not align with the funding plan of the most
3843 recent version of the structural integrity reserve
3844 study; authorizing an association to delay a required
3845 structural integrity reserve study for a specified
3846 timeframe if it has completed a milestone inspection
3847 or similar inspection, for a specified purpose;
3848 requiring an officer or director of an association to
3849 sign an affidavit acknowledging receipt of the
3850 completed structural integrity reserve study;
3851 requiring the division to adopt rules for the form for
3852 the structural integrity reserve study in coordination
3853 with the Florida Building Commission; making technical
3854 changes; amending s. 718.501, F.S.; revising the
3855 duties of the Division of Florida Condominiums,
3856 Timeshares, and Mobile Homes regarding investigation
3857 of complaints; requiring condominium associations to
3858 create and maintain an online account with the
3859 division; requiring board members to maintain accurate
3860 contact information on file with the division;
3861 requiring the division to adopt rules; requiring all
3862 condominium associations to create and maintain an
3863 online account with the division; requiring all
3864 condominium associations to provide specified
3865 information to the division by a specified date;
3866 requiring that such information be updated within a
3867 specified timeframe; requiring the division to adopt



3868 rules; authorizing the division to require condominium
3869 associations to provide information to the division;
3870 specifying the information to be provided to the
3871 division; amending s. 718.503, F.S.; revising the
3872 disclosures that must be included in a contract for
3873 the sale and resale of a residential unit; amending s.
3874 8 of chapter 2024-244, Laws of Florida, as amended;
3875 revising the documents required to be posted on
3876 certain associations' websites or be made available
3877 through download using an application on a mobile
3878 device; amending s. 31 of chapter 2024-244, Laws of
3879 Florida; revising applicability; amending s. 719.104,
3880 F.S.; requiring a board to use best efforts to make
3881 prudent investment decisions in fulfilling its duty to
3882 manage operating and reserve funds of the cooperative
3883 association; authorizing an association to invest
3884 reserve funds in specified financial institutions;
3885 authorizing such associations to place reserve funds
3886 in other investments upon a majority vote of the
3887 voting interests of the association; providing
3888 restrictions; prohibiting any funds not identified as
3889 reserve funds from being used for investments;
3890 providing applicability; requiring a board to create
3891 an investment committee composed of a specified
3892 minimum number of board members; requiring the board
3893 to adopt rules; requiring that all meetings of the
3894 investment committee be recorded and made part of the
3895 official records of the association; requiring that
3896 the investment policy statement developed pursuant to



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3897 certain provisions address specified issues; requiring
3898 the investment committee to recommend investment
3899 advisers to the board; requiring the board to select
3900 one of the recommended investment advisers to provide
3901 services to the association; requiring such advisers
3902 to be registered; prohibiting an investment adviser
3903 from being related to any board member, community
3904 management company, reserve study provider, or co-
3905 owner of a unit with a board member or investment
3906 committee member; requiring investment advisers to
3907 comply with the prudent investor rule; requiring an
3908 adviser to act as a fiduciary to the association;
3909 providing that the investment and fiduciary standards
3910 required by the act take precedence over any
3911 conflicting law; requiring the investment committee to
3912 recommend a replacement adviser if the committee
3913 determines that an investment adviser is not meeting
3914 requirements; requiring the association to provide the
3915 investment adviser with specified financial
3916 information at least once each calendar year, or
3917 sooner if a substantial financial obligation of the
3918 association becomes known to the board; requiring the
3919 investment adviser to annually review such financial
3920 information and provide the association with a
3921 portfolio allocation model that is suitably structured
3922 and prudently designed to match projected annual
3923 reserve fund requirements and liability, assets, and
3924 liquidity requirements; requiring the investment
3925 adviser to prepare a funding projection for each



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3926 reserve component, including any of the component's
3927 redundancies; requiring that a specified minimum
3928 timeframe of projected reserves in cash or cash
3929 equivalents be available to the association;
3930 authorizing a portfolio managed by an investment
3931 adviser to contain any type of investment necessary to
3932 meet the objectives in the investment policy
3933 statement; providing exceptions; requiring that any
3934 funds invested by the investment adviser be held in
3935 third-party custodial accounts that are subject to
3936 insurance coverage by the Securities Investor
3937 Protection Corporation in an amount equal to or
3938 greater than the invested amount; authorizing the
3939 investment adviser to withdraw investment fees,
3940 expenses, and commissions from invested funds;
3941 requiring the investment adviser to annually provide
3942 the association with a written certification of
3943 compliance with certain provisions and provide the
3944 association with a list of certain stocks, securities,
3945 and other obligations; requiring the investment
3946 adviser to submit monthly, quarterly, and annual
3947 reports to the association, prepared in accordance
3948 with established financial industry standards;
3949 requiring that any principal, earnings, or interest
3950 managed be available to the association at no cost
3951 within a specified timeframe after the association's
3952 written or electronic request; requiring that
3953 unallocated income earned on reserve fund investments
3954 be spent only on specified expenditures; amending s.



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3955 719.106, F.S.; revising the deferred maintenance
3956 expense or replacement costs threshold that must be in
3957 reserve accounts; authorizing the board to pause
3958 contributions to its reserves or reduce reserve
3959 funding if a local building official determines the
3960 entire cooperative building is uninhabitable due to a
3961 natural emergency; authorizing any reserve account
3962 fund held by the association to be expended to make
3963 the cooperative building and its structures habitable,
3964 pursuant to the board's determination; requiring the
3965 association to immediately resume contributing funds
3966 to its reserves once the local building official
3967 determines that the cooperative building is habitable;
3968 authorizing certain reserves be funded by regular
3969 assessments, special assessments, lines of credit, or
3970 loans under certain circumstances; authorizing a unit-
3971 owner-controlled association to obtain a line of
3972 credit or a loan to fund capital expenses required by
3973 a milestone inspection or a structural integrity
3974 reserve study; requiring that such lines of credit or
3975 loans be approved by a majority vote of the total
3976 voting interests of the association; requiring that
3977 such lines of credit or loans be sufficient to fund
3978 the cumulative amount of any previously waived or
3979 unfunded portion of the reserve funding amount and
3980 most recent structural integrity reserve study;
3981 requiring that funding from such lines of credit or
3982 loans be immediately available for access by the board
3983 for a specified purpose; authorizing the board to



3984 temporarily pause reserve fund contributions or reduce
3985 the amount of reserve funding for a specified purpose
3986 for a budget adopted on or before a specified date if
3987 the association has completed a milestone inspection
3988 within a specified timeframe; requiring that such
3989 temporary pause or reduction be approved by a majority
3990 of the total voting interests of the association;
3991 providing applicability; requiring associations that
3992 have paused or reduced their reserve funding
3993 contributions to have a structural integrity reserve
3994 study performed before the continuation of reserve
3995 contributions for specified purposes; providing that a
3996 vote of the members is not required for the board to
3997 change the accounting method for reserves to specified
3998 accounting methods; requiring specified design
3999 professionals or contractors who bid to perform a
4000 structural integrity reserve study to disclose in
4001 writing to the association their intent to bid on any
4002 services related to the maintenance, repair, or
4003 replacement that may be recommended by the structural
4004 integrity reserve study; prohibiting such
4005 professionals or contractors from having any interest
4006 in or being related to any person having any interest
4007 in the firm or entity providing the association's
4008 structural integrity reserve study unless such
4009 relationship is disclosed in writing; defining the
4010 term "relative"; providing that a contract for
4011 services is voidable and terminates upon the
4012 association filing a written notice terminating such a



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4013 contract if such professional or contractor fails to
4014 provide a written disclosure of such relationship with
4015 the firm conducting the structural integrity reserve
4016 study; providing that such professional or contractor
4017 may be subject to discipline for his or her failure to
4018 provide such written disclosure; requiring that a
4019 structural integrity reserve study include a
4020 recommendation for a reserve funding schedule based on
4021 specified criteria; authorizing the study to recommend
4022 other types of reserve funding schedules, provided
4023 each recommended schedule is sufficient to meet the
4024 association's maintenance obligation; requiring that
4025 reserves not required for certain items be separately
4026 identified as such in the structural integrity reserve
4027 study; requiring the structural integrity reserve
4028 study to take into consideration the funding method or
4029 methods used by the association to fund its
4030 maintenance and reserve funding obligations through
4031 regular assessments, special assessments, lines of
4032 credit, or loans; requiring a structural integrity
4033 reserve study that has been performed before the
4034 approval of a special assessment or the securing of a
4035 line of credit or a loan to be updated to reflect
4036 certain information regarding the reserve funding
4037 schedule; authorizing a structural integrity reserve
4038 study to be updated to reflect changes in the useful
4039 life of the reserve items after such items are
4040 repaired or replaced, and the effect of such repair or
4041 replacement will have on the reserve funding schedule;



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4042 requiring an association to obtain an updated
4043 structural integrity reserve study before adopting any
4044 budget in which the reserve funding from regular
4045 assessments, special assessments, lines of credit, or
4046 loans do not align with the funding plan of the most
4047 recent version of the structural integrity reserve
4048 study; authorizing an association to delay a required
4049 structural integrity reserve study for a specified
4050 timeframe if it has completed a milestone inspection
4051 or similar inspection, for a specified purpose;
4052 requiring an officer or a director of the association
4053 to sign an affidavit acknowledging receipt of the
4054 completed structural integrity reserve study;
4055 requiring the division to adopt by rule the form for
4056 the structural integrity reserve study in coordination
4057 with the Florida Building Commission; amending s.
4058 719.501, F.S.; requiring a cooperative association to
4059 create and maintain an online account with the
4060 division; requiring board members to maintain accurate
4061 contact information on file with the division;
4062 requiring the division to adopt rules; authorizing the
4063 division to require cooperative associations to
4064 provide information to the division no more than once
4065 per year; providing an exception; requiring the
4066 division to provide associations a specified timeframe
4067 to provide any required information; specifying the
4068 information the division may request; amending s.
4069 719.503, F.S.; revising the disclosures that must be
4070 included in a contract for the sale and resale of an



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4071 interest in a cooperative; amending s. 914.21, F.S.;

4072 revising the definition of the term "official

4073 investigation"; providing appropriations; reenacting

4074 s. 721.13(3)(e), F.S., relating to management, to

4075 incorporate the amendment made to s. 718.111, F.S., in

4076 a reference thereto; reenacting ss. 718.504(7)(a) and

4077 (21)(c) and 718.618(1)(d), F.S., relating to

4078 prospectus or offering circulars and converter reserve

4079 accounts and warranties, respectively, to incorporate

4080 the amendment made to s. 718.112, F.S., in references

4081 thereto; reenacting s. 718.706(1) and (3), F.S.,

4082 relating to specific provisions pertaining to offering

4083 of units by bulk assignees or bulk buyers, to

4084 incorporate the amendments made to ss. 718.111,

4085 718.112, and 718.503, F.S., in references thereto;

4086 reenacting ss. 719.103(24) and 719.504(7)(a) and

4087 (20)(c), F.S., relating to definitions and prospectus

4088 or offering circulars, respectively, to incorporate

4089 the amendment made to s. 719.106, F.S., in references

4090 thereto; providing effective dates.

By the Committee on Regulated Industries; and Senator Bradley

580-02868-25

20251742c1

1 A bill to be entitled
 2 An act relating to condominium and cooperative
 3 associations; amending s. 468.432, F.S.; prohibiting a
 4 person whose community association manager license is
 5 revoked from having an indirect or direct ownership
 6 interest in, or be an employee, partner, officer,
 7 director, or trustee of, a community association
 8 management firm for a specified timeframe; requiring a
 9 licensee to provide specific information on his or her
 10 online licensure account; requiring that such
 11 information be updated within a specified timeframe;
 12 requiring the Division of Florida Condominiums,
 13 Timeshares, and Mobile Homes to give written notice to
 14 the community association management firm and the
 15 community association if the community association
 16 manager has his or her license suspended or revoked;
 17 amending s. 468.4334, F.S.; prohibiting a community
 18 association manager or a community association
 19 management firm from performing any act directed by
 20 the community association if such act violates any
 21 state or federal law; revising the contractual
 22 obligations a community association manager or a
 23 community association management firm has with the
 24 association board; requiring such that contracts
 25 include a certain statement; prohibiting such
 26 contracts from waiving or limiting certain
 27 professional practice standards; requiring a community
 28 association to include specified information on its
 29 website or mobile application, if such association is

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30 required to maintain official records on a website or
 31 application; conforming provisions to changes made by
 32 the act; amending s. 553.899, F.S.; requiring the
 33 local enforcement agency responsible for milestone
 34 inspections to provide to the Department of Business
 35 and Professional Regulation in an electronic format
 36 certain information; specifying what information is to
 37 be provided to the department; requiring the Florida
 38 Building Commission to contract with the University of
 39 Florida for the creation of a report that provides
 40 certain information on milestone inspections during a
 41 specified timeframe; requiring a local enforcement
 42 agency to provide the university with certain
 43 information; authorizing the university to request any
 44 additional information from a local enforcement agency
 45 required to complete the report; requiring the
 46 university to compile the report and the department to
 47 transmit the report to the Governor and the
 48 Legislature; requiring, rather than authorizing, the
 49 board of county commissioners or a municipal governing
 50 body to adopt a specified ordinance; amending s.
 51 718.103, F.S.; revising the definition of the term
 52 "alternative funding method"; defining the term
 53 "videoconference"; amending s. 718.111, F.S.;
 54 requiring a community association manager or a
 55 community association management firm that contracts
 56 with a community association to possess specific
 57 licenses; providing that all board members or officers
 58 of a community association that contracts with a

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59 community association manager or a community
 60 association management firm have a duty to ensure that
 61 the community association manager or community
 62 association management firm is properly licensed
 63 before entering into a contract; prohibiting a
 64 community association from having any further
 65 contractual obligations to a community association
 66 manager or community association management firm if
 67 the community association manager or the community
 68 association management firm has its license suspended
 69 or revoked; revising what items constitute the
 70 official records of the association; requiring that
 71 certain documents be posted on certain associations'
 72 websites or made available for download through an
 73 application on a mobile device within a specified
 74 timeframe; revising what documents must be posted in
 75 digital format on the association's website or
 76 application; revising the methods of delivery for a
 77 copy of the most recent association financial report
 78 to include electronic delivery via the Internet;
 79 requiring that an officer or a director execute an
 80 affidavit as evidence of compliance with the delivery
 81 requirement; requiring an association board to use
 82 best efforts to make prudent investment decisions in
 83 fulfilling its duty to manage operating and reserve
 84 funds of the association; authorizing an association,
 85 including a multicondominium association, to invest
 86 reserve funds in specified financial institutions;
 87 authorizing such associations to place reserve funds

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88 in other investments upon a majority vote of the
 89 voting interests of the association; providing
 90 restrictions; prohibiting any funds not identified as
 91 reserve funds from being used for investments;
 92 requiring a board to create an investment committee
 93 composed of a specified minimum number of board
 94 members; requiring the board to adopt rules; requiring
 95 that all meetings of the investment committee be
 96 recorded and made part of the official records of the
 97 association; requiring that the investment policy
 98 statement developed pursuant to certain provisions
 99 address specified issues; requiring the investment
 100 committee to recommend investment advisers to the
 101 board; requiring the board to select one of the
 102 recommended investment advisers to provide services to
 103 the association; requiring that such advisers be
 104 registered; prohibiting an investment adviser from
 105 being related to any board member, community
 106 management company, reserve study provider, or unit
 107 owner; requiring investment advisers to comply with
 108 the prudent investor rule; requiring an adviser to act
 109 as a fiduciary to the association; requiring that the
 110 investment and fiduciary standards required by the act
 111 take precedence over any conflicting law; requiring
 112 the investment committee to recommend a replacement
 113 adviser if the committee determines that an investment
 114 adviser is not meeting requirements; requiring the
 115 association to provide the investment adviser with
 116 specified financial information at least once each

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117 calendar year, or sooner if a substantial financial
 118 obligation of the association becomes known to the
 119 board; requiring the investment adviser to annually
 120 review such financial information and provide the
 121 association with a portfolio allocation model that is
 122 suitably structured and prudently designed to match
 123 projected annual reserve fund requirements and
 124 liability, assets, and liquidity requirements;
 125 requiring the investment adviser to prepare a funding
 126 projection for each reserve component, including any
 127 of the component's redundancies; requiring that a
 128 specified minimum timeframe of projected reserves in
 129 cash or cash equivalents be available to the
 130 association; authorizing a portfolio managed by an
 131 investment adviser to contain any type of investment
 132 necessary to meet the objectives in the investment
 133 policy statement; providing exceptions; requiring that
 134 any funds invested by the investment adviser be held
 135 in third-party custodial accounts that are subject to
 136 insurance coverage by the Securities Investor
 137 Protection Corporation in an amount equal to or
 138 greater than the invested amount; authorizing the
 139 investment adviser to withdraw investment fees,
 140 expenses, and commissions from invested funds;
 141 requiring the investment adviser to annually provide
 142 the association with a written certification of
 143 compliance with this section and provide the
 144 association with a list of certain stocks, securities,
 145 and other obligations; requiring the investment

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146 adviser to submit monthly, quarterly, and annual
 147 reports to the association, prepared in accordance
 148 with established financial industry standards;
 149 requiring that any principal, earnings, or interest
 150 managed be available to the association at no cost
 151 within a specified timeframe after the association's
 152 written or electronic request; requiring that
 153 unallocated income earned on reserve fund investments
 154 be spent only on specified expenditures; amending s.
 155 718.112, F.S.; authorizing an association board
 156 meeting to be conducted in person or by
 157 videoconference; prohibiting a board member from
 158 participating in any meeting of the association via
 159 videoconference more than a specified number of times
 160 each calendar year; requiring the Division of Florida
 161 Condominiums, Timeshares, and Mobile Homes to adopt
 162 rules; requiring that notice for board meetings
 163 conducted via videoconference contain specific
 164 information; requiring that such meetings be recorded
 165 and maintained as an official record of the
 166 association; revising how notice may be sent to unit
 167 owners; revising the distance from the condominium
 168 property within which a unit owner meeting must be
 169 held; authorizing a unit owner to vote electronically
 170 if the unit owner meeting is conducted via
 171 videoconference; authorizing unit owner meetings to be
 172 conducted in person or via videoconference; specifying
 173 what constitutes a quorum for meetings held via
 174 videoconference; requiring that the location of the

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175 meeting be provided in the association bylaws or
 176 within a specified distance from the condominium
 177 property if the bylaws are silent; requiring that
 178 meetings held via videoconference be recorded and be
 179 maintained as an official record of the association;
 180 requiring the division to adopt rules; revising the
 181 method of serving notices of unit owner meetings;
 182 authorizing budget meetings to be conducted via
 183 videoconference; requiring the division to adopt
 184 rules; requiring that a sound transmitting device be
 185 used at such meetings for a specified purpose;
 186 revising a provision that a board proposing a budget
 187 that requires a certain special assessment against
 188 unit owners to simultaneously propose a substitute
 189 budget that meets certain requirements, rather than
 190 conduct a special meeting of the unit owners to
 191 consider a substitute budget after the adoption of the
 192 annual budget; requiring unit owners, rather than
 193 authorizing them, to consider a substitute budget;
 194 authorizing the annual budget initially proposed to be
 195 adopted by the board; revising the criteria used in
 196 determining whether assessments exceed the specified
 197 percentage of assessments of the prior fiscal year;
 198 revising the threshold for deferred maintenance
 199 expenses or replacements in reserve accounts;
 200 authorizing the members to vote to waive the
 201 maintenance of reserves recommended in the most recent
 202 structural integrity reserve study under certain
 203 circumstances; revising the provision that any

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204 association, rather than an association operating a
 205 multicondominium, may determine to provide no reserves
 206 or less reserves than required if an alternative
 207 funding method is used by the association; deleting
 208 the requirement that the division approve the funding
 209 method; authorizing a unit-owner-controlled
 210 association to obtain a line of credit in lieu of
 211 maintaining reserves for budgets adopted on or before
 212 a specified date upon a majority vote of the
 213 association; requiring that such line of credit be
 214 sufficient to meet the association's deferred
 215 maintenance obligations not funded in the
 216 association's reserve account for each budget;
 217 requiring that funding from the line of credit be
 218 immediately available for access by the board for a
 219 specified purpose; requiring that such lines of credit
 220 be included in the association's financial report;
 221 deleting a requirement that the majority of the
 222 members must approve of the board pausing
 223 contributions to the association's reserves for a
 224 specified purpose; authorizing the board to
 225 temporarily pause reserve fund contributions or reduce
 226 the amount of reserve funding for a specified purpose
 227 for a budget adopted on or before a specified date if
 228 the association has completed a milestone inspection
 229 within a specified timeframe and such inspection
 230 recommended certain repairs; requiring that such
 231 temporary pause or reduction be approved by a majority
 232 of the total voting interests of the association;

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233 providing applicability; requiring associations that
 234 have paused or reduced their reserve funding to have a
 235 structural integrity reserve study performed before
 236 the continuation of reserve contributions for
 237 specified purposes; providing that a vote of the
 238 members is not required for the board to change the
 239 accounting method for reserves to specified accounting
 240 methods; revising the items to be included in a
 241 structural integrity reserve study; requiring
 242 specified design professionals or contractors who bid
 243 to perform a structural integrity reserve study to
 244 disclose in writing to the association their intent to
 245 bid on any services related to the maintenance,
 246 repair, or replacement that may be recommended by the
 247 structural integrity reserve study; prohibiting such
 248 professionals or contractors from having any interest
 249 in or being related to any person having any interest
 250 in the firm or entity providing the association's
 251 structural integrity reserve study unless such
 252 relationship is disclosed in writing; defining the
 253 term "relative"; providing that a contract for
 254 services is voidable and terminates upon the
 255 association filing a written notice terminating such a
 256 contract if such professional or contractor fails to
 257 provide a written disclosure of such relationship with
 258 the firm conducting the structural integrity reserve
 259 study; providing that such professional or contractor
 260 may be subject to discipline for his or her failure to
 261 provide such written disclosure; requiring that a

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262 structural integrity reserve study include a
 263 recommendation for a reserve funding schedule based on
 264 specified criteria; authorizing the study to recommend
 265 other types of reserve funding schedules, provided
 266 each recommended schedule is sufficient to meet the
 267 association's maintenance obligations; requiring that
 268 reserves not required for certain items be separately
 269 identified as such in the structural integrity reserve
 270 study; authorizing an association to delay a required
 271 structural integrity reserve study for a specified
 272 timeframe if it has completed a milestone inspection
 273 or similar inspection, for a specified purpose;
 274 requiring an officer or director of an association to
 275 sign an affidavit acknowledging receipt of the
 276 completed structural integrity reserve study;
 277 requiring the division to adopt rules for the form for
 278 the structural integrity reserve study in coordination
 279 with the Florida Building Commission; making technical
 280 changes; amending s. 718.501, F.S.; revising the
 281 duties of the Division of Florida Condominiums,
 282 Timeshares, and Mobile Homes regarding investigation
 283 of complaints; requiring condominium associations to
 284 create and maintain an online account with the
 285 division; requiring board members to maintain accurate
 286 contact information on file with the division;
 287 requiring the division to adopt rules; requiring all
 288 condominium associations to provide specified
 289 information to the division by a specified date;
 290 requiring that such information be updated within a

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291 specified timeframe; specifying the information to be
 292 provided to the division; amending s. 718.503, F.S.;
 293 revising the disclosures that must be included in a
 294 contract for the sale and resale of a residential
 295 unit; amending s. 8 of chapter 2024-244, Laws of
 296 Florida, as amended; revising the documents required
 297 to be posted on certain associations' websites or be
 298 made available through download using an application
 299 on a mobile device; amending s. 31 of chapter 2024-
 300 244, Laws of Florida; revising applicability; amending
 301 s. 719.104, F.S.; requiring a board to use best
 302 efforts to make prudent investment decisions in
 303 fulfilling its duty to manage operating and reserve
 304 funds of the association; authorizing an association
 305 to invest reserve funds in specified financial
 306 institutions; authorizing such associations to place
 307 reserve funds in other investments upon a majority
 308 vote of the voting interests of the association;
 309 providing restrictions; prohibiting any funds not
 310 identified as reserve funds from being used for
 311 investments; providing applicability; requiring a
 312 board to create an investment committee composed of a
 313 specified minimum number of board members; requiring
 314 the board to adopt rules; requiring that all meetings
 315 of the investment committee be recorded and made part
 316 of the official records of the association; requiring
 317 that the investment policy statement developed
 318 pursuant to certain provisions address specified
 319 issues; requiring the investment committee to

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320 recommend investment advisers to the board; requiring
 321 the board to select one of the recommended investment
 322 advisers to provide services to the association;
 323 requiring such advisers to be registered; prohibiting
 324 an investment adviser from being related to any board
 325 member, community management company, reserve study
 326 provider, or unit owner; requiring investment advisers
 327 to comply with the prudent investor rule; requiring an
 328 adviser to act as a fiduciary to the association;
 329 requiring that the investment and fiduciary standards
 330 required by the act take precedence over any
 331 conflicting law; requiring the investment committee to
 332 recommend a replacement adviser if the committee
 333 determines that an investment adviser is not meeting
 334 requirements; requiring the association to provide the
 335 investment adviser with specified financial
 336 information at least once each calendar year, or
 337 sooner if a substantial financial obligation of the
 338 association becomes known to the board; requiring the
 339 investment adviser to annually review such financial
 340 information and provide the association with a
 341 portfolio allocation model that is suitably structured
 342 and prudently designed to match projected annual
 343 reserve fund requirements and liability, assets, and
 344 liquidity requirements; requiring the investment
 345 adviser to prepare a funding projection for each
 346 reserve component, including any of the component's
 347 redundancies; requiring that a specified minimum
 348 timeframe of projected reserves in cash or cash

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349 equivalents be available to the association;
 350 authorizing a portfolio managed by an investment
 351 adviser to contain any type of investment necessary to
 352 meet the objectives in the investment policy
 353 statement; providing exceptions; requiring that any
 354 funds invested by the investment adviser be held in
 355 third-party custodial accounts that are subject to
 356 insurance coverage by the Securities Investor
 357 Protection Corporation in an amount equal to or
 358 greater than the invested amount; authorizing the
 359 investment adviser to withdraw investment fees,
 360 expenses, and commissions from invested funds;
 361 requiring the investment adviser to annually provide
 362 the association with a written certification of
 363 compliance with this section and provide the
 364 association with a list of certain stocks, securities,
 365 and other obligations; requiring the investment
 366 adviser to submit monthly, quarterly, and annual
 367 reports to the association, prepared in accordance
 368 with established financial industry standards;
 369 requiring that any principal, earnings, or interest
 370 managed be available to the association at no cost
 371 within a specified timeframe after the association's
 372 written or electronic request; requiring that
 373 unallocated income earned on reserve fund investments
 374 be spent only on specified expenditures; amending s.
 375 719.106, F.S.; revising the deferred maintenance
 376 expense or replacement costs threshold that must be in
 377 reserve accounts; authorizing the association members

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378 to vote to waive the maintenance of reserves
 379 recommended by the most recent structural integrity
 380 reserve study under certain circumstances; authorizing
 381 the board to pause contributions to its reserves or
 382 reduce reserve funding if a local building official
 383 determines the entire condominium building is
 384 uninhabitable due to a natural emergency; authorizing
 385 any reserve account fund held by the association to be
 386 expended to make the condominium building and its
 387 structures habitable, pursuant to the board's
 388 determination; requiring the association to
 389 immediately resume contributing funds to its reserves
 390 once the local building official determines that the
 391 condominium building is habitable; authorizing a unit-
 392 owner-controlled association to obtain a line of
 393 credit in lieu of maintaining reserves for budgets
 394 adopted on or before a specified date upon a majority
 395 vote of the association; requiring that such line of
 396 credit be sufficient to meet the association's
 397 deferred maintenance obligations not funded in the
 398 association's reserve account for each budget;
 399 requiring that funding from the line of credit be
 400 immediately available for access by the board for a
 401 specified purpose; authorizing the board to
 402 temporarily pause reserve fund contributions or reduce
 403 the amount of reserve funding for a specified purpose
 404 for a budget adopted on or before a specified date if
 405 the association has completed a milestone inspection
 406 within a specified timeframe; requiring that such

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407 temporary pause or reduction be approved by a majority
 408 of the total voting interests of the association;
 409 providing applicability; requiring associations that
 410 have paused or reduced their reserve funding
 411 contributions to have a structural integrity reserve
 412 study performed before the continuation of reserve
 413 contributions for specified purposes; providing that a
 414 vote of the members is not required for the board to
 415 change the accounting method for reserves to specified
 416 accounting methods; requiring specified design
 417 professionals or contractors who bid to perform a
 418 structural integrity reserve study to disclose in
 419 writing to the association their intent to bid on any
 420 services related to the maintenance, repair, or
 421 replacement that may be recommended by the structural
 422 integrity reserve study; prohibiting such
 423 professionals or contractors from having any interest
 424 in or being related to any person having any interest
 425 in the firm or entity providing the association's
 426 structural integrity reserve study unless such
 427 relationship is disclosed in writing; defining the
 428 term "relative"; providing that a contract for
 429 services is voidable and terminates upon the
 430 association filing a written notice terminating such a
 431 contract if such professional or contractor fails to
 432 provide a written disclosure of such relationship with
 433 the firm conducting the structural integrity reserve
 434 study; providing that such professional or contractor
 435 may be subject to discipline for his or her failure to

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436 provide such written disclosure; requiring that a
 437 structural integrity reserve study include a
 438 recommendation for a reserve funding schedule based on
 439 specified criteria; authorizing the study to recommend
 440 other types of reserve funding schedules, provided
 441 each recommended schedule is sufficient to meet the
 442 association's maintenance obligation; requiring that
 443 reserves not required for certain items be separately
 444 identified as such in the structural integrity reserve
 445 study; authorizing an association to delay a required
 446 structural integrity reserve study for a specified
 447 timeframe if it has completed a milestone inspection
 448 or similar inspection, for a specified purpose;
 449 requiring an officer or a director of the association
 450 to sign an affidavit acknowledging receipt of the
 451 completed structural integrity reserve study;
 452 requiring the division to adopt, by rule, the form for
 453 the structural integrity reserve study in coordination
 454 with the Florida Building Commission; amending s.
 455 719.501, F.S.; requiring a cooperative association to
 456 create and maintain an online account with the
 457 division; requiring board members to maintain accurate
 458 contact information on file with the division;
 459 requiring the division to adopt rules; requiring all
 460 cooperative associations to provide information
 461 specified by the division in an electronic format to
 462 be determined by the division; specifying the
 463 information that must be updated with the division
 464 within a specified timeframe; amending s. 719.503,

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465 F.S.; revising the disclosures that must be included
 466 in a contract for the sale and resale of an interest
 467 in a cooperative; amending s. 914.21, F.S.; revising
 468 the definition of the term "official investigation";
 469 providing appropriations; reenacting s. 721.13(3) (e),
 470 F.S., relating to management, to incorporate the
 471 amendment made to s. 718.111, F.S., in a reference
 472 thereto; reenacting ss. 718.504(7) (a) and (21) (c), and
 473 718.618(1) (d), F.S., relating to prospectus or
 474 offering circulars and converter reserve accounts and
 475 warranties, respectively, to incorporate the amendment
 476 made to s. 718.112, F.S., in references thereto;
 477 reenacting s. 718.706(1) and (3), F.S., relating to
 478 specific provisions pertaining to offering of units by
 479 bulk assignees or bulk buyers, to incorporate the
 480 amendments made to ss. 718.111, 718.112, and 718.503,
 481 F.S., in references thereto; reenacting ss.
 482 719.103(24) and 719.504(7) (a) and (20) (c), F.S.,
 483 relating to definitions and prospectus or offering
 484 circulars, respectively, to incorporate the amendment
 485 made to s. 719.106, F.S., in references thereto;
 486 providing effective dates.

487
 488 Be It Enacted by the Legislature of the State of Florida:

489
 490 Section 1. Paragraph (h) is added to subsection (2) of
 491 section 468.432, Florida Statutes, and subsection (3) is added
 492 to that section, to read:

493 468.432 Licensure of community association managers and

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494 community association management firms; exceptions.—
 495 (2) A community association management firm or other
 496 similar organization responsible for the management of more than
 497 10 units or a budget of \$100,000 or greater shall not engage or
 498 hold itself out to the public as being able to engage in the
 499 business of community association management in this state
 500 unless it is licensed by the department as a community
 501 association management firm in accordance with the provisions of
 502 this part.

503 (h) A person who has had his or her community association
 504 manager license revoked may not have an indirect or direct
 505 ownership interest in, or be an employee, partner, officer,
 506 director, or trustee of, a community association management firm
 507 during the 10-year period after the effective date of the
 508 revocation. Such person is ineligible to reapply for
 509 certification or registration under this part for a period of 10
 510 years after the effective date of a revocation.

511 (3) A licensee must provide on his or her online licensure
 512 account each community association for which the licensee
 513 provides community association management services and whether
 514 the community association is a condominium association under
 515 chapter 718, a cooperative association under chapter 719, or a
 516 homeowners' association under chapter 720. A licensee must
 517 update his or her online licensure account with this information
 518 within 30 days after any change to the required information. If
 519 a community association manager has his or her license suspended
 520 or revoked, the division must give written notice of such
 521 suspension or revocation to the community association management
 522 firm and the community association for which the manager

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523 performs community management services.

524 Section 2. Subsections (1) and (3) of section 468.4334,
525 Florida Statutes, are amended to read:

526 468.4334 Professional practice standards; liability;
527 community association manager requirements; return of records
528 after termination of contract.—

529 (1) (a) A community association manager or a community
530 association management firm is deemed to act as agent on behalf
531 of a community association as principal within the scope of
532 authority authorized by a written contract or under this
533 chapter. A community association manager or a community
534 association management firm may not perform any act directed by
535 the community association if such an act violates any state or
536 federal law. A community association manager and a community
537 association management firm shall discharge duties performed on
538 behalf of the association as authorized by this chapter loyally,
539 skillfully, and diligently; dealing honestly and fairly; in good
540 faith; with care and full disclosure to the community
541 association; accounting for all funds; and not charging
542 unreasonable or excessive fees.

543 (b) If a community association manager or a community
544 association management firm has a contract with a community
545 association that is subject to the milestone inspection
546 requirements in s. 553.899, or the structural integrity reserve
547 study requirements in s. 718.112(2)(g) and 719.106(1)(k), the
548 community association manager or the community association
549 management firm must comply with those sections that section as
550 directed by the board.

551 (c) Each contract between a community association and a

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552 community association manager or community association
553 management firm for community association management services
554 must include the following written statement in at least 12-
555 point type:

556
557 The community association manager shall abide by all
558 professional standards and record keeping requirements
559 imposed pursuant to part VIII of chapter 468, Florida
560 Statutes.

561
562 (d) A contract between a community association manager or
563 community association management firm and a community
564 association may not waive or limit the professional practice
565 standards required pursuant to this part.

566 (3) A community association manager or community
567 association management firm that is authorized by contract to
568 provide community association management services to a community
569 ~~homeowners'~~ association shall do all of the following:

570 (a) Attend in person at least one member meeting or board
571 meeting of the homeowners' association annually.

572 (b) Provide to the members of the community homeowners'
573 association the name and contact information for each community
574 association manager or representative of a community association
575 management firm assigned to the community homeowners'
576 association, the manager's or representative's hours of
577 availability, and a summary of the duties for which the manager
578 or representative is responsible. The community homeowners'
579 association shall also post this information on the
580 association's website or mobile application, if the association

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581 is required to maintain official records on a website or
 582 application required under s. 720.303(4) (b). The community
 583 association manager or community association management firm
 584 shall update the community homeowners' association and its
 585 members within 14 business days after any change to such
 586 information.

587 (c) Provide to any member upon request a copy of the
 588 contract between the community association manager or community
 589 association management firm and the community homeowners'
 590 association and include such contract with association's
 591 official records.

592 Section 3. Subsection (11) of section 553.899, Florida
 593 Statutes, is amended, and paragraphs (e) and (f) are added to
 594 subsection (3) of that section, to read:

595 553.899 Mandatory structural inspections for condominium
 596 and cooperative buildings.—

597 (3)

598 (e) On or before October 1, 2025, and on or before each
 599 December 31 thereafter, the local enforcement agency responsible
 600 for milestone inspections must provide the department, in an
 601 electronic format determined by the department, information that
 602 may include, but is not limited to:

603 1. The number of buildings required to have a milestone
 604 inspection within the agency's jurisdiction.

605 2. The number of buildings for which a phase one milestone
 606 inspection has been completed.

607 3. The number of buildings granted an extension under
 608 paragraph (3) (c).

609 4. The number of buildings required to have a phase two

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610 milestone inspection.

611 5. The number of buildings for which a phase two milestone
 612 inspection has been completed.

613 6. The number, type, and value of permits applied for to
 614 complete repairs pursuant to a phase two milestone inspection.

615 7. A list of buildings deemed to be unsafe or uninhabitable
 616 due to a milestone inspection.

617 8. The license number of the building code administrator
 618 responsible for milestone inspections for the local enforcement
 619 agency.

620 (f) Subject to appropriation, the commission shall contract
 621 with the University of Florida for the purpose of creating a
 622 report that provides comprehensive data, evaluation, and
 623 analysis on the milestone inspections performed throughout this
 624 state during each calendar year or other time period approved by
 625 the commission. Every local enforcement agency responsible for
 626 milestone inspections must provide the university with a copy of
 627 any phase one or phase two milestone inspection report by the
 628 date specified by the commission in a manner prescribed by the
 629 university. The university may request any additional
 630 information from a local enforcement agency which the university
 631 requires to complete this report. The university shall compile
 632 the report, and the department shall transmit the report to the
 633 Governor, the President of the Senate, and the Speaker of the
 634 House of Representatives.

635 (11) A board of county commissioners or municipal governing
 636 body ~~shall may~~ adopt an ordinance requiring that a condominium
 637 or cooperative association and any other owner that is subject
 638 to this section schedule or commence repairs for substantial

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639 structural deterioration within a specified timeframe after the
 640 local enforcement agency receives a phase two inspection report;
 641 however, such repairs must be commenced within 365 days after
 642 receiving such report. If an owner of the building fails to
 643 submit proof to the local enforcement agency that repairs have
 644 been scheduled or have commenced for substantial structural
 645 deterioration identified in a phase two inspection report within
 646 the required timeframe, the local enforcement agency must review
 647 and determine if the building is unsafe for human occupancy.

648 Section 4. Present subsections (33) and (34) of section
 649 718.103, Florida Statutes, are redesignated as subsections (34)
 650 and (35), respectively, a new subsection (33) is added to that
 651 subsection, and subsection (1) of that section is amended, to
 652 read:

653 718.103 Definitions.—As used in this chapter, the term:
 654 (1) "Alternative funding method" means a method ~~approved by~~
 655 ~~the division~~ for funding the capital expenditures and deferred
 656 maintenance obligations of the association ~~for a~~
 657 ~~multicondominium association operating at least 25 condominiums~~
 658 ~~which may reasonably be expected to fully satisfy the~~
 659 ~~association's reserve funding obligations by the, including:~~

660 (a) The allocation of funds in the annual operating budget
 661 of a multicondominium; or

662 (b) Any other method defined by rule of the division which
 663 may reasonably be expected to fully satisfy the association's
 664 reserve funding obligations or fund its capital expenditure and
 665 deferred maintenance obligations.

666 (33) "Videoconference" means a real-time audio and video-
 667 based meeting between two or more people in different locations

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668 using video-enabled and audio-enabled devices. The notice for
 669 any meeting that will be conducted by videoconference must have
 670 a hyperlink and call-in conference telephone number for unit
 671 owners to attend the meeting and must have a physical location
 672 where unit owners can also attend the meeting in person. All
 673 meetings conducted by videoconference must be recorded and such
 674 recording must be maintained as an official record of the
 675 association.

676 Section 5. Paragraphs (a) and (g) of subsection (12) and
 677 subsection (13) of section 718.111, Florida Statutes, are
 678 amended, and paragraphs (g) and (h) are added to subsection (3)
 679 of that section, and subsection (16) is added to that section,
 680 to read:

681 718.111 The association.—

682 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,
 683 SUE, AND BE SUED; CONFLICT OF INTEREST.—

684 (g) If a association contracts with a community
 685 association manager or a community association management firm,
 686 the community association manager or community association
 687 management firm must possess all applicable licenses required by
 688 part VIII of chapter 468. All board members or officers of an
 689 association that contracts with a community association manager
 690 or a community association management firm have a duty to ensure
 691 that the community association manager or community association
 692 management firm is properly licensed before entering into a
 693 contract.

694 (h) If a community association manager or a community
 695 association management firm has its license suspended or revoked
 696 during the term of a contract with the association, the

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697 association shall have no further contractual obligations to the
 698 community association manager or community association
 699 management firm whose license has been revoked or suspended,
 700 effective on the date which the community association manager or
 701 community association management firm became unlicensed.

(12) OFFICIAL RECORDS.—

703 (a) From the inception of the association, the association
 704 shall maintain each of the following items, if applicable, which
 705 constitutes the official records of the association:

706 1. A copy of the plans, permits, warranties, and other
 707 items provided by the developer under s. 718.301(4).

708 2. A copy ~~photocopy~~ of the recorded declaration of
 709 condominium of each condominium operated by the association and
 710 each amendment to each declaration.

711 3. A copy ~~photocopy~~ of the recorded bylaws of the
 712 association and each amendment to the bylaws.

713 4. A certified copy of the articles of incorporation of the
 714 association, or other documents creating the association, and
 715 each amendment thereto.

716 5. A copy of the current rules of the association.

717 6. A book or books or electronic records that contain the
 718 minutes of all meetings of the association, the board of
 719 administration, any committee, and the unit owners, and a
 720 recording of all such meetings that are conducted by
 721 videoconference.

722 7. A current roster of all unit owners and their mailing
 723 addresses, unit identifications, voting certifications, and, if
 724 known, telephone numbers. The association shall also maintain
 725 the e-mail addresses and facsimile numbers of unit owners

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726 consenting to receive notice by electronic transmission. In
 727 accordance with sub-subparagraph (c)5.e., the e-mail addresses
 728 and facsimile numbers are only accessible to unit owners if
 729 consent to receive notice by electronic transmission is
 730 provided, or if the unit owner has expressly indicated that such
 731 personal information can be shared with other unit owners and
 732 the unit owner has not provided the association with a request
 733 to opt out of such dissemination with other unit owners. An
 734 association must ensure that the e-mail addresses and facsimile
 735 numbers are only used for the business operation of the
 736 association and may not be sold or shared with outside third
 737 parties. If such personal information is included in documents
 738 that are released to third parties, other than unit owners, the
 739 association must redact such personal information before the
 740 document is disseminated. However, the association is not liable
 741 for an inadvertent disclosure of the e-mail address or facsimile
 742 number for receiving electronic transmission of notices unless
 743 such disclosure was made with a knowing or intentional disregard
 744 of the protected nature of such information.

745 8. All current insurance policies of the association and
 746 condominiums operated by the association.

747 9. A current copy of any management agreement, lease, or
 748 other contract to which the association is a party or under
 749 which the association or the unit owners have an obligation or
 750 responsibility.

751 10. Bills of sale or transfer for all property owned by the
 752 association.

753 11. Accounting records for the association and separate
 754 accounting records for each condominium that the association

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755 operates. Any person who knowingly or intentionally defaces or
 756 destroys such records, or who knowingly or intentionally fails
 757 to create or maintain such records, with the intent of causing
 758 harm to the association or one or more of its members, is
 759 personally subject to a civil penalty pursuant to s.
 760 718.501(1)(e). The accounting records must include, but are not
 761 limited to:

762 a. Accurate, itemized, and detailed records of all receipts
 763 and expenditures, including all bank statements and ledgers.

764 b. All invoices, transaction receipts, or deposit slips
 765 that substantiate any receipt or expenditure of funds by the
 766 association.

767 c. A current account and a monthly, bimonthly, or quarterly
 768 statement of the account for each unit designating the name of
 769 the unit owner, the due date and amount of each assessment, the
 770 amount paid on the account, and the balance due.

771 d. All audits, reviews, accounting statements, structural
 772 integrity reserve studies, and financial reports of the
 773 association or condominium. Structural integrity reserve studies
 774 must be maintained for at least 15 years after the study is
 775 completed.

776 e. All contracts for work to be performed. Bids for work to
 777 be performed are also considered official records and must be
 778 maintained by the association for at least 1 year after receipt
 779 of the bid.

780 12. Ballots, sign-in sheets, voting proxies, and all other
 781 papers and electronic records relating to voting by unit owners,
 782 which must be maintained for 1 year from the date of the
 783 election, vote, or meeting to which the document relates,

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784 notwithstanding paragraph (b).

785 13. All rental records if the association is acting as
 786 agent for the rental of condominium units.

787 14. A copy of the current question and answer sheet as
 788 described in s. 718.504.

789 15. A copy of the inspection reports described in ss.
 790 553.899 and 718.301(4)(p) and any other inspection report
 791 relating to a structural or life safety inspection of
 792 condominium property. Such record must be maintained by the
 793 association for 15 years after receipt of the report.

794 16. Bids for materials, equipment, or services.

795 17. All affirmative acknowledgments made pursuant to s.
 796 718.121(4)(c).

797 18. A copy of all building permits.

798 19. A copy of all satisfactorily completed board member
 799 educational certificates.

800 20. A copy of all affidavits required by this chapter.

801 ~~21.20-~~ All other written records of the association not
 802 specifically included in the foregoing which are related to the
 803 operation of the association.

804 (g)1. By January 1, 2019, an association managing a
 805 condominium with 150 or more units which does not contain
 806 timeshare units shall post digital copies of the documents
 807 specified in subparagraph 2. on its website or make such
 808 documents available through an application that can be
 809 downloaded on a mobile device. Unless a shorter period is
 810 otherwise required, a document must be made available on the
 811 association's website or made available for download through an
 812 application on a mobile device within 30 days after the

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813 association receives or creates an official record specified in
 814 subparagraph 2.

815 a. The association's website or application must be:

816 (I) An independent website, application, or web portal
 817 wholly owned and operated by the association; or

818 (II) A website, application, or web portal operated by a
 819 third-party provider with whom the association owns, leases,
 820 rents, or otherwise obtains the right to operate a web page,
 821 subpage, web portal, collection of subpages or web portals, or
 822 an application which is dedicated to the association's
 823 activities and on which required notices, records, and documents
 824 may be posted or made available by the association.

825 b. The association's website or application must be
 826 accessible through the Internet and must contain a subpage, web
 827 portal, or other protected electronic location that is
 828 inaccessible to the general public and accessible only to unit
 829 owners and employees of the association.

830 c. Upon a unit owner's written request, the association
 831 must provide the unit owner with a username and password and
 832 access to the protected sections of the association's website or
 833 application which contain any notices, records, or documents
 834 that must be electronically provided.

835 2. A current copy of the following documents must be posted
 836 in digital format on the association's website or application:

837 a. The recorded declaration of condominium of each
 838 condominium operated by the association and each amendment to
 839 each declaration.

840 b. The recorded bylaws of the association and each
 841 amendment to the bylaws.

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842 c. The articles of incorporation of the association, or
 843 other documents creating the association, and each amendment to
 844 the articles of incorporation or other documents. The copy
 845 posted pursuant to this sub-subparagraph must be a copy of the
 846 articles of incorporation filed with the Department of State.

847 d. The rules of the association.

848 e. The approved minutes of all board of administration
 849 meetings over the preceding 12 months.

850 ~~f.e.~~ A list of all executory contracts or documents to
 851 which the association is a party or under which the association
 852 or the unit owners have an obligation or responsibility and,
 853 after bidding for the related materials, equipment, or services
 854 has closed, a list of bids received by the association within
 855 the past year. Summaries of bids for materials, equipment, or
 856 services which exceed \$500 must be maintained on the website or
 857 application for 1 year. In lieu of summaries, complete copies of
 858 the bids may be posted.

859 ~~g.f.~~ The annual budget required by s. 718.112(2) (f) and any
 860 proposed budget to be considered at the annual meeting.

861 ~~h.g.~~ The financial report required by subsection (13) and
 862 any monthly income or expense statement to be considered at a
 863 meeting.

864 ~~i.h.~~ The certification of each director required by s.
 865 718.112(2) (d)4.b.

866 ~~j.i.~~ All contracts or transactions between the association
 867 and any director, officer, corporation, firm, or association
 868 that is not an affiliated condominium association or any other
 869 entity in which an association director is also a director or
 870 officer and financially interested.

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871 ~~k.j.~~ Any contract or document regarding a conflict of
872 interest or possible conflict of interest as provided in ss.
873 468.4335, 468.436(2)(b)6., and 718.3027(3).

874 ~~l.k.~~ The notice of any unit owner meeting and the agenda
875 for the meeting, as required by s. 718.112(2)(d)3., no later
876 than 14 days before the meeting. The notice must be posted in
877 plain view on the front page of the website or application, or
878 on a separate subpage of the website or application labeled
879 "Notices" which is conspicuously visible and linked from the
880 front page. The association must also post on its website or
881 application any document to be considered and voted on by the
882 owners during the meeting or any document listed on the agenda
883 at least 7 days before the meeting at which the document or the
884 information within the document will be considered.

885 ~~m.l.~~ Notice of any board meeting, the agenda, and any other
886 document required for the meeting as required by s.
887 718.112(2)(c), which must be posted no later than the date
888 required for notice under s. 718.112(2)(c).

889 ~~n.m.~~ The inspection reports described in ss. 553.899 and
890 718.301(4)(p) and any other inspection report relating to a
891 structural or life safety inspection of condominium property.

892 ~~o.p.~~ The association's most recent structural integrity
893 reserve study, if applicable.

894 ~~p.q.~~ Copies of all building permits issued for ongoing or
895 planned construction.

896 q. A copy of all affidavits required by this chapter.

897 3. The association shall ensure that the information and
898 records described in paragraph (c), which are not allowed to be
899 accessible to unit owners, are not posted on the association's

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900 website or application. If protected information or information
901 restricted from being accessible to unit owners is included in
902 documents that are required to be posted on the association's
903 website or application, the association shall ensure the
904 information is redacted before posting the documents.
905 Notwithstanding the foregoing, the association or its agent is
906 not liable for disclosing information that is protected or
907 restricted under this paragraph unless such disclosure was made
908 with a knowing or intentional disregard of the protected or
909 restricted nature of such information.

910 4. The failure of the association to post information
911 required under subparagraph 2. is not in and of itself
912 sufficient to invalidate any action or decision of the
913 association's board or its committees.

914 (13) FINANCIAL REPORTING.-Within 90 days after the end of
915 the fiscal year, or annually on a date provided in the bylaws,
916 the association shall prepare and complete, or contract for the
917 preparation and completion of, a financial report for the
918 preceding fiscal year. Within 21 days after the final financial
919 report is completed by the association or received from the
920 third party, but not later than 120 days after the end of the
921 fiscal year or other date as provided in the bylaws, the
922 association shall deliver to each unit owner by United States
923 mail or personal delivery at the mailing address, property
924 address, e-mail address, or facsimile number provided to fulfill
925 the association's notice requirements, a copy of the most recent
926 financial report, and a notice that a copy of the most recent
927 financial report will be, as requested by the owner, mailed, or
928 hand delivered, or electronically delivered via the Internet to

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929 the unit owner, without charge, within 5 business days after
 930 receipt of a written request from the unit owner. Evidence of
 931 compliance with this delivery requirement must be made by an
 932 affidavit executed by an officer or director of the association.

933 The division shall adopt rules setting forth uniform accounting
 934 principles and standards to be used by all associations and
 935 addressing the financial reporting requirements for
 936 multicondominium associations. The rules must include, but not
 937 be limited to, standards for presenting a summary of association
 938 reserves, including a good faith estimate disclosing the annual
 939 amount of reserve funds that would be necessary for the
 940 association to fully fund reserves for each reserve item based
 941 on the straight-line accounting method. This disclosure is not
 942 applicable to reserves funded via the pooling method. In
 943 adopting such rules, the division shall consider the number of
 944 members and annual revenues of an association. Financial reports
 945 shall be prepared as follows:

946 (a) An association that meets the criteria of this
 947 paragraph shall prepare a complete set of financial statements
 948 in accordance with generally accepted accounting principles. The
 949 financial statements must be based upon the association's total
 950 annual revenues, as follows:

951 1. An association with total annual revenues of \$150,000 or
 952 more, but less than \$300,000, shall prepare compiled financial
 953 statements.

954 2. An association with total annual revenues of at least
 955 \$300,000, but less than \$500,000, shall prepare reviewed
 956 financial statements.

957 3. An association with total annual revenues of \$500,000 or

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958 more shall prepare audited financial statements.

959 (b)1. An association with total annual revenues of less
 960 than \$150,000 shall prepare a report of cash receipts and
 961 expenditures.

962 2. A report of cash receipts and disbursements must
 963 disclose the amount of receipts by accounts and receipt
 964 classifications and the amount of expenses by accounts and
 965 expense classifications, including, but not limited to, the
 966 following, as applicable: costs for security, professional and
 967 management fees and expenses, taxes, costs for recreation
 968 facilities, expenses for refuse collection and utility services,
 969 expenses for lawn care, costs for building maintenance and
 970 repair, insurance costs, administration and salary expenses, and
 971 reserves accumulated and expended for capital expenditures,
 972 deferred maintenance, and any other category for which the
 973 association maintains reserves.

974 (c) An association may prepare, without a meeting of or
 975 approval by the unit owners:

976 1. Compiled, reviewed, or audited financial statements, if
 977 the association is required to prepare a report of cash receipts
 978 and expenditures;

979 2. Reviewed or audited financial statements, if the
 980 association is required to prepare compiled financial
 981 statements; or

982 3. Audited financial statements if the association is
 983 required to prepare reviewed financial statements.

984 (d) If approved by a majority of the voting interests
 985 present at a properly called meeting of the association, an
 986 association may prepare:

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987 1. A report of cash receipts and expenditures in lieu of a
 988 compiled, reviewed, or audited financial statement;
 989 2. A report of cash receipts and expenditures or a compiled
 990 financial statement in lieu of a reviewed or audited financial
 991 statement; or
 992 3. A report of cash receipts and expenditures, a compiled
 993 financial statement, or a reviewed financial statement in lieu
 994 of an audited financial statement.
 995
 996 Such meeting and approval must occur before the end of the
 997 fiscal year and is effective only for the fiscal year in which
 998 the vote is taken. An association may not prepare a financial
 999 report pursuant to this paragraph for consecutive fiscal years.
 1000 If the developer has not turned over control of the association,
 1001 all unit owners, including the developer, may vote on issues
 1002 related to the preparation of the association's financial
 1003 reports, from the date of incorporation of the association
 1004 through the end of the second fiscal year after the fiscal year
 1005 in which the certificate of a surveyor and mapper is recorded
 1006 pursuant to s. 718.104(4)(e) or an instrument that transfers
 1007 title to a unit in the condominium which is not accompanied by a
 1008 recorded assignment of developer rights in favor of the grantee
 1009 of such unit is recorded, whichever occurs first. Thereafter,
 1010 all unit owners except the developer may vote on such issues
 1011 until control is turned over to the association by the
 1012 developer. Any audit or review prepared under this section shall
 1013 be paid for by the developer if done before turnover of control
 1014 of the association.
 1015 (e) A unit owner may provide written notice to the division

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1016 of the association's failure to mail or hand deliver him or her
 1017 a copy of the most recent financial report within 5 business
 1018 days after he or she submitted a written request to the
 1019 association for a copy of such report. If the division
 1020 determines that the association failed to mail or hand deliver a
 1021 copy of the most recent financial report to the unit owner, the
 1022 division shall provide written notice to the association that
 1023 the association must mail or hand deliver a copy of the most
 1024 recent financial report to the unit owner and the division
 1025 within 5 business days after it receives such notice from the
 1026 division. An association that fails to comply with the
 1027 division's request may not waive the financial reporting
 1028 requirement provided in paragraph (d) for the fiscal year in
 1029 which the unit owner's request was made and the following fiscal
 1030 year. A financial report received by the division pursuant to
 1031 this paragraph shall be maintained, and the division shall
 1032 provide a copy of such report to an association member upon his
 1033 or her request.
 1034 (16) INVESTMENT OF ASSOCIATION FUNDS.-
 1035 (a) A board shall, in fulfilling its duty to manage
 1036 operating and reserve funds of its association, use best efforts
 1037 to make prudent investment decisions that carefully consider
 1038 risk and return in an effort to maximize returns on invested
 1039 funds.
 1040 (b) An association, including a multicondominium
 1041 association, may invest reserve funds in one or any combination
 1042 of certificates of deposit or in depository accounts at a
 1043 community bank, savings bank, commercial bank, savings and loan
 1044 association, or credit union. Upon a majority vote of the voting

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1045 interests, an association may invest reserve funds in
 1046 investments other than certificates of deposit or depository
 1047 accounts at a community bank, savings bank, commercial bank,
 1048 savings and loan association, or credit union, provided the
 1049 association complies with paragraphs (c)-(g). Notwithstanding
 1050 any declaration, only funds identified as reserve funds may be
 1051 invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
 1052 not apply to funds invested in one or any combination of
 1053 certificates of deposit or depository accounts at a community
 1054 bank, savings bank, commercial bank, savings and loan
 1055 association, or credit union.

1056 (c) The board shall create an investment committee composed
 1057 of at least two board members and two-unit unit owners who are
 1058 not board members. The board shall also adopt rules for invested
 1059 funds, including, but not limited to, rules requiring periodic
 1060 reviews of any investment manager's performance, the development
 1061 of an investment policy statement, and that all meetings of the
 1062 investment committee be recorded and made part of the official
 1063 records of the association. The investment policy statement
 1064 developed pursuant to this paragraph must, at a minimum, address
 1065 risk, liquidity, and benchmark measurements; authorized classes
 1066 of investments; authorized investment mixes; limitations on
 1067 authority relating to investment transactions; requirements for
 1068 projected reserve expenditures within, at minimum, the next 24
 1069 months to be held in cash or cash equivalents; projected
 1070 expenditures relating to a mandatory structural inspection
 1071 performed pursuant to s. 553.899; and protocols for proxy
 1072 response.

1073 (d) The investment committee shall recommend investment

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1074 advisers to the board, and the board shall select one of the
 1075 recommended investment advisers to provide services to the
 1076 association. Such investment advisers must be registered or have
 1077 notice filed under s. 517.12. The selected investment adviser
 1078 and any representative or association of the investment adviser
 1079 may not be related by affinity or consanguinity to, or under
 1080 common ownership with, any board member, community management
 1081 company, reserve study provider, or unit owner. The investment
 1082 adviser shall comply with the prudent investor rule in s.
 1083 518.11. The investment adviser shall act as a fiduciary to the
 1084 association in compliance with the standards set forth in the
 1085 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
 1086 1104(a) (1) (A)-(C). In case of conflict with other laws
 1087 authorizing investments, the investment and fiduciary standards
 1088 set forth in this subsection must prevail. If at any time the
 1089 investment committee determines that an investment adviser does
 1090 not meet the requirements of this section, the investment
 1091 committee must recommend a replacement investment adviser to the
 1092 board.

1093 (e) At least once each calendar year, or sooner if a
 1094 substantial financial obligation of the association becomes
 1095 known to the board, the association must provide the investment
 1096 adviser with the association's investment policy statement, the
 1097 most recent reserve study report, the association's structural
 1098 integrity report, and the financial reports prepared pursuant to
 1099 subsection (13). If there is no recent reserve study report, the
 1100 association must provide the investment adviser with a good
 1101 faith estimate disclosing the annual amount of reserve funds
 1102 necessary for the association to fund reserves fully for the

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1103 life of each reserve component and each component's
 1104 redundancies. The investment adviser shall annually review these
 1105 documents and provide the association with a portfolio
 1106 allocation model that is suitably structured and prudently
 1107 designed to match projected annual reserve fund requirements and
 1108 liability, assets, and liquidity requirements. The investment
 1109 adviser shall prepare a funding projection for each reserve
 1110 component, including any of the component's redundancies. The
 1111 association must have available at all times a minimum of 24
 1112 months of projected reserves in cash or cash equivalents.

1113 (f) Portfolios managed by the investment adviser may
 1114 contain any type of investment necessary to meet the objectives
 1115 in the investment policy statement; however, portfolios may not
 1116 contain stocks, securities, or other obligations that the State
 1117 Board of Administration is prohibited from investing in under s.
 1118 215.471, s. 215.4725, or s. 215.473 or that state agencies are
 1119 prohibited from investing in under s. 215.472, as determined by
 1120 the investment adviser. Any funds invested by the investment
 1121 adviser must be held in third-party custodial accounts that are
 1122 subject to insurance coverage by the Securities Investor
 1123 Protection Corporation in an amount equal to or greater than the
 1124 invested amount. The investment adviser may withdraw investment
 1125 fees, expenses, and commissions from invested funds.

1126 (g) The investment adviser shall:

- 1127 1. Annually provide the association with a written
 1128 certification of compliance with this section and a list of
 1129 stocks, securities, and other obligations that are prohibited
 1130 from being in association portfolios under paragraph (f); and
 1131 2. Submit monthly, quarterly, and annual reports to the

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1132 association which are prepared in accordance with established
 1133 financial industry standards and in accordance with chapter 517.
 1134 (h) Any principal, earnings, or interest managed under this
 1135 subsection must be available at no cost or charge to the
 1136 association within 15 business days after delivery of the
 1137 association's written or electronic request.

1138 (i) Unallocated income earned on reserve fund investments
 1139 must be spent only on capital expenditures, planned maintenance,
 1140 structural repairs, or other items for which the reserve
 1141 accounts have been established. Any surplus of funds which
 1142 exceeds the amount required to maintain reasonably funded
 1143 reserves must be managed pursuant to s. 718.115.

1144 Section 6. Paragraphs (b) through (g) of subsection (2) of
 1145 section 718.112, Florida Statutes, are amended to read:

1146 718.112 Bylaws.—

1147 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1148 following and, if they do not do so, shall be deemed to include
 1149 the following:

1150 (b) *Quorum; voting requirements; proxies.*—

1151 1. Unless a lower number is provided in the bylaws, the
 1152 percentage of voting interests required to constitute a quorum
 1153 at a meeting of the members is a majority of the voting
 1154 interests. Unless otherwise provided in this chapter or in the
 1155 declaration, articles of incorporation, or bylaws, and except as
 1156 provided in subparagraph (d)4., decisions shall be made by a
 1157 majority of the voting interests represented at a meeting at
 1158 which a quorum is present.

1159 2. Except as specifically otherwise provided herein, unit
 1160 owners in a residential condominium may not vote by general

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1161 proxy, but may vote by limited proxies substantially conforming
 1162 to a limited proxy form adopted by the division. A voting
 1163 interest or consent right allocated to a unit owned by the
 1164 association may not be exercised or considered for any purpose,
 1165 whether for a quorum, an election, or otherwise. Limited proxies
 1166 and general proxies may be used to establish a quorum. Limited
 1167 proxies shall be used for votes taken to waive or reduce
 1168 reserves in accordance with subparagraph (f)2.; for votes taken
 1169 to waive the financial reporting requirements of s. 718.111(13);
 1170 for votes taken to amend the declaration pursuant to s. 718.110;
 1171 for votes taken to amend the articles of incorporation or bylaws
 1172 pursuant to this section; and for any other matter for which
 1173 this chapter requires or permits a vote of the unit owners.
 1174 Except as provided in paragraph (d), a proxy, limited or
 1175 general, may not be used in the election of board members in a
 1176 residential condominium. General proxies may be used for other
 1177 matters for which limited proxies are not required, and may be
 1178 used in voting for nonsubstantive changes to items for which a
 1179 limited proxy is required and given. Notwithstanding this
 1180 subparagraph, unit owners may vote in person at unit owner
 1181 meetings. This subparagraph does not limit the use of general
 1182 proxies or require the use of limited proxies for any agenda
 1183 item or election at any meeting of a timeshare condominium
 1184 association or a nonresidential condominium association.
 1185 3. A proxy given is effective only for the specific meeting
 1186 for which originally given and any lawfully adjourned meetings
 1187 thereof. A proxy is not valid longer than 90 days after the date
 1188 of the first meeting for which it was given. Each proxy is
 1189 revocable at any time at the pleasure of the unit owner

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1190 executing it.
 1191 4. A member of the board of administration or a committee
 1192 may submit in writing his or her agreement or disagreement with
 1193 any action taken at a meeting that the member did not attend.
 1194 This agreement or disagreement may not be used as a vote for or
 1195 against the action taken or to create a quorum.
 1196 5. A board meeting may be conducted in person or by
 1197 videoconference. A board or committee member's participation in
 1198 a meeting via telephone, real-time videoconferencing, or similar
 1199 real-time electronic or video communication counts toward a
 1200 quorum, and such member may vote as if physically present. A
 1201 board member may not participate in any meeting of the
 1202 association, including unit owner meetings, by videoconference
 1203 more than two times in a calendar year. A speaker must be used
 1204 so that the conversation of such members may be heard by the
 1205 board or committee members attending in person as well as by any
 1206 unit owners present at a meeting. The division shall adopt rules
 1207 pursuant to ss. 120.536 and 120.54 governing the requirements
 1208 for meetings.
 1209 (c) *Board of administration meetings.*—In a residential
 1210 condominium association of more than 10 units, the board of
 1211 administration shall meet at least once each quarter. At least
 1212 four times each year, the meeting agenda must include an
 1213 opportunity for members to ask questions of the board. Meetings
 1214 of the board of administration at which a quorum of the members
 1215 is present are open to all unit owners. Members of the board of
 1216 administration may use e-mail as a means of communication but
 1217 may not cast a vote on an association matter via e-mail. A unit
 1218 owner may tape record or videotape the meetings. The right to

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1219 attend such meetings includes the right to speak at such
 1220 meetings with reference to all designated agenda items and the
 1221 right to ask questions relating to reports on the status of
 1222 construction or repair projects, the status of revenues and
 1223 expenditures during the current fiscal year, and other issues
 1224 affecting the condominium. The division shall adopt reasonable
 1225 rules governing the tape recording and videotaping of the
 1226 meeting. The association may adopt written reasonable rules
 1227 governing the frequency, duration, and manner of unit owner
 1228 statements.

1229 1. Adequate notice of all board meetings, which must
 1230 specifically identify all agenda items, must be posted
 1231 conspicuously on the condominium property at least 48 continuous
 1232 hours before the meeting except in an emergency. If the board
 1233 meeting is to be conducted via videoconference, the notice must
 1234 state that such meeting will be via videoconference and must
 1235 include a hyperlink and a conference telephone number for unit
 1236 owners to attend the meeting via videoconference, as well as the
 1237 address of the physical location where the unit owners can
 1238 attend the meeting in person. If the meeting is conducted via
 1239 videoconference, it must be recorded and such recording must be
 1240 maintained as an official record of the association. If 20
 1241 percent of the voting interests petition the board to address an
 1242 item of business, the board, within 60 days after receipt of the
 1243 petition, shall place the item on the agenda at its next regular
 1244 board meeting or at a special meeting called for that purpose.
 1245 An item not included on the notice may be taken up on an
 1246 emergency basis by a vote of at least a majority plus one of the
 1247 board members. Such emergency action must be noticed and

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1248 ratified at the next regular board meeting. Written notice of a
 1249 meeting at which a nonemergency special assessment or an
 1250 amendment to rules regarding unit use will be considered must be
 1251 mailed, delivered, or electronically transmitted to the unit
 1252 owners and posted conspicuously on the condominium property at
 1253 least 14 days before the meeting. Evidence of compliance with
 1254 this 14-day notice requirement must be made by an affidavit
 1255 executed by the person providing the notice and filed with the
 1256 official records of the association.

1257 2. Upon notice to the unit owners, the board shall, by duly
 1258 adopted rule, designate a specific location on the condominium
 1259 property at which all notices of board meetings must be posted.
 1260 ~~If there is no condominium property at which notices can be~~
 1261 ~~posted,~~ Notices shall be mailed, delivered, or electronically
 1262 transmitted to each unit owner who has consented to receive
 1263 electronic notifications at least 14 days before the meeting. In
 1264 ~~lieu of or in~~ addition to the physical posting of the notice on
 1265 the condominium property and mailing, delivering, or
 1266 electronically transmitting the notice, the association may, by
 1267 reasonable rule, adopt a procedure for conspicuously posting and
 1268 repeatedly broadcasting the notice and the agenda on a closed-
 1269 circuit cable television system serving the condominium
 1270 association. ~~However, if broadcast notice is used in lieu of a~~
 1271 ~~notice physically posted on condominium property, the notice and~~
 1272 ~~agenda must be broadcast at least four times every broadcast~~
 1273 ~~hour of each day that a posted notice is otherwise required~~
 1274 ~~under this section. If broadcast notice is provided, the notice~~
 1275 ~~and agenda must be broadcast in a manner and for a sufficient~~
 1276 ~~continuous length of time so as to allow an average reader to~~

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1277 ~~observe the notice and read and comprehend the entire content of~~
 1278 ~~the notice and the agenda.~~ In addition to any of the authorized
 1279 means of providing notice of a meeting of the board, the
 1280 association may, by rule, adopt a procedure for conspicuously
 1281 posting the meeting notice and the agenda on a website serving
 1282 the condominium association for at least the minimum period of
 1283 time for which a notice of a meeting is also required to be
 1284 physically posted on the condominium property. Any rule adopted
 1285 shall, in addition to other matters, include a requirement that
 1286 the association send an electronic notice in the same manner as
 1287 a notice for a meeting of the members, which must include a
 1288 hyperlink to the website at which the notice is posted, to unit
 1289 owners whose e-mail addresses are included in the association's
 1290 official records.

1291 3. Notice of any meeting in which regular or special
 1292 assessments against unit owners are to be considered must
 1293 specifically state that assessments will be considered and
 1294 provide the estimated cost and description of the purposes for
 1295 such assessments. If an agenda item relates to the approval of a
 1296 contract for goods or services, a copy of the contract must be
 1297 provided with the notice and be made available for inspection
 1298 and copying upon a written request from a unit owner or made
 1299 available on the association's website or through an application
 1300 that can be downloaded on a mobile device.

1301 4. Meetings of a committee to take final action on behalf
 1302 of the board or make recommendations to the board regarding the
 1303 association budget are subject to this paragraph. Meetings of a
 1304 committee that does not take final action on behalf of the board
 1305 or make recommendations to the board regarding the association

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1306 budget are subject to this section, unless those meetings are
 1307 exempted from this section by the bylaws of the association.

1308 5. Notwithstanding any other law, the requirement that
 1309 board meetings and committee meetings be open to the unit owners
 1310 does not apply to:

1311 a. Meetings between the board or a committee and the
 1312 association's attorney, with respect to proposed or pending
 1313 litigation, if the meeting is held for the purpose of seeking or
 1314 rendering legal advice; or

1315 b. Board meetings held for the purpose of discussing
 1316 personnel matters.

1317 (d) *Unit owner meetings.*—

1318 1. An annual meeting of the unit owners must be held at the
 1319 location provided in the association bylaws and, if the bylaws
 1320 are silent as to the location, the meeting must be held within
 1321 10 miles 45 miles of the condominium property. However, such
 1322 distance requirement does not apply to an association governing
 1323 a timeshare condominium. If a unit owner meeting is conducted
 1324 via videoconference, a unit owner may vote electronically in the
 1325 manner provided in s. 718.128.

1326 2. Unit owner meetings, including the annual meeting of the
 1327 unit owners, may be conducted in person or via videoconference.
 1328 If the annual meeting of the unit owners is conducted via
 1329 videoconference, a quorum of the members of the board of
 1330 administration must be physically present at the physical
 1331 location where unit owners can attend the meeting. The location
 1332 must be provided in the association bylaws and, if the bylaws
 1333 are silent as to the location, the meeting must be held within
 1334 10 miles of the condominium property. If the unit owner meeting

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1335 is conducted via videoconference, the videoconference must be
 1336 recorded and such recording must be maintained as an official
 1337 record of the association. The division shall adopt rules
 1338 pursuant to ss. 120.536 and 120.54 governing the requirements
 1339 for meetings.

1340 ~~3.2-~~ Unless the bylaws provide otherwise, a vacancy on the
 1341 board caused by the expiration of a director's term must be
 1342 filled by electing a new board member, and the election must be
 1343 by secret ballot. An election is not required if the number of
 1344 vacancies equals or exceeds the number of candidates. For
 1345 purposes of this paragraph, the term "candidate" means an
 1346 eligible person who has timely submitted the written notice, as
 1347 described in sub-subparagraph 4.a., of his or her intention to
 1348 become a candidate. Except in a timeshare or nonresidential
 1349 condominium, or if the staggered term of a board member does not
 1350 expire until a later annual meeting, or if all members' terms
 1351 would otherwise expire but there are no candidates, the terms of
 1352 all board members expire at the annual meeting, and such members
 1353 may stand for reelection unless prohibited by the bylaws. Board
 1354 members may serve terms longer than 1 year if permitted by the
 1355 bylaws or articles of incorporation. A board member may not
 1356 serve more than 8 consecutive years unless approved by an
 1357 affirmative vote of unit owners representing two-thirds of all
 1358 votes cast in the election or unless there are not enough
 1359 eligible candidates to fill the vacancies on the board at the
 1360 time of the vacancy. Only board service that occurs on or after
 1361 July 1, 2018, may be used when calculating a board member's term
 1362 limit. If the number of board members whose terms expire at the
 1363 annual meeting equals or exceeds the number of candidates, the

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1364 candidates become members of the board effective upon the
 1365 adjournment of the annual meeting. Unless the bylaws provide
 1366 otherwise, any remaining vacancies shall be filled by the
 1367 affirmative vote of the majority of the directors making up the
 1368 newly constituted board even if the directors constitute less
 1369 than a quorum or there is only one director. In a residential
 1370 condominium association of more than 10 units or in a
 1371 residential condominium association that does not include
 1372 timeshare units or timeshare interests, co-owners of a unit may
 1373 not serve as members of the board of directors at the same time
 1374 unless they own more than one unit or unless there are not
 1375 enough eligible candidates to fill the vacancies on the board at
 1376 the time of the vacancy. A unit owner in a residential
 1377 condominium desiring to be a candidate for board membership must
 1378 comply with sub-subparagraph 4.a. and must be eligible to be a
 1379 candidate to serve on the board of directors at the time of the
 1380 deadline for submitting a notice of intent to run in order to
 1381 have his or her name listed as a proper candidate on the ballot
 1382 or to serve on the board. A person who has been suspended or
 1383 removed by the division under this chapter, or who is delinquent
 1384 in the payment of any assessment due to the association, is not
 1385 eligible to be a candidate for board membership and may not be
 1386 listed on the ballot. For purposes of this paragraph, a person
 1387 is delinquent if a payment is not made by the due date as
 1388 specifically identified in the declaration of condominium,
 1389 bylaws, or articles of incorporation. If a due date is not
 1390 specifically identified in the declaration of condominium,
 1391 bylaws, or articles of incorporation, the due date is the first
 1392 day of the assessment period. A person who has been convicted of

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1393 any felony in this state or in a United States District or
 1394 Territorial Court, or who has been convicted of any offense in
 1395 another jurisdiction which would be considered a felony if
 1396 committed in this state, is not eligible for board membership
 1397 unless such felon's civil rights have been restored for at least
 1398 5 years as of the date such person seeks election to the board.
 1399 The validity of an action by the board is not affected if it is
 1400 later determined that a board member is ineligible for board
 1401 membership due to having been convicted of a felony. This
 1402 subparagraph does not limit the term of a member of the board of
 1403 a nonresidential or timeshare condominium.

1404 ~~4.3~~ The bylaws must provide the method of calling meetings
 1405 of unit owners, including annual meetings. Written notice of an
 1406 annual meeting must include an agenda; be mailed, hand
 1407 delivered, or electronically transmitted to each unit owner at
 1408 least 14 days before the annual meeting; and be posted in a
 1409 conspicuous place on the condominium property or association
 1410 property at least 14 continuous days before the annual meeting.
 1411 Written notice of a meeting other than an annual meeting must
 1412 include an agenda; be mailed, hand delivered, or electronically
 1413 transmitted to each unit owner; and be posted in a conspicuous
 1414 place on the condominium property or association property within
 1415 the timeframe specified in the bylaws. If the bylaws do not
 1416 specify a timeframe for written notice of a meeting other than
 1417 an annual meeting, notice must be provided at least 14
 1418 continuous days before the meeting. Upon notice to the unit
 1419 owners, the board shall, by duly adopted rule, designate a
 1420 specific location on the condominium property or association
 1421 property at which all notices of unit owner meetings must be

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1422 posted. This requirement does not apply if there is no
 1423 condominium property for posting notices. ~~In lieu of, or in~~ In
 1424 addition to, the physical posting of meeting notices, the
 1425 association may, by reasonable rule, adopt a procedure for
 1426 conspicuously posting and repeatedly broadcasting the notice and
 1427 the agenda on a closed-circuit cable television system serving
 1428 the condominium association. ~~However, if broadcast notice is~~
 1429 ~~used in lieu of a notice posted physically on the condominium~~
 1430 ~~property, the notice and agenda must be broadcast at least four~~
 1431 ~~times every broadcast hour of each day that a posted notice is~~
 1432 ~~otherwise required under this section.~~ If broadcast notice is
 1433 provided, the notice and agenda must be broadcast in a manner
 1434 and for a sufficient continuous length of time so as to allow an
 1435 average reader to observe the notice and read and comprehend the
 1436 entire content of the notice and the agenda. In addition to any
 1437 of the authorized means of providing notice of a meeting of the
 1438 board, the association may, by rule, adopt a procedure for
 1439 conspicuously posting the meeting notice and the agenda on a
 1440 website serving the condominium association for at least the
 1441 minimum period of time for which a notice of a meeting is also
 1442 required to be physically posted on the condominium property.
 1443 Any rule adopted shall, in addition to other matters, include a
 1444 requirement that the association send an electronic notice in
 1445 the same manner as a notice for a meeting of the members, which
 1446 must include a hyperlink to the website at which the notice is
 1447 posted, to unit owners whose e-mail addresses are included in
 1448 the association's official records. Unless a unit owner waives
 1449 in writing the right to receive notice of the annual meeting,
 1450 such notice must be hand delivered, mailed, or electronically

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1451 transmitted to each unit owner. Notice for meetings and notice
 1452 for all other purposes must be mailed to each unit owner at the
 1453 address last furnished to the association by the unit owner, or
 1454 hand delivered to each unit owner. However, if a unit is owned
 1455 by more than one person, the association must provide notice to
 1456 the address that the developer identifies for that purpose and
 1457 thereafter as one or more of the owners of the unit advise the
 1458 association in writing, or if no address is given or the owners
 1459 of the unit do not agree, to the address provided on the deed of
 1460 record. An officer of the association, or the manager or other
 1461 person providing notice of the association meeting, must provide
 1462 an affidavit or United States Postal Service certificate of
 1463 mailing, to be included in the official records of the
 1464 association affirming that the notice was mailed or hand
 1465 delivered in accordance with this provision.

1466 5.4 The members of the board of a residential condominium
 1467 shall be elected by written ballot or voting machine. Proxies
 1468 may not be used in electing the board in general elections or
 1469 elections to fill vacancies caused by recall, resignation, or
 1470 otherwise, unless otherwise provided in this chapter. This
 1471 subparagraph does not apply to an association governing a
 1472 timeshare condominium.

1473 a. At least 60 days before a scheduled election, the
 1474 association shall mail, deliver, or electronically transmit, by
 1475 separate association mailing or included in another association
 1476 mailing, delivery, or transmission, including regularly
 1477 published newsletters, to each unit owner entitled to a vote, a
 1478 first notice of the date of the election. A unit owner or other
 1479 eligible person desiring to be a candidate for the board must

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1480 give written notice of his or her intent to be a candidate to
 1481 the association at least 40 days before a scheduled election.
 1482 Together with the written notice and agenda as set forth in
 1483 subparagraph 3., the association shall mail, deliver, or
 1484 electronically transmit a second notice of the election to all
 1485 unit owners entitled to vote, together with a ballot that lists
 1486 all candidates not less than 14 days or more than 34 days before
 1487 the date of the election. Upon request of a candidate, an
 1488 information sheet, no larger than 8 1/2 inches by 11 inches,
 1489 which must be furnished by the candidate at least 35 days before
 1490 the election, must be included with the mailing, delivery, or
 1491 transmission of the ballot, with the costs of mailing, delivery,
 1492 or electronic transmission and copying to be borne by the
 1493 association. The association is not liable for the contents of
 1494 the information sheets prepared by the candidates. In order to
 1495 reduce costs, the association may print or duplicate the
 1496 information sheets on both sides of the paper. The division
 1497 shall by rule establish voting procedures consistent with this
 1498 sub-subparagraph, including rules establishing procedures for
 1499 giving notice by electronic transmission and rules providing for
 1500 the secrecy of ballots. Elections shall be decided by a
 1501 plurality of ballots cast. There is no quorum requirement;
 1502 however, at least 20 percent of the eligible voters must cast a
 1503 ballot in order to have a valid election. A unit owner may not
 1504 authorize any other person to vote his or her ballot, and any
 1505 ballots improperly cast are invalid. A unit owner who violates
 1506 this provision may be fined by the association in accordance
 1507 with s. 718.303. A unit owner who needs assistance in casting
 1508 the ballot for the reasons stated in s. 101.051 may obtain such

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1509 assistance. The regular election must occur on the date of the
 1510 annual meeting. Notwithstanding this sub-subparagraph, an
 1511 election is not required unless more candidates file notices of
 1512 intent to run or are nominated than board vacancies exist.

1513 b. A director of a board of an association of a residential
 1514 condominium shall:

1515 (I) Certify in writing to the secretary of the association
 1516 that he or she has read the association's declaration of
 1517 condominium, articles of incorporation, bylaws, and current
 1518 written policies; that he or she will work to uphold such
 1519 documents and policies to the best of his or her ability; and
 1520 that he or she will faithfully discharge his or her fiduciary
 1521 responsibility to the association's members.

1522 (II) Submit to the secretary of the association a
 1523 certificate of having satisfactorily completed the educational
 1524 curriculum administered by the division or a division-approved
 1525 condominium education provider. The educational curriculum must
 1526 be at least 4 hours long and include instruction on milestone
 1527 inspections, structural integrity reserve studies, elections,
 1528 recordkeeping, financial literacy and transparency, levying of
 1529 fines, and notice and meeting requirements.

1530
 1531 Each newly elected or appointed director must submit to the
 1532 secretary of the association the written certification and
 1533 educational certificate within 1 year before being elected or
 1534 appointed or 90 days after the date of election or appointment.
 1535 A director of an association of a residential condominium who
 1536 was elected or appointed before July 1, 2024, must comply with
 1537 the written certification and educational certificate

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1538 requirements in this sub-subparagraph by June 30, 2025. The
 1539 written certification and educational certificate is valid for 7
 1540 years after the date of issuance and does not have to be
 1541 resubmitted as long as the director serves on the board without
 1542 interruption during the 7-year period. A director who is
 1543 appointed by the developer may satisfy the educational
 1544 certificate requirement in sub-sub-subparagraph (II) for any
 1545 subsequent appointment to a board by a developer within 7 years
 1546 after the date of issuance of the most recent educational
 1547 certificate, including any interruption of service on a board or
 1548 appointment to a board in another association within that 7-year
 1549 period. One year after submission of the most recent written
 1550 certification and educational certificate, and annually
 1551 thereafter, a director of an association of a residential
 1552 condominium must submit to the secretary of the association a
 1553 certificate of having satisfactorily completed at least 1 hour
 1554 of continuing education administered by the division, or a
 1555 division-approved condominium education provider, relating to
 1556 any recent changes to this chapter and the related
 1557 administrative rules during the past year. A director of an
 1558 association of a residential condominium who fails to timely
 1559 file the written certification and educational certificate is
 1560 suspended from service on the board until he or she complies
 1561 with this sub-subparagraph. The board may temporarily fill the
 1562 vacancy during the period of suspension. The secretary shall
 1563 cause the association to retain a director's written
 1564 certification and educational certificate for inspection by the
 1565 members for 7 years after a director's election or the duration
 1566 of the director's uninterrupted tenure, whichever is longer.

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1567 Failure to have such written certification and educational
1568 certificate on file does not affect the validity of any board
1569 action.

1570 c. Any challenge to the election process must be commenced
1571 within 60 days after the election results are announced.

1572 ~~6.5-~~ Any approval by unit owners called for by this chapter
1573 or the applicable declaration or bylaws, including, but not
1574 limited to, the approval requirement in s. 718.111(8), must be
1575 made at a duly noticed meeting of unit owners and is subject to
1576 all requirements of this chapter or the applicable condominium
1577 documents relating to unit owner decisionmaking, except that
1578 unit owners may take action by written agreement, without
1579 meetings, on matters for which action by written agreement
1580 without meetings is expressly allowed by the applicable bylaws
1581 or declaration or any law that provides for such action.

1582 ~~7.6-~~ Unit owners may waive notice of specific meetings if
1583 allowed by the applicable bylaws or declaration or any law.
1584 Notice of meetings of the board of administration; unit owner
1585 meetings, except unit owner meetings called to recall board
1586 members under paragraph (1); and committee meetings may be given
1587 by electronic transmission to unit owners who consent to receive
1588 notice by electronic transmission. A unit owner who consents to
1589 receiving notices by electronic transmission is solely
1590 responsible for removing or bypassing filters that block receipt
1591 of mass e-mails sent to members on behalf of the association in
1592 the course of giving electronic notices.

1593 ~~8.7-~~ Unit owners have the right to participate in meetings
1594 of unit owners with reference to all designated agenda items.
1595 However, the association may adopt reasonable rules governing

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1596 the frequency, duration, and manner of unit owner participation.

1597 ~~9.8-~~ A unit owner may tape record or videotape a meeting of
1598 the unit owners subject to reasonable rules adopted by the
1599 division.

1600 ~~10.9-~~ Unless otherwise provided in the bylaws, any vacancy
1601 occurring on the board before the expiration of a term may be
1602 filled by the affirmative vote of the majority of the remaining
1603 directors, even if the remaining directors constitute less than
1604 a quorum, or by the sole remaining director. In the alternative,
1605 a board may hold an election to fill the vacancy, in which case
1606 the election procedures must conform to sub-subparagraph 4.a.
1607 unless the association governs 10 units or fewer and has opted
1608 out of the statutory election process, in which case the bylaws
1609 of the association control. Unless otherwise provided in the
1610 bylaws, a board member appointed or elected under this section
1611 shall fill the vacancy for the unexpired term of the seat being
1612 filled. Filling vacancies created by recall is governed by
1613 paragraph (1) and rules adopted by the division.

1614 ~~11.10-~~ This chapter does not limit the use of general or
1615 limited proxies, require the use of general or limited proxies,
1616 or require the use of a written ballot or voting machine for any
1617 agenda item or election at any meeting of a timeshare
1618 condominium association or nonresidential condominium
1619 association.

1620
1621 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1622 association of 10 or fewer units may, by affirmative vote of a
1623 majority of the total voting interests, provide for different
1624 voting and election procedures in its bylaws, which may be by a

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1625 proxy specifically delineating the different voting and election
 1626 procedures. The different voting and election procedures may
 1627 provide for elections to be conducted by limited or general
 1628 proxy.

1629 (e) *Budget meeting.*—

1630 1. Any meeting at which a proposed annual budget of an
 1631 association will be considered by the board or unit owners shall
 1632 be open to all unit owners. A meeting of the board or unit
 1633 owners at which a proposed annual association budget will be
 1634 considered may be conducted by videoconference. The division
 1635 shall adopt rules pursuant to ss. 120.536 and 120.54 governing
 1636 the requirements for such meetings. A sound transmitting device
 1637 must be used so that the conversation of such members may be
 1638 heard by the board or committee members attending in person, as
 1639 well as any unit owners present at the meeting. At least 14 days
 1640 before ~~prior to~~ such a meeting, the board shall hand deliver to
 1641 each unit owner, mail to each unit owner at the address last
 1642 furnished to the association by the unit owner, or
 1643 electronically transmit to the location furnished by the unit
 1644 owner for that purpose a notice of such meeting and a copy of
 1645 the proposed annual budget. An officer or manager of the
 1646 association, or other person providing notice of such meeting,
 1647 shall execute an affidavit evidencing compliance with such
 1648 notice requirement, and such affidavit shall be filed among the
 1649 official records of the association.

1650 2.a. If a board proposes ~~adopts~~ in any fiscal year an
 1651 annual budget which requires assessments against unit owners
 1652 which exceed 115 percent of assessments for the preceding fiscal
 1653 year, the board shall simultaneously propose a substitute budget

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1654 that does not include any discretionary expenditures that are
 1655 not required to be in the budget ~~conduct a special meeting of~~
 1656 ~~the unit owners to consider a substitute budget if the board~~
 1657 ~~receives, within 21 days after adoption of the annual budget, a~~
 1658 ~~written request for a special meeting from at least 10 percent~~
 1659 ~~of all voting interests. The substitute budget must be proposed~~
 1660 at the budget meeting before the adoption of the annual budget.
 1661 ~~The special meeting shall be conducted within 60 days after~~
 1662 ~~adoption of the annual budget. At least 14 days before such~~
 1663 budget meeting in which a substitute budget will be proposed
 1664 ~~prior to such special meeting, the board shall hand deliver to~~
 1665 each unit owner, or mail to each unit owner at the address last
 1666 furnished to the association, a notice of the meeting. An
 1667 officer or manager of the association, or other person providing
 1668 notice of such meeting shall execute an affidavit evidencing
 1669 compliance with this notice requirement, and such affidavit
 1670 shall be filed among the official records of the association.
 1671 Unit owners must ~~may~~ consider and may adopt a substitute budget
 1672 at the ~~special~~ meeting. A substitute budget is adopted if
 1673 approved by a majority of all voting interests unless the bylaws
 1674 require adoption by a greater percentage of voting interests. If
 1675 ~~there is not a quorum at the special meeting or a substitute~~
 1676 budget is not adopted, the annual budget previously initially
 1677 proposed ~~adopted~~ by the board may be adopted ~~shall take effect~~
 1678 ~~as scheduled.~~

1679 b. Any determination of whether assessments exceed 115
 1680 percent of assessments for the prior fiscal year shall exclude
 1681 any authorized provision for reasonable reserves for repair or
 1682 replacement of the condominium property, anticipated expenses of

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1683 the association which the board does not expect to be incurred
 1684 on a regular or annual basis, and insurance premiums, ~~or~~
 1685 ~~assessments for betterments to the condominium property.~~

1686 c. If the developer controls the board, assessments may
 1687 ~~shall~~ not exceed 115 percent of assessments for the prior fiscal
 1688 year unless approved by a majority of all voting interests.

1689 (f) *Annual budget.*—

1690 1. The proposed annual budget of estimated revenues and
 1691 expenses must be detailed and must show the amounts budgeted by
 1692 accounts and expense classifications, including, at a minimum,
 1693 any applicable expenses listed in s. 718.504(21). The board
 1694 shall adopt the annual budget at least 14 days before the start
 1695 of the association's fiscal year. In the event that the board
 1696 fails to timely adopt the annual budget a second time, it is
 1697 deemed a minor violation and the prior year's budget shall
 1698 continue in effect until a new budget is adopted. A
 1699 multicondominium association must adopt a separate budget of
 1700 common expenses for each condominium the association operates
 1701 and must adopt a separate budget of common expenses for the
 1702 association. In addition, if the association maintains limited
 1703 common elements with the cost to be shared only by those
 1704 entitled to use the limited common elements as provided for in
 1705 s. 718.113(1), the budget or a schedule attached to it must show
 1706 the amount budgeted for this maintenance. If, after turnover of
 1707 control of the association to the unit owners, any of the
 1708 expenses listed in s. 718.504(21) are not applicable, they do
 1709 not need to be listed.

1710 2.a. In addition to annual operating expenses, the budget
 1711 must include reserve accounts for capital expenditures and

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1712 deferred maintenance. These accounts must include, but are not
 1713 limited to, roof replacement, building painting, and pavement
 1714 resurfacing, regardless of the amount of deferred maintenance
 1715 expense or replacement cost, and any other item that has a
 1716 deferred maintenance expense or replacement cost that exceeds
 1717 \$25,000 ~~\$10,000~~. The amount to be reserved must be computed
 1718 using a formula based upon estimated remaining useful life and
 1719 estimated replacement cost or deferred maintenance expense of
 1720 the reserve item. In a budget adopted by an association that is
 1721 required to obtain a structural integrity reserve study,
 1722 reserves must be maintained for the items identified in
 1723 paragraph (g) for which the association is responsible pursuant
 1724 to the declaration of condominium, and the reserve amount for
 1725 such items must be based on the findings and recommendations of
 1726 the association's most recent structural integrity reserve
 1727 study. If an association votes to terminate the condominium in
 1728 accordance with s. 718.117, the members may vote to waive the
 1729 maintenance of reserves recommended by the association's most
 1730 recent structural integrity reserve study. With respect to items
 1731 for which an estimate of useful life is not readily
 1732 ascertainable or with an estimated remaining useful life of
 1733 greater than 25 years, an association is not required to reserve
 1734 replacement costs for such items, but an association must
 1735 reserve the amount of deferred maintenance expense, if any,
 1736 which is recommended by the structural integrity reserve study
 1737 for such items. The association may adjust replacement reserve
 1738 assessments annually to take into account an inflation
 1739 adjustment and any changes in estimates or extension of the
 1740 useful life of a reserve item caused by deferred maintenance.

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1741 b. The members of a unit-owner-controlled association may
 1742 determine, by a majority vote of the total voting interests of
 1743 the association, to provide no reserves or less reserves than
 1744 required by this subsection. For a budget adopted on or after
 1745 December 31, 2024, the members of a unit-owner-controlled
 1746 association that must obtain a structural integrity reserve
 1747 study may not determine to provide no reserves or less reserves
 1748 than required by this subsection for items listed in paragraph
 1749 (g), except that members of an association ~~operating a~~
 1750 ~~multicondominium~~ may determine to provide no reserves or less
 1751 reserves than required by this subsection if an alternative
 1752 funding method is used by the association ~~has been approved by~~
 1753 ~~the division~~.

1754 c. For a budget adopted on or before December 31, 2028, a
 1755 unit-owner-controlled association that must have a structural
 1756 reserve study may secure a line of credit in lieu of maintaining
 1757 reserves for all or a portion of the reserves required under
 1758 this paragraph upon a majority vote of the total voting
 1759 interests of the association. The line of credit must be
 1760 sufficient to meet the association's deferred maintenance
 1761 obligation not funded in the association's reserve account for
 1762 each budget. Funding from the line of credit must be immediately
 1763 available for access by the board to fund required repair,
 1764 maintenance, or replacement expenses without further approval by
 1765 the members of the association. A line of credit secured under
 1766 this sub-subparagraph must be included in the financial report
 1767 required under s. 718.111(13).

1768 d. If the local building official, as defined in s.
 1769 468.603, determines that the entire condominium building is

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1770 uninhabitable due to a natural emergency, as defined in s.
 1771 252.34, the board, ~~upon the approval of a majority of its~~
 1772 ~~members~~, may pause the contribution to its reserves or reduce
 1773 reserve funding until the local building official determines
 1774 that the condominium building is habitable. Any reserve account
 1775 funds held by the association may be expended, pursuant to the
 1776 board's determination, to make the condominium building and its
 1777 structures habitable. Upon the determination by the local
 1778 building official that the condominium building is habitable,
 1779 the association must immediately resume contributing funds to
 1780 its reserves.

1781 e. For a budget adopted on or before December 31, 2028, if
 1782 the association has completed a milestone inspection pursuant to
 1783 s. 553.899 within the previous 2 calendar years, the board, upon
 1784 the approval of a majority of the total voting interests of the
 1785 association, may temporarily pause, for a period of no more than
 1786 2 consecutive annual budgets, reserve fund contributions or
 1787 reduce the amount of reserve funding for the purpose of funding
 1788 repairs recommended by the milestone inspection. This sub-
 1789 subparagraph does not apply to a developer-controlled
 1790 association and an association in which the non-developer unit
 1791 owners have been in control for less than 1 year. An association
 1792 that has paused reserve contributions under this subparagraph
 1793 must have a structural integrity reserve study performed before
 1794 the continuation of reserve contributions in order to determine
 1795 the association's reserve funding needs and to recommend a
 1796 reserve funding plan.

1797 ~~f.b.~~ Before turnover of control of an association by a
 1798 developer to unit owners other than a developer under s.

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1799 718.301, the developer-controlled association may not vote to
 1800 waive the reserves or reduce funding of the reserves. If a
 1801 meeting of the unit owners has been called to determine whether
 1802 to waive or reduce the funding of reserves and no such result is
 1803 achieved or a quorum is not attained, the reserves included in
 1804 the budget shall go into effect. After the turnover, the
 1805 developer may vote its voting interest to waive or reduce the
 1806 funding of reserves.

1807 3. Reserve funds and any interest accruing thereon shall
 1808 remain in the reserve account or accounts, and may be used only
 1809 for authorized reserve expenditures unless their use for other
 1810 purposes is approved in advance by a majority vote of all the
 1811 total voting interests of the association. Before turnover of
 1812 control of an association by a developer to unit owners other
 1813 than the developer pursuant to s. 718.301, the developer-
 1814 controlled association may not vote to use reserves for purposes
 1815 other than those for which they were intended. For a budget
 1816 adopted on or after December 31, 2024, members of a unit-owner-
 1817 controlled association that must obtain a structural integrity
 1818 reserve study may not vote to use reserve funds, or any interest
 1819 accruing thereon, for any other purpose other than the
 1820 replacement or deferred maintenance costs of the components
 1821 listed in paragraph (g). A vote of the members is not required
 1822 for the board to change the accounting method for reserves to a
 1823 pooling accounting method or a straight-line accounting method.

1824 4. The only voting interests that are eligible to vote on
 1825 questions that involve waiving or reducing the funding of
 1826 reserves, or using existing reserve funds for purposes other
 1827 than purposes for which the reserves were intended, are the

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1828 voting interests of the units subject to assessment to fund the
 1829 reserves in question. Proxy questions relating to waiving or
 1830 reducing the funding of reserves or using existing reserve funds
 1831 for purposes other than purposes for which the reserves were
 1832 intended must contain the following statement in capitalized,
 1833 bold letters in a font size larger than any other used on the
 1834 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 1835 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 1836 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 1837 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1838 (g) *Structural integrity reserve study.*—

1839 1. A residential condominium association must have a
 1840 structural integrity reserve study completed at least every 10
 1841 years after the condominium's creation for each building on the
 1842 condominium property that is three stories or higher in height,
 1843 as determined by the Florida Building Code, which includes, at a
 1844 minimum, a study of the following items as related to the
 1845 structural integrity and safety of the building:

1846 a. Roof.

1847 b. Structure, including load-bearing walls and other
 1848 primary structural members and primary structural systems as
 1849 those terms are defined in s. 627.706.

1850 c. Fireproofing and fire protection systems.

1851 d. Plumbing.

1852 e. Electrical systems.

1853 f. Waterproofing and exterior painting.

1854 g. Windows and exterior doors.

1855 h. Any other item that has a deferred maintenance expense
 1856 or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure

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1857 to replace or maintain such item negatively affects the items
1858 listed in sub-subparagraphs a.-g., as determined by the visual
1859 inspection portion of the structural integrity reserve study.

1860 2. A structural integrity reserve study is based on a
1861 visual inspection of the condominium property.

1862 3.a. A structural integrity reserve study may be performed
1863 by any person qualified to perform such study. However, the
1864 visual inspection portion of the structural integrity reserve
1865 study must be performed or verified by an engineer licensed
1866 under chapter 471, an architect licensed under chapter 481, or a
1867 person certified as a reserve specialist or professional reserve
1868 analyst by the Community Associations Institute or the
1869 Association of Professional Reserve Analysts.

1870 b. Any design professional as defined in s. 558.002 or any
1871 contractor licensed under chapter 489 who bids to perform a
1872 structural integrity reserve study must disclose in writing to
1873 the association his or her intent to bid on any services related
1874 to any maintenance, repair, or replacement that may be
1875 recommended by the structural integrity reserve study. Any
1876 design professional as defined in s. 558.002 or contractor
1877 licensed under chapter 489 who submits a bid to the association
1878 for performing any services recommended by the structural
1879 integrity reserve study may not have an interest, directly or
1880 indirectly, in the firm or entity providing the association's
1881 structural integrity reserve study or be a relative of any
1882 person having a direct or indirect interest in such firm, unless
1883 such relationship is disclosed to the association in writing. As
1884 used in this section, the term "relative" means a relative
1885 within the third degree of consanguinity by blood or marriage. A

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1886 contract for services is voidable and terminates upon the
1887 association filing a written notice terminating the contract if
1888 the design professional or licensed contractor failed to provide
1889 the written disclosure of the interests or relationships
1890 required under this paragraph. A design professional or licensed
1891 contractor may be subject to discipline under the applicable
1892 practice act for his or her profession for failure to provide
1893 the written disclosure of the interests or relationships
1894 required under this paragraph.

1895 4.a.3- At a minimum, a structural integrity reserve study
1896 must identify each item of the condominium property being
1897 visually inspected, state the estimated remaining useful life
1898 and the estimated replacement cost or deferred maintenance
1899 expense of each item of the condominium property being visually
1900 inspected, and provide a reserve funding plan or schedule with a
1901 recommended annual reserve amount that achieves the estimated
1902 replacement cost or deferred maintenance expense of each item of
1903 condominium property being visually inspected by the end of the
1904 estimated remaining useful life of the item. At a minimum, the
1905 structural integrity reserve study must include a recommendation
1906 for a reserve funding schedule based on a baseline funding plan
1907 that provides a reserve funding goal in which the reserve
1908 funding for each budget year is sufficient to maintain the
1909 reserve cash balance above zero. The study may recommend other
1910 types of reserve funding schedules, provided that each
1911 recommended schedule is sufficient to meet the association's
1912 maintenance obligation.

1913 b. The structural integrity reserve study may recommend
1914 that reserves do not need to be maintained for any item for

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1915 which an estimate of useful life and an estimate of replacement
 1916 cost cannot be determined, or the study may recommend a deferred
 1917 maintenance expense amount for such item. The structural
 1918 integrity reserve study may recommend that reserves for
 1919 replacement costs do not need to be maintained for any item with
 1920 an estimated remaining useful life of greater than 25 years, but
 1921 the study may recommend a deferred maintenance expense amount
 1922 for such item. If the structural integrity reserve study
 1923 recommends reserves for any item for which reserves are not
 1924 required under this paragraph, the amount of the recommended
 1925 reserves for such item must be separately identified in the
 1926 structural integrity reserve study as an item for which reserves
 1927 are not required under this paragraph.

1928 5.4- This paragraph does not apply to buildings less than
 1929 three stories in height; single-family, two-family, or three-
 1930 family dwellings with three or fewer habitable stories above
 1931 ground; any portion or component of a building that has not been
 1932 submitted to the condominium form of ownership; or any portion
 1933 or component of a building that is maintained by a party other
 1934 than the association.

1935 6.5- Before a developer turns over control of an
 1936 association to unit owners other than the developer, the
 1937 developer must have a turnover inspection report in compliance
 1938 with s. 718.301(4)(p) and (q) for each building on the
 1939 condominium property that is three stories or higher in height.

1940 7.6- Associations existing on or before July 1, 2022, which
 1941 are controlled by unit owners other than the developer, must
 1942 have a structural integrity reserve study completed by December
 1943 31, 2025 ~~2024~~, for each building on the condominium property

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1944 that is three stories or higher in height. An association that
 1945 is required to complete a milestone inspection in accordance
 1946 with s. 553.899 on or before December 31, 2026, may complete the
 1947 structural integrity reserve study simultaneously with the
 1948 milestone inspection. In no event may the structural integrity
 1949 reserve study be completed after December 31, 2026.

1950 8.7- If the milestone inspection required by s. 553.899, or
 1951 an inspection completed for a similar local requirement, was
 1952 performed within the past 5 years and meets the requirements of
 1953 this paragraph, such inspection may be used in place of the
 1954 visual inspection portion of the structural integrity reserve
 1955 study.

1956 9. If the association completes a milestone inspection
 1957 required by s. 553.899, or an inspection completed for a similar
 1958 local requirement, the association may delay performance of a
 1959 required structural integrity reserve study for no more than the
 1960 2 consecutive budget years immediately following the milestone
 1961 inspection in order to allow the association to focus its
 1962 financial resources on completing the repair and maintenance
 1963 recommendations of the milestone inspection.

1964 10.8- If the officers or directors of an association
 1965 willfully and knowingly fail to complete a structural integrity
 1966 reserve study pursuant to this paragraph, such failure is a
 1967 breach of an officer's and director's fiduciary relationship to
 1968 the unit owners under s. 718.111(1). An officer or director of
 1969 an association must sign an affidavit acknowledging receipt of
 1970 the completed structural integrity reserve study.

1971 11.9- Within 45 days after receiving the structural
 1972 integrity reserve study, the association must distribute a copy

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1973 of the study to each unit owner or deliver to each unit owner a
 1974 notice that the completed study is available for inspection and
 1975 copying upon a written request. Distribution of a copy of the
 1976 study or notice must be made by United States mail or personal
 1977 delivery to the mailing address, property address, or any other
 1978 address of the owner provided to fulfill the association's
 1979 notice requirements under this chapter, or by electronic
 1980 transmission to the e-mail address or facsimile number provided
 1981 to fulfill the association's notice requirements to unit owners
 1982 who previously consented to receive notice by electronic
 1983 transmission.

1984 ~~12.40-~~ Within 45 days after receiving the structural
 1985 integrity reserve study, the association must provide the
 1986 division with a statement indicating that the study was
 1987 completed and that the association provided or made available
 1988 such study to each unit owner in accordance with this section.
 1989 The statement must be provided to the division in the manner
 1990 established by the division using a form posted on the
 1991 division's website.

1992 13. The division shall adopt by rule the form for the
 1993 structural integrity reserve study in coordination with the
 1994 Florida Building Commission.

1995 Section 7. Subsections (1) and (3) of section 718.501,
 1996 Florida Statutes, are amended, and paragraph (d) is added to
 1997 subsection (2) of that section, to read:

1998 718.501 Authority, responsibility, and duties of Division
 1999 of Florida Condominiums, Timeshares, and Mobile Homes.—

2000 (1) The division may enforce and ensure compliance with
 2001 this chapter and rules relating to the development,

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2002 construction, sale, lease, ownership, operation, and management
 2003 of residential condominium units and complaints ~~related to the~~
 2004 ~~procedural completion of milestone inspections under s. 553.899.~~
 2005 In performing its duties, the division has complete jurisdiction
 2006 to investigate complaints and enforce compliance with respect to
 2007 associations that are still under developer control or the
 2008 control of a bulk assignee or bulk buyer pursuant to part VII of
 2009 this chapter and complaints against developers, bulk assignees,
 2010 or bulk buyers involving improper turnover or failure to
 2011 turnover, pursuant to s. 718.301. However, after turnover has
 2012 occurred, the division has jurisdiction to review records and
 2013 investigate complaints related only to:

2014 (a)1. Procedural aspects and records relating to financial
 2015 issues, including annual financial reporting under s.
 2016 718.111(13); assessments for common expenses, fines, and
 2017 commingling of reserve and operating funds under s. 718.111(14);
 2018 use of debit cards for unintended purposes under s. 718.111(15);
 2019 the annual operating budget and the allocation of reserve funds
 2020 under s. 718.112(2)(f); financial records under s.
 2021 718.111(12)(a)11.; and any other record necessary to determine
 2022 the revenues and expenses of the association.

2023 2. Elections, including election and voting requirements
 2024 under s. 718.112(2)(b) and (d), recall of board members under s.
 2025 718.112(2)(1), electronic voting under s. 718.128, and elections
 2026 that occur during an emergency under s. 718.1265(1)(a).

2027 3. The maintenance of and unit owner access to association
 2028 records under s. 718.111(12).

2029 4. The procedural aspects of meetings, including unit owner
 2030 meetings, quorums, voting requirements, proxies, board of

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2031 administration meetings, and budget meetings under s.
 2032 718.112(2).

2033 5. The disclosure of conflicts of interest under ss.
 2034 718.111(1)(a) and 718.3027, including limitations contained in
 2035 s. 718.111(3)(f).

2036 6. The removal of a board director or officer under ss.
 2037 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

2038 7. The procedural completion of structural integrity
 2039 reserve studies under s. 718.112(2)(g) and the milestone
 2040 inspections under s. 553.899.

2041 8. Completion of repairs required by a milestone inspection
 2042 under s. 553.899.

2043 ~~9.8.~~ Any written inquiries by unit owners to the
 2044 association relating to such matters, including written
 2045 inquiries under s. 718.112(2)(a)2.

2046 10. The requirement for associations to maintain an
 2047 insurance policy or fidelity bonding for all persons who control
 2048 or disperse funds of the association under s. 718.111(11)(h).

2049 11. Board member education requirements under s.
 2050 718.112(2)(d)5.b.

2051 12. Reporting requirements for structural integrity reserve
 2052 studies in paragraph (3) and under s 718.112(2)(g)12.

2053 (b)1. The division may make necessary public or private
 2054 investigations within or outside this state to determine whether
 2055 any person has violated this chapter or any rule or order
 2056 hereunder, to aid in the enforcement of this chapter, or to aid
 2057 in the adoption of rules or forms.

2058 2. The division may submit any official written report,
 2059 worksheet, or other related paper, or a duly certified copy

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2060 thereof, compiled, prepared, drafted, or otherwise made by and
 2061 duly authenticated by a financial examiner or analyst to be
 2062 admitted as competent evidence in any hearing in which the
 2063 financial examiner or analyst is available for cross-examination
 2064 and attests under oath that such documents were prepared as a
 2065 result of an examination or inspection conducted pursuant to
 2066 this chapter.

2067 (c) The division may require or permit any person to file a
 2068 statement in writing, under oath or otherwise, as the division
 2069 determines, as to the facts and circumstances concerning a
 2070 matter to be investigated.

2071 (d) For the purpose of any investigation under this
 2072 chapter, the division director or any officer or employee
 2073 designated by the division director may administer oaths or
 2074 affirmations, subpoena witnesses and compel their attendance,
 2075 take evidence, and require the production of any matter which is
 2076 relevant to the investigation, including the existence,
 2077 description, nature, custody, condition, and location of any
 2078 books, documents, or other tangible things and the identity and
 2079 location of persons having knowledge of relevant facts or any
 2080 other matter reasonably calculated to lead to the discovery of
 2081 material evidence. Upon the failure by a person to obey a
 2082 subpoena or to answer questions propounded by the investigating
 2083 officer and upon reasonable notice to all affected persons, the
 2084 division may apply to the circuit court for an order compelling
 2085 compliance.

2086 (e) Notwithstanding any remedies available to unit owners
 2087 and associations, if the division has reasonable cause to
 2088 believe that a violation of any provision of this chapter or

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2089 related rule has occurred, the division may institute
 2090 enforcement proceedings in its own name against any developer,
 2091 bulk assignee, bulk buyer, association, officer, or member of
 2092 the board of administration, or its assignees or agents, as
 2093 follows:

2094 1. The division may permit a person whose conduct or
 2095 actions may be under investigation to waive formal proceedings
 2096 and enter into a consent proceeding whereby orders, rules, or
 2097 letters of censure or warning, whether formal or informal, may
 2098 be entered against the person.

2099 2. The division may issue an order requiring the developer,
 2100 bulk assignee, bulk buyer, association, developer-designated
 2101 officer, or developer-designated member of the board of
 2102 administration, developer-designated assignees or agents, bulk
 2103 assignee-designated assignees or agents, bulk buyer-designated
 2104 assignees or agents, community association manager, or community
 2105 association management firm to cease and desist from the
 2106 unlawful practice and take such affirmative action as in the
 2107 judgment of the division carry out the purposes of this chapter.
 2108 If the division finds that a developer, bulk assignee, bulk
 2109 buyer, association, officer, or member of the board of
 2110 administration, or its assignees or agents, is violating or is
 2111 about to violate any provision of this chapter, any rule adopted
 2112 or order issued by the division, or any written agreement
 2113 entered into with the division, and presents an immediate danger
 2114 to the public requiring an immediate final order, it may issue
 2115 an emergency cease and desist order reciting with particularity
 2116 the facts underlying such findings. The emergency cease and
 2117 desist order is effective for 90 days. If the division begins

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2118 nonemergency cease and desist proceedings, the emergency cease
 2119 and desist order remains effective until the conclusion of the
 2120 proceedings under ss. 120.569 and 120.57.

2121 3. If a developer, bulk assignee, or bulk buyer fails to
 2122 pay any restitution determined by the division to be owed, plus
 2123 any accrued interest at the highest rate permitted by law,
 2124 within 30 days after expiration of any appellate time period of
 2125 a final order requiring payment of restitution or the conclusion
 2126 of any appeal thereof, whichever is later, the division must
 2127 bring an action in circuit or county court on behalf of any
 2128 association, class of unit owners, lessees, or purchasers for
 2129 restitution, declaratory relief, injunctive relief, or any other
 2130 available remedy. The division may also temporarily revoke its
 2131 acceptance of the filing for the developer to which the
 2132 restitution relates until payment of restitution is made.

2133 4. The division may petition the court for appointment of a
 2134 receiver or conservator. If appointed, the receiver or
 2135 conservator may take action to implement the court order to
 2136 ensure the performance of the order and to remedy any breach
 2137 thereof. In addition to all other means provided by law for the
 2138 enforcement of an injunction or temporary restraining order, the
 2139 circuit court may impound or sequester the property of a party
 2140 defendant, including books, papers, documents, and related
 2141 records, and allow the examination and use of the property by
 2142 the division and a court-appointed receiver or conservator.

2143 5. The division may apply to the circuit court for an order
 2144 of restitution whereby the defendant in an action brought under
 2145 subparagraph 4. is ordered to make restitution of those sums
 2146 shown by the division to have been obtained by the defendant in

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2147 violation of this chapter. At the option of the court, such
 2148 restitution is payable to the conservator or receiver appointed
 2149 under subparagraph 4. or directly to the persons whose funds or
 2150 assets were obtained in violation of this chapter.

2151 6. The division may impose a civil penalty against a
 2152 developer, bulk assignee, or bulk buyer, or association, or its
 2153 assignee or agent, for any violation of this chapter or related
 2154 rule. The division may impose a civil penalty individually
 2155 against an officer or board member who willfully and knowingly
 2156 violates this chapter, an adopted rule, or a final order of the
 2157 division; may order the removal of such individual as an officer
 2158 or from the board of administration or as an officer of the
 2159 association; and may prohibit such individual from serving as an
 2160 officer or on the board of a community association for a period
 2161 of time. The term "willfully and knowingly" means that the
 2162 division informed the officer or board member that his or her
 2163 action or intended action violates this chapter, a rule adopted
 2164 under this chapter, or a final order of the division and that
 2165 the officer or board member refused to comply with the
 2166 requirements of this chapter, a rule adopted under this chapter,
 2167 or a final order of the division. The division, before
 2168 initiating formal agency action under chapter 120, must afford
 2169 the officer or board member an opportunity to voluntarily
 2170 comply, and an officer or board member who complies within 10
 2171 days is not subject to a civil penalty. A penalty may be imposed
 2172 on the basis of each day of continuing violation, but the
 2173 penalty for any offense may not exceed \$5,000. The division
 2174 shall adopt, by rule, penalty guidelines applicable to possible
 2175 violations or to categories of violations of this chapter or

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2176 rules adopted by the division. The guidelines must specify a
 2177 meaningful range of civil penalties for each such violation of
 2178 the statute and rules and must be based upon the harm caused by
 2179 the violation, upon the repetition of the violation, and upon
 2180 such other factors deemed relevant by the division. For example,
 2181 the division may consider whether the violations were committed
 2182 by a developer, bulk assignee, or bulk buyer, or owner-
 2183 controlled association, the size of the association, and other
 2184 factors. The guidelines must designate the possible mitigating
 2185 or aggravating circumstances that justify a departure from the
 2186 range of penalties provided by the rules. It is the legislative
 2187 intent that minor violations be distinguished from those which
 2188 endanger the health, safety, or welfare of the condominium
 2189 residents or other persons and that such guidelines provide
 2190 reasonable and meaningful notice to the public of likely
 2191 penalties that may be imposed for proscribed conduct. This
 2192 subsection does not limit the ability of the division to
 2193 informally dispose of administrative actions or complaints by
 2194 stipulation, agreed settlement, or consent order. All amounts
 2195 collected shall be deposited with the Chief Financial Officer to
 2196 the credit of the Division of Florida Condominiums, Timeshares,
 2197 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
 2198 bulk buyer fails to pay the civil penalty and the amount deemed
 2199 to be owed to the association, the division shall issue an order
 2200 directing that such developer, bulk assignee, or bulk buyer
 2201 cease and desist from further operation until such time as the
 2202 civil penalty is paid or may pursue enforcement of the penalty
 2203 in a court of competent jurisdiction. If an association fails to
 2204 pay the civil penalty, the division shall pursue enforcement in

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2205 a court of competent jurisdiction, and the order imposing the
 2206 civil penalty or the cease and desist order is not effective
 2207 until 20 days after the date of such order. Any action commenced
 2208 by the division shall be brought in the county in which the
 2209 division has its executive offices or in the county in which the
 2210 violation occurred.

2211 7. If a unit owner presents the division with proof that
 2212 the unit owner has requested access to official records in
 2213 writing by certified mail, and that after 10 days the unit owner
 2214 again made the same request for access to official records in
 2215 writing by certified mail, and that more than 10 days has
 2216 elapsed since the second request and the association has still
 2217 failed or refused to provide access to official records as
 2218 required by this chapter, the division shall issue a subpoena
 2219 requiring production of the requested records at the location in
 2220 which the records are kept pursuant to s. 718.112. Upon receipt
 2221 of the records, the division must provide to the unit owner who
 2222 was denied access to such records the produced official records
 2223 without charge.

2224 8. In addition to subparagraph 6., the division may seek
 2225 the imposition of a civil penalty through the circuit court for
 2226 any violation for which the division may issue a notice to show
 2227 cause under paragraph (t). The civil penalty shall be at least
 2228 \$500 but no more than \$5,000 for each violation. The court may
 2229 also award to the prevailing party court costs and reasonable
 2230 attorney fees and, if the division prevails, may also award
 2231 reasonable costs of investigation.

2232 9. The division may issue citations and promulgate rules to
 2233 provide for citation bases and citation procedures in accordance

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2234 with this paragraph.

2235 (f) The division may prepare and disseminate a prospectus
 2236 and other information to assist prospective owners, purchasers,
 2237 lessees, and developers of residential condominiums in assessing
 2238 the rights, privileges, and duties pertaining thereto.

2239 (g) The division may adopt rules to administer and enforce
 2240 this chapter.

2241 (h) The division shall establish procedures for providing
 2242 notice to an association and the developer, bulk assignee, or
 2243 bulk buyer during the period in which the developer, bulk
 2244 assignee, or bulk buyer controls the association if the division
 2245 is considering the issuance of a declaratory statement with
 2246 respect to the declaration of condominium or any related
 2247 document governing such condominium community.

2248 (i) The division shall furnish each association that pays
 2249 the fees required by paragraph (2)(a) a copy of this chapter, as
 2250 amended, and the rules adopted thereto on an annual basis.

2251 (j) The division shall annually provide each association
 2252 with a summary of declaratory statements and formal legal
 2253 opinions relating to the operations of condominiums which were
 2254 rendered by the division during the previous year.

2255 (k) The division shall provide training and educational
 2256 programs for condominium association board members and unit
 2257 owners. The training may, in the division's discretion, include
 2258 web-based electronic media and live training and seminars in
 2259 various locations throughout the state. The division may review
 2260 and approve education and training programs for board members
 2261 and unit owners offered by providers and shall maintain a
 2262 current list of approved programs and providers and make such

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2263 list available to board members and unit owners in a reasonable
 2264 and cost-effective manner. The division shall provide the
 2265 division-approved provider with the template certificate for
 2266 issuance directly to the association's board of directors who
 2267 have satisfactorily completed the requirements under s.
 2268 718.112(2)(d). The division shall adopt rules to implement this
 2269 section.

2270 (l) The division shall maintain a toll-free telephone
 2271 number accessible to condominium unit owners.

2272 (m) The division shall develop a program to certify both
 2273 volunteer and paid mediators to provide mediation of condominium
 2274 disputes. The division shall provide, upon request, a list of
 2275 such mediators to any association, unit owner, or other
 2276 participant in alternative dispute resolution proceedings under
 2277 s. 718.1255 requesting a copy of the list. The division shall
 2278 include on the list of volunteer mediators only the names of
 2279 persons who have received at least 20 hours of training in
 2280 mediation techniques or who have mediated at least 20 disputes.
 2281 In order to become initially certified by the division, paid
 2282 mediators must be certified by the Supreme Court to mediate
 2283 court cases in county or circuit courts. However, the division
 2284 may adopt, by rule, additional factors for the certification of
 2285 paid mediators, which must be related to experience, education,
 2286 or background. Any person initially certified as a paid mediator
 2287 by the division must, in order to continue to be certified,
 2288 comply with the factors or requirements adopted by rule.

2289 (n) If a complaint is made, the division must conduct its
 2290 inquiry with due regard for the interests of the affected
 2291 parties. Within 30 days after receipt of a complaint, the

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2292 division shall acknowledge the complaint in writing and notify
 2293 the complainant whether the complaint is within the jurisdiction
 2294 of the division and whether additional information is needed by
 2295 the division from the complainant. The division shall conduct
 2296 its investigation and, within 90 days after receipt of the
 2297 original complaint or of timely requested additional
 2298 information, take action upon the complaint. However, the
 2299 failure to complete the investigation within 90 days does not
 2300 prevent the division from continuing the investigation,
 2301 accepting or considering evidence obtained or received after 90
 2302 days, or taking administrative action if reasonable cause exists
 2303 to believe that a violation of this chapter or a rule has
 2304 occurred. If an investigation is not completed within the time
 2305 limits established in this paragraph, the division shall, on a
 2306 monthly basis, notify the complainant in writing of the status
 2307 of the investigation. When reporting its action to the
 2308 complainant, the division shall inform the complainant of any
 2309 right to a hearing under ss. 120.569 and 120.57. The division
 2310 may adopt rules regarding the submission of a complaint against
 2311 an association.

2312 (o) Condominium association directors, officers, and
 2313 employees; condominium developers; bulk assignees, bulk buyers,
 2314 and community association managers; and community association
 2315 management firms have an ongoing duty to reasonably cooperate
 2316 with the division in any investigation under this section. The
 2317 division shall refer to local law enforcement authorities any
 2318 person whom the division believes has altered, destroyed,
 2319 concealed, or removed any record, document, or thing required to
 2320 be kept or maintained by this chapter with the purpose to impair

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2321 its verity or availability in the department's investigation.
 2322 The division shall refer to local law enforcement authorities
 2323 any person whom the division believes has engaged in fraud,
 2324 theft, embezzlement, or other criminal activity or when the
 2325 division has cause to believe that fraud, theft, embezzlement,
 2326 or other criminal activity has occurred.

2327 (p) The division director or any officer or employee of the
 2328 division and the condominium ombudsman or any employee of the
 2329 Office of the Condominium Ombudsman may attend and observe any
 2330 meeting of the board of administration or any unit owner
 2331 meeting, including any meeting of a subcommittee or special
 2332 committee, which is open to members of the association for the
 2333 purpose of performing the duties of the division or the Office
 2334 of the Condominium Ombudsman under this chapter.

2335 (q) The division may:

- 2336 1. Contract with agencies in this state or other
- 2337 jurisdictions to perform investigative functions; or
- 2338 2. Accept grants-in-aid from any source.

2339 (r) The division shall cooperate with similar agencies in
 2340 other jurisdictions to establish uniform filing procedures and
 2341 forms, public offering statements, advertising standards, and
 2342 rules and common administrative practices.

2343 (s) The division shall consider notice to a developer, bulk
 2344 assignee, or bulk buyer to be complete when it is delivered to
 2345 the address of the developer, bulk assignee, or bulk buyer
 2346 currently on file with the division.

2347 (t) In addition to its enforcement authority, the division
 2348 may issue a notice to show cause, which must provide for a
 2349 hearing, upon written request, in accordance with chapter 120.

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2350 (u) If the division receives a complaint regarding access
 2351 to official records on the association's website or through an
 2352 application that can be downloaded on a mobile device under s.
 2353 718.111(12)(g), the division may request access to the
 2354 association's website or application and investigate. The
 2355 division may adopt rules to carry out this paragraph.

2356 (v) The division shall submit to the Governor, the
 2357 President of the Senate, the Speaker of the House of
 2358 Representatives, and the chairs of the legislative
 2359 appropriations committees an annual report that includes, but
 2360 need not be limited to, the number of training programs provided
 2361 for condominium association board members and unit owners, the
 2362 number of complaints received by type, the number and percent of
 2363 complaints acknowledged in writing within 30 days and the number
 2364 and percent of investigations acted upon within 90 days in
 2365 accordance with paragraph (n), and the number of investigations
 2366 exceeding the 90-day requirement. The annual report must also
 2367 include an evaluation of the division's core business processes
 2368 and make recommendations for improvements, including statutory
 2369 changes. After December 31, 2024, the division must include a
 2370 list of the associations that have completed the structural
 2371 integrity reserve study required under s. 718.112(2)(g). The
 2372 report shall be submitted by September 30 following the end of
 2373 the fiscal year.

2374 (2)

2375 (d) Each condominium association must create and maintain
 2376 an online account with the division. Board members shall
 2377 maintain accurate contact information on file with the division.
 2378 The division shall adopt rules to implement this paragraph.

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2379 (3) On or before October 1, 2025, all associations must
 2380 provide information as specified by the division in an
 2381 electronic format determined by the division. The information in
 2382 paragraphs (a), (b), and (c) must be updated within 15 days
 2383 after any change. The information that must be provided to the
 2384 division includes, but is not limited to:

2385 (a) Contact information for the association that includes:
 2386 1. Name of the association.
 2387 2. Mailing address and county of the association.
 2388 3. E-mail address and telephone number for the association.
 2389 4. Name, board title, and e-mail address for each member of
 2390 the association's board.

2391 5. Name and contact information of the association's
 2392 community association manager or community association
 2393 management firm, if applicable.

2394 6. Name and contact information of every individual or
 2395 community association management company responsible for
 2396 remitting any payment to the division.

2397 7. The hyperlink or website address to the association's
 2398 website, if applicable.

2399 (b) Total number of buildings and for each building in the
 2400 association:

2401 1. Physical address of the association.
 2402 2. Total number of stories, including both habitable and
 2403 uninhabitable stories.
 2404 3. Total number of units.
 2405 4. Age of each building based on the certificate of
 2406 occupancy.
 2407 5. Any construction commenced within the common elements

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2408 within the calendar year.

2409 (c) The association's assessments, including the:
 2410 1. Amount of assessment or special assessment by unit type,
 2411 including reserves.
 2412 2. Purpose of the assessment or special assessment.
 2413 3. Name of the financial institution or institutions with
 2414 which the association maintains accounts.

2415 (d) A copy of any structural integrity reserve study and
 2416 any associated materials requested by the department within 5
 2417 business days after such request, in a manner prescribed by the
 2418 department.

2419 ~~(a) On or before January 1, 2023, condominium associations~~
 2420 ~~existing on or before July 1, 2022, must provide the following~~
 2421 ~~information to the division in writing, by e-mail, United States~~
 2422 ~~Postal Service, commercial delivery service, or hand delivery,~~
 2423 ~~at a physical address or e-mail address provided by the division~~
 2424 ~~and on a form posted on the division's website:~~

2425 ~~1. The number of buildings on the condominium property that~~
 2426 ~~are three stories or higher in height.~~
 2427 ~~2. The total number of units in all such buildings.~~
 2428 ~~3. The addresses of all such buildings.~~
 2429 ~~4. The counties in which all such buildings are located.~~

2430 ~~(b) The division must compile a list of the number of~~
 2431 ~~buildings on condominium property that are three stories or~~
 2432 ~~higher in height, which is searchable by county, and must post~~
 2433 ~~the list on the division's website. This list must include all~~
 2434 ~~of the following information:~~

2435 ~~1. The name of each association with buildings on the~~
 2436 ~~condominium property that are three stories or higher in height.~~

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2437 ~~2. The number of such buildings on each association's~~
 2438 ~~property.~~
 2439 ~~3. The addresses of all such buildings.~~
 2440 ~~4. The counties in which all such buildings are located.~~
 2441 ~~(c) An association must provide an update in writing to the~~
 2442 ~~division if there are any changes to the information in the list~~
 2443 ~~under paragraph (b) within 6 months after the change.~~
 2444 Section 8. Paragraph (d) of subsection (1) and paragraphs
 2445 (d) and (e) of subsection (2) of section 718.503, Florida
 2446 Statutes, are amended, to read:
 2447 718.503 Developer disclosure prior to sale; nondeveloper
 2448 unit owner disclosure prior to sale; voidability.—
 2449 (1) DEVELOPER DISCLOSURE.—
 2450 (d) Milestone inspection, turnover inspection report, or
 2451 structural integrity reserve study.—If the association is
 2452 required to have completed a milestone inspection as described
 2453 in s. 553.899, a turnover inspection report for a turnover
 2454 inspection performed on or after July 1, 2023, or a structural
 2455 integrity reserve study, and the association has not completed
 2456 the milestone inspection, the turnover inspection report, or the
 2457 structural integrity reserve study, each contract entered into
 2458 after December 31, 2024, for the sale of a residential unit
 2459 shall contain in conspicuous type a statement indicating that
 2460 the association is required to have a milestone inspection, a
 2461 turnover inspection report, or a structural integrity reserve
 2462 study and has not completed such inspection, report, or study,
 2463 as appropriate. If the association is not required to have a
 2464 milestone inspection as described in s. 553.899 or a structural
 2465 integrity reserve study, each contract entered into after

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2466 December 31, 2024, for the sale of a residential unit shall
 2467 contain in conspicuous type a statement indicating that the
 2468 association is not required to have a milestone inspection or a
 2469 structural integrity reserve study, as appropriate. If the
 2470 association has completed a milestone inspection as described in
 2471 s. 553.899, a turnover inspection report for a turnover
 2472 inspection performed on or after July 1, 2023, or a structural
 2473 integrity reserve study, each contract entered into after
 2474 December 31, 2024, for the sale of a residential unit shall
 2475 contain in conspicuous type:
 2476 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2477 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 2478 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2479 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2480 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2481 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2482 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2483 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2484 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 2485 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 2486 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and
 2487 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2488 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2489 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2490 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2491 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 2492 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2493 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2494 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

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2495 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2496 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2497 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2498 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 2499 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2500 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2501 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2502 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2503 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2504 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2505 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
 2506 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2507 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 2508 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN
 2509 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 2510 CLOSING.

2511
 2512 A contract that does not conform to the requirements of this
 2513 paragraph is voidable at the option of the purchaser before
 2514 ~~prior to~~ closing.

2515 (2) NONDEVELOPER DISCLOSURE.—

2516 (d) Each contract entered into after July 1, 1992, for the
 2517 resale of a residential unit must ~~shall~~ contain in conspicuous
 2518 type either:

2519 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2520 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
 2521 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
 2522 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
 2523 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY

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2524 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 15 ~~3~~ DAYS,
 2525 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~
 2526 ~~TO~~ EXECUTION OF THIS CONTRACT; or

2527 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2528 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2529 CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2530 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2531 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
 2532 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
 2533 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL
 2534 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND
 2535 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
 2536 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2537 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2538 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2539 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
 2540 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
 2541 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
 2542 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
 2543 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
 2544 SHALL TERMINATE AT CLOSING.

2545
 2546 A contract that does not conform to the requirements of this
 2547 paragraph is voidable at the option of the purchaser before
 2548 ~~prior to~~ closing.

2549 (e) If the association is required to have completed a
 2550 milestone inspection as described in s. 553.899, a turnover
 2551 inspection report for a turnover inspection performed on or
 2552 after July 1, 2023, or a structural integrity reserve study, and

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2553 the association has not completed the milestone inspection, the
 2554 turnover inspection report, or the structural integrity reserve
 2555 study, each contract entered into after December 31, 2024, for
 2556 the sale of a residential unit shall contain in conspicuous type
 2557 a statement indicating that the association is required to have
 2558 a milestone inspection, a turnover inspection report, or a
 2559 structural integrity reserve study and has not completed such
 2560 inspection, report, or study, as appropriate. If the association
 2561 is not required to have a milestone inspection as described in
 2562 s. 553.899 or a structural integrity reserve study, each
 2563 contract entered into after December 31, 2024, for the sale of a
 2564 residential unit shall contain in conspicuous type a statement
 2565 indicating that the association is not required to have a
 2566 milestone inspection or a structural integrity reserve study, as
 2567 appropriate. If the association has completed a milestone
 2568 inspection as described in s. 553.899, a turnover inspection
 2569 report for a turnover inspection performed on or after July 1,
 2570 2023, or a structural integrity reserve study, each contract
 2571 entered into after December 31, 2024, for the resale of a
 2572 residential unit shall contain in conspicuous type:

2573 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2574 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 2575 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2576 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2577 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2578 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2579 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2580 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2581 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 3

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2582 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 2583 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2584 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2585 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2586 CANCEL WITHIN 15 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2587 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2588 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 2589 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2590 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2591 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2592 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2593 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2594 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
 2595 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 2596 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2597 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2598 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2599 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2600 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2601 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2602 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q),
 2603 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2604 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 2605 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN
 2606 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 2607 CLOSING.

2608
 2609 A contract that does not conform to the requirements of this
 2610 paragraph is voidable at the option of the purchaser before

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2611 ~~prior to~~ closing.

2612 Section 9. Section 8 of chapter 2024-244, Laws of Florida,
2613 is amended to read:

2614 Section 8. Effective January 1, 2026, paragraph (g) of
2615 subsection (12) of section 718.111, Florida Statutes, as amended
2616 by this act, is amended to read:

2617 718.111 The association.—

2618 (12) OFFICIAL RECORDS.—

2619 (g)1. An association managing a condominium with 25 or more
2620 units which does not contain timeshare units shall post digital
2621 copies of the documents specified in subparagraph 2. on its
2622 website or make such documents available through an application
2623 that can be downloaded on a mobile device. Unless a shorter
2624 period is otherwise required, a document must be made available
2625 on the association's website or made available for download
2626 through an application on a mobile device within 30 days after
2627 the association receives or creates an official record specified
2628 in subparagraph 2.

2629 a. The association's website or application must be:

2630 (I) An independent website, application, or web portal
2631 wholly owned and operated by the association; or

2632 (II) A website, application, or web portal operated by a
2633 third-party provider with whom the association owns, leases,
2634 rents, or otherwise obtains the right to operate a web page,
2635 subpage, web portal, collection of subpages or web portals, or
2636 an application which is dedicated to the association's
2637 activities and on which required notices, records, and documents
2638 may be posted or made available by the association.

2639 b. The association's website or application must be

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2640 accessible through the Internet and must contain a subpage, web
2641 portal, or other protected electronic location that is
2642 inaccessible to the general public and accessible only to unit
2643 owners and employees of the association.

2644 c. Upon a unit owner's written request, the association
2645 must provide the unit owner with a username and password and
2646 access to the protected sections of the association's website or
2647 application which contain any notices, records, or documents
2648 that must be electronically provided.

2649 2. A current copy of the following documents must be posted
2650 in digital format on the association's website or application:

2651 a. The recorded declaration of condominium of each
2652 condominium operated by the association and each amendment to
2653 each declaration.

2654 b. The recorded bylaws of the association and each
2655 amendment to the bylaws.

2656 c. The articles of incorporation of the association, or
2657 other documents creating the association, and each amendment to
2658 the articles of incorporation or other documents. The copy
2659 posted pursuant to this sub-subparagraph must be a copy of the
2660 articles of incorporation filed with the Department of State.

2661 d. The rules of the association.

2662 e. The approved minutes of all board of administration
2663 meetings over the preceding 12 months.

2664 f. A list of all executory contracts or documents to which
2665 the association is a party or under which the association or the
2666 unit owners have an obligation or responsibility and, after
2667 bidding for the related materials, equipment, or services has
2668 closed, a list of bids received by the association within the

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2669 past year. Summaries of bids for materials, equipment, or
 2670 services which exceed \$500 must be maintained on the website or
 2671 application for 1 year. In lieu of summaries, complete copies of
 2672 the bids may be posted.

2673 ~~g.f.~~ The annual budget required by s. 718.112(2) (f) and any
 2674 proposed budget to be considered at the annual meeting.

2675 ~~h.g.~~ The financial report required by subsection (13) and
 2676 any monthly income or expense statement to be considered at a
 2677 meeting.

2678 ~~i.h.~~ The certification of each director required by s.
 2679 718.112(2) (d)4.b.

2680 ~~j.i.~~ All contracts or transactions between the association
 2681 and any director, officer, corporation, firm, or association
 2682 that is not an affiliated condominium association or any other
 2683 entity in which an association director is also a director or
 2684 officer and financially interested.

2685 ~~k.j.~~ Any contract or document regarding a conflict of
 2686 interest or possible conflict of interest as provided in ss.
 2687 468.4335, 468.436(2) (b)6., and 718.3027(3).

2688 ~~l.k.~~ The notice of any unit owner meeting and the agenda
 2689 for the meeting, as required by s. 718.112(2) (d)3., no later
 2690 than 14 days before the meeting. The notice must be posted in
 2691 plain view on the front page of the website or application, or
 2692 on a separate subpage of the website or application labeled
 2693 "Notices" which is conspicuously visible and linked from the
 2694 front page. The association must also post on its website or
 2695 application any document to be considered and voted on by the
 2696 owners during the meeting or any document listed on the agenda
 2697 at least 7 days before the meeting at which the document or the

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2698 information within the document will be considered.

2699 ~~m.l.~~ Notice of any board meeting, the agenda, and any other
 2700 document required for the meeting as required by s.
 2701 718.112(2) (c), which must be posted no later than the date
 2702 required for notice under s. 718.112(2) (c).

2703 ~~n.m.~~ The inspection reports described in ss. 553.899 and
 2704 718.301(4) (p) and any other inspection report relating to a
 2705 structural or life safety inspection of condominium property.

2706 ~~o.n.~~ The association's most recent structural integrity
 2707 reserve study, if applicable.

2708 ~~p.o.~~ Copies of all building permits issued for ongoing or
 2709 planned construction.

2710 3. The association shall ensure that the information and
 2711 records described in paragraph (c), which are not allowed to be
 2712 accessible to unit owners, are not posted on the association's
 2713 website or application. If protected information or information
 2714 restricted from being accessible to unit owners is included in
 2715 documents that are required to be posted on the association's
 2716 website or application, the association shall ensure the
 2717 information is redacted before posting the documents.
 2718 Notwithstanding the foregoing, the association or its agent is
 2719 not liable for disclosing information that is protected or
 2720 restricted under this paragraph unless such disclosure was made
 2721 with a knowing or intentional disregard of the protected or
 2722 restricted nature of such information.

2723 q. A copy of all affidavits required by this chapter.

2724 4. The failure of the association to post information
 2725 required under subparagraph 2. is not in and of itself
 2726 sufficient to invalidate any action or decision of the

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2727 association's board or its committees.

2728 Section 10. Section 31 of chapter 2024-244, Laws of
2729 Florida, is amended to read:

2730 Section 31. The amendments made to ss. 718.103(14) and
2731 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as
2732 created by this act, ~~may not be intended to clarify existing~~
2733 ~~law and shall~~ apply retroactively and shall only apply to
2734 condominiums for which declarations were initially recorded on
2735 or after July 1, 2025. However, such amendments do not revive or
2736 reinstate any right or interest that has been fully and finally
2737 adjudicated as invalid before October 1, 2024.

2738 Section 11. Subsection (13) is added to section 719.104,
2739 Florida Statutes, to read:

2740 719.104 Cooperatives; access to units; records; financial
2741 reports; assessments; purchase of leases.-

2742 (13) INVESTMENT OF ASSOCIATION FUNDS.-

2743 (a) A board shall, in fulfilling its duty to manage
2744 operating and reserve funds of its association, use best efforts
2745 to make prudent investment decisions that carefully consider
2746 risk and return in an effort to maximize returns on invested
2747 funds.

2748 (b) An association may invest reserve funds in one or any
2749 combination of certificates of deposit or in depository accounts
2750 at a community bank, savings bank, commercial bank, savings and
2751 loan association, or credit union. Upon a majority vote of the
2752 voting interests, an association may invest reserve funds in
2753 investments other than certificates of deposit or depository
2754 accounts at a community bank, savings bank, commercial bank,
2755 savings and loan association, or credit union, provided the

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2756 association complies with paragraphs (c)-(g). Notwithstanding
2757 any declaration, only funds identified as reserve funds may be
2758 invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
2759 not apply to funds invested in one or any combination of
2760 certificates of deposit or depository accounts at a community
2761 bank, savings bank, commercial bank, savings and loan
2762 association, or credit union.

2763 (c) The board shall create an investment committee composed
2764 of at least two board members and two-unit unit members who are
2765 unit owners but not board members. The board shall also adopt
2766 rules for invested funds, including, but not limited to, rules
2767 requiring periodic reviews of any investment manager's
2768 performance, the development of an investment policy statement,
2769 and that all meetings of the investment committee be recorded
2770 and made part of the official records of the association. The
2771 investment policy statement developed pursuant to this paragraph
2772 must, at a minimum, address risk, liquidity, and benchmark
2773 measurements; authorized classes of investments; authorized
2774 investment mixes; limitations on authority relating to
2775 investment transactions; requirements for projected reserve
2776 expenditures within, at minimum, the next 24 months to be held
2777 in cash or cash equivalents; projected expenditures relating to
2778 an inspection performed pursuant to s. 553.899; and protocols
2779 for proxy response.

2780 (d) The investment committee shall recommend investment
2781 advisers to the board, and the board shall select one of the
2782 recommended investment advisers to provide services to the
2783 association. Such investment advisers must be registered or have
2784 notice filed under s. 517.12. The selected investment adviser

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2785 and any representative or association of the investment adviser
 2786 may not be related by affinity or consanguinity to, or under
 2787 common ownership with, any board member, community management
 2788 company, reserve study provider, or unit owner. The investment
 2789 adviser shall comply with the prudent investor rule in s.
 2790 518.11. The investment adviser shall act as a fiduciary to the
 2791 association in compliance with the standards set forth in the
 2792 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
 2793 1104(a) (1) (A)-(C). In case of conflict with other laws
 2794 authorizing investments, the investment and fiduciary standards
 2795 set forth in this subsection must prevail. If at any time the
 2796 investment committee determines that an investment adviser does
 2797 not meet the requirements of this section, the investment
 2798 committee must recommend a replacement investment adviser to the
 2799 board.

2800 (e) At least once each calendar year, or sooner if a
 2801 substantial financial obligation of the association becomes
 2802 known to the board, the association must provide the investment
 2803 adviser with the association's investment policy statement, the
 2804 most recent reserve study report, the association's structural
 2805 integrity report, and the financial reports prepared pursuant to
 2806 subsection (13). If there is no recent reserve study report, the
 2807 association must provide the investment adviser with a good
 2808 faith estimate disclosing the annual amount of reserve funds
 2809 necessary for the association to fund reserves fully for the
 2810 life of each reserve component and each component's
 2811 redundancies. The investment adviser shall annually review these
 2812 documents and provide the association with a portfolio
 2813 allocation model that is suitably structured and prudently

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2814 designed to match projected annual reserve fund requirements and
 2815 liability, assets, and liquidity requirements. The investment
 2816 adviser shall prepare a funding projection for each reserve
 2817 component, including any of the component's redundancies. The
 2818 association shall have available at all times a minimum of 24
 2819 months of projected reserves in cash or cash equivalents.

2820 (f) Portfolios managed by the investment adviser may
 2821 contain any type of investment necessary to meet the objectives
 2822 in the investment policy statement; however, portfolios may not
 2823 contain stocks, securities, or other obligations that the State
 2824 Board of Administration is prohibited from investing in under s.
 2825 215.471, s. 215.4725, or s. 215.473 or that state agencies are
 2826 prohibited from investing in under s. 215.472, as determined by
 2827 the investment adviser. Any funds invested by the investment
 2828 adviser must be held in third-party custodial accounts that are
 2829 subject to insurance coverage by the Securities Investor
 2830 Protection Corporation in an amount equal to or greater than the
 2831 invested amount. The investment adviser may withdraw investment
 2832 fees, expenses, and commissions from invested funds.

2833 (g) The investment adviser shall:

2834 1. Annually provide the association with a written
 2835 certification of compliance with this section and a list of
 2836 stocks, securities, and other obligations that are prohibited
 2837 from being in association portfolios under paragraph (f); and

2838 2. Submit monthly, quarterly, and annual reports to the
 2839 association which are prepared in accordance with established
 2840 financial industry standards and in accordance with chapter 517.

2841 (h) Any principal, earnings, or interest managed under this
 2842 subsection must be available at no cost or charge to the

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2843 association within 15 business days after delivery of the
 2844 association's written or electronic request.
 2845 (i) Unallocated income earned on reserve fund investments
 2846 may be spent only on capital expenditures, planned maintenance,
 2847 structural repairs, or other items for which the reserve
 2848 accounts have been established. Any surplus of funds which
 2849 exceeds the amount required to maintain reasonably funded
 2850 reserves must be managed pursuant to s. 718.115.
 2851 Section 12. Paragraphs (j) and (k) of subsection (1) of
 2852 section 719.106, Florida Statutes, are amended to read:
 2853 719.106 Bylaws; cooperative ownership.—
 2854 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 2855 documents shall provide for the following, and if they do not,
 2856 they shall be deemed to include the following:
 2857 (j) *Annual budget.*—
 2858 1. The proposed annual budget of common expenses must be
 2859 detailed and must show the amounts budgeted by accounts and
 2860 expense classifications, including, if applicable, but not
 2861 limited to, those expenses listed in s. 719.504(20). The board
 2862 of administration shall adopt the annual budget at least 14 days
 2863 before the start of the association's fiscal year. In the event
 2864 that the board fails to timely adopt the annual budget a second
 2865 time, it is deemed a minor violation and the prior year's budget
 2866 shall continue in effect until a new budget is adopted.
 2867 2.a. In addition to annual operating expenses, the budget
 2868 must include reserve accounts for capital expenditures and
 2869 deferred maintenance. These accounts must include, but not be
 2870 limited to, roof replacement, building painting, and pavement
 2871 resurfacing, regardless of the amount of deferred maintenance

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2872 expense or replacement cost, and for any other items for which
 2873 the deferred maintenance expense or replacement cost exceeds
 2874 ~~\$25,000~~ \$10,000. The amount to be reserved must be computed by
 2875 means of a formula which is based upon estimated remaining
 2876 useful life and estimated replacement cost or deferred
 2877 maintenance expense of the reserve item. In a budget adopted by
 2878 an association that is required to obtain a structural integrity
 2879 reserve study, reserves must be maintained for the items
 2880 identified in paragraph (k) for which the association is
 2881 responsible pursuant to the declaration, and the reserve amount
 2882 for such items must be based on the findings and recommendations
 2883 of the association's most recent structural integrity reserve
 2884 study. If an association votes to terminate the condominium in
 2885 accordance with s. 718.117, the members may vote to waive the
 2886 maintenance of reserves recommended by the association's most
 2887 recent structural integrity reserve study. With respect to items
 2888 for which an estimate of useful life is not readily
 2889 ascertainable or with an estimated remaining useful life of
 2890 greater than 25 years, an association is not required to reserve
 2891 replacement costs for such items, but an association must
 2892 reserve the amount of deferred maintenance expense, if any,
 2893 which is recommended by the structural integrity reserve study
 2894 for such items. The association may adjust replacement reserve
 2895 assessments annually to take into account an inflation
 2896 adjustment and any changes in estimates or extension of the
 2897 useful life of a reserve item caused by deferred maintenance.
 2898 b. The members of a unit-owner-controlled association may
 2899 determine, by a majority vote of the total voting interests of
 2900 the association, for a fiscal year to provide no reserves or

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2901 reserves less adequate than required by this subsection. Before
 2902 turnover of control of an association by a developer to unit
 2903 owners other than a developer under s. 719.301, the developer-
 2904 controlled association may not vote to waive the reserves or
 2905 reduce funding of the reserves.

2906 c. For a budget adopted on or after December 31, 2024, a
 2907 unit-owner-controlled association that must obtain a structural
 2908 integrity reserve study may not determine to provide no reserves
 2909 or reserves less adequate than required by this paragraph for
 2910 items listed in paragraph (k). If a meeting of the unit owners
 2911 has been called to determine to provide no reserves, or reserves
 2912 less adequate than required, and such result is not attained or
 2913 a quorum is not attained, the reserves as included in the budget
 2914 shall go into effect.

2915 d. If the local building official as defined in s. 468.603,
 2916 determines that the entire condominium building is uninhabitable
 2917 due to a natural emergency as defined in s. 252.34, the board
 2918 may pause the contribution to its reserves or reduce reserve
 2919 funding until the local building official determines that the
 2920 condominium building is habitable. Any reserve account funds
 2921 held by the association may be expended, pursuant to the board's
 2922 determination, to make the condominium building and its
 2923 structures habitable. Upon the determination by the local
 2924 building official that the condominium building is habitable,
 2925 the association must immediately resume contributing funds to
 2926 its reserves.

2927 e. For a budget adopted on or before December 31, 2028, a
 2928 unit-owner-controlled association that must have a structural
 2929 reserve study may secure a line of credit in lieu of maintaining

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2930 reserves for all or a portion of the reserves required under
 2931 this paragraph and paragraph (f) upon a majority vote of the
 2932 total voting interests of the association. The line of credit
 2933 must be sufficient to meet the association's deferred
 2934 maintenance obligation not funded in the association's reserve
 2935 account for each budget. Funding from the line of credit must be
 2936 immediately available for access by the board to fund required
 2937 repair, maintenance, or replacement expenses without further
 2938 approval by the members of the association.

2939 f. For a budget adopted on or before December 31, 2028, if
 2940 the association has completed a milestone inspection pursuant to
 2941 s. 553.899 within the previous 2 calendar years, the board, upon
 2942 the approval of a majority of the total voting interests of the
 2943 association, may temporarily pause, for a period of no more than
 2944 2 consecutive annual budgets, reserve fund contributions or
 2945 reduce the amount of reserve funding for the purpose of funding
 2946 repairs recommended by the milestone inspection. This sub-
 2947 paragraph does not apply to a developer-controlled
 2948 association and an association in which the non-developer unit
 2949 owners have been in control for less than 1 year. An association
 2950 that has paused reserve contributions under this sub-
 2951 paragraph must have a structural integrity reserve study
 2952 performed before the continuation of reserve contributions in
 2953 order to determine the association's reserve funding needs and
 2954 to recommend a reserve funding plan.

2955 3. Reserve funds and any interest accruing thereon shall
 2956 remain in the reserve account or accounts, and shall be used
 2957 only for authorized reserve expenditures unless their use for
 2958 other purposes is approved in advance by a vote of the majority

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2959 of the total voting interests of the association. Before
 2960 turnover of control of an association by a developer to unit
 2961 owners other than the developer under s. 719.301, the developer
 2962 may not vote to use reserves for purposes other than that for
 2963 which they were intended. For a budget adopted on or after
 2964 December 31, 2024, members of a unit-owner-controlled
 2965 association that must obtain a structural integrity reserve
 2966 study may not vote to use reserve funds, or any interest
 2967 accruing thereon, for purposes other than the replacement or
 2968 deferred maintenance costs of the components listed in paragraph
 2969 (k). A vote of the members is not required for the board to
 2970 change the accounting method for reserves to a pooling
 2971 accounting method or a straight-line accounting method.

2972 (k) *Structural integrity reserve study.*—

2973 1. A residential cooperative association must have a
 2974 structural integrity reserve study completed at least every 10
 2975 years for each building on the cooperative property that is
 2976 three stories or higher in height, as determined by the Florida
 2977 Building Code, that includes, at a minimum, a study of the
 2978 following items as related to the structural integrity and
 2979 safety of the building:

- 2980 a. Roof.
- 2981 b. Structure, including load-bearing walls and other
 2982 primary structural members and primary structural systems as
 2983 those terms are defined in s. 627.706.
- 2984 c. Fireproofing and fire protection systems.
- 2985 d. Plumbing.
- 2986 e. Electrical systems.
- 2987 f. Waterproofing and exterior painting.

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2988 g. Windows and exterior doors.
 2989 h. Any other item that has a deferred maintenance expense
 2990 or replacement cost that exceeds ~~\$25,000~~ \$10,000 and the failure
 2991 to replace or maintain such item negatively affects the items
 2992 listed in sub-subparagraphs a.-g., as determined by the visual
 2993 inspection portion of the structural integrity reserve study.
 2994 2. A structural integrity reserve study is based on a
 2995 visual inspection of the cooperative property.
 2996 3.a. A structural integrity reserve study may be performed
 2997 by any person qualified to perform such study. However, the
 2998 visual inspection portion of the structural integrity reserve
 2999 study must be performed or verified by an engineer licensed
 3000 under chapter 471, an architect licensed under chapter 481, or a
 3001 person certified as a reserve specialist or professional reserve
 3002 analyst by the Community Associations Institute or the
 3003 Association of Professional Reserve Analysts.
 3004 b. Any design professional as defined in s. 558.002(7) or
 3005 contractor licensed under chapter 489 who bids to perform a
 3006 structural integrity reserve study must disclose in writing to
 3007 the association his or her intent to bid on any services related
 3008 to any maintenance, repair, or replacement that may be
 3009 recommended by the structural integrity reserve study. Any
 3010 design professional as defined in s. 558.002 or contractor
 3011 licensed under chapter 489 who submits a bid to the association
 3012 for performing any services recommended by the structural
 3013 integrity reserve study may not have an interest, directly or
 3014 indirectly, in the firm or entity providing the association's
 3015 structural integrity reserve study or be a relative of any
 3016 person having a direct or indirect interest in such firm, unless

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3017 such relationship is disclosed to the association in writing. As
 3018 used in this section, the term "relative" means a relative
 3019 within the third degree of consanguinity by blood or marriage. A
 3020 contract for services is voidable and terminates upon the
 3021 association filing a written notice terminating the contract if
 3022 the design professional or licensed contractor failed to provide
 3023 the written disclosure of the relationship required under this
 3024 paragraph. A design professional or licensed contractor may be
 3025 subject to discipline under the applicable practice act for his
 3026 or her profession for failure to provide the written disclosure
 3027 of the relationship required under this subparagraph.

3028 4.a. ~~3~~. At a minimum, a structural integrity reserve study
 3029 must identify each item of the cooperative property being
 3030 visually inspected, state the estimated remaining useful life
 3031 and the estimated replacement cost or deferred maintenance
 3032 expense of each item of the cooperative property being visually
 3033 inspected, and provide a reserve funding schedule with a
 3034 recommended annual reserve amount that achieves the estimated
 3035 replacement cost or deferred maintenance expense of each item of
 3036 cooperative property being visually inspected by the end of the
 3037 estimated remaining useful life of the item. The structural
 3038 integrity reserve study may recommend that reserves do not need
 3039 to be maintained for any item for which an estimate of useful
 3040 life and an estimate of replacement cost cannot be determined,
 3041 or the study may recommend a deferred maintenance expense amount
 3042 for such item. At a minimum, the structural integrity reserve
 3043 study must include a recommendation for a reserve funding
 3044 schedule based on a baseline funding plan that provides a
 3045 reserve funding goal in which the reserve funding for each

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3046 budget year is sufficient to maintain the reserve cash balance
 3047 above zero. The study may recommend other types of reserve
 3048 funding schedules, provided that each recommended schedule is
 3049 sufficient to meet the association's maintenance obligation.

3050 b. The structural integrity reserve study may recommend
 3051 that reserves for replacement costs do not need to be maintained
 3052 for any item with an estimated remaining useful life of greater
 3053 than 25 years, but the study may recommend a deferred
 3054 maintenance expense amount for such item. If the structural
 3055 integrity reserve study recommends reserves for any item for
 3056 which reserves are not required under this paragraph, the amount
 3057 of the recommended reserves for such item must be separately
 3058 identified in the structural integrity reserve study as an item
 3059 for which reserves are not required under this paragraph.

3060 5.4. This paragraph does not apply to buildings less than
 3061 three stories in height; single-family, two-family, or three-
 3062 family dwellings with three or fewer habitable stories above
 3063 ground; any portion or component of a building that has not been
 3064 submitted to the cooperative form of ownership; or any portion
 3065 or component of a building that is maintained by a party other
 3066 than the association.

3067 6.5. Before a developer turns over control of an
 3068 association to unit owners other than the developer, the
 3069 developer must have a turnover inspection report in compliance
 3070 with s. 719.301(4)(p) and (q) for each building on the
 3071 cooperative property that is three stories or higher in height.

3072 7.6. Associations existing on or before July 1, 2022, which
 3073 are controlled by unit owners other than the developer, must
 3074 have a structural integrity reserve study completed by December

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3075 31, 2024, for each building on the cooperative property that is
 3076 three stories or higher in height. An association that is
 3077 required to complete a milestone inspection on or before
 3078 December 31, 2026, in accordance with s. 553.899 may complete
 3079 the structural integrity reserve study simultaneously with the
 3080 milestone inspection. In no event may the structural integrity
 3081 reserve study be completed after December 31, 2026.

3082 ~~8.7-~~ If the milestone inspection required by s. 553.899, or
 3083 an inspection completed for a similar local requirement, was
 3084 performed within the past 5 years and meets the requirements of
 3085 this paragraph, such inspection may be used in place of the
 3086 visual inspection portion of the structural integrity reserve
 3087 study.

3088 9. If the association completes a milestone inspection
 3089 required by s. 553.899, or an inspection completed for a similar
 3090 local requirement, the association may delay performance of a
 3091 required structural integrity reserve study for no more than the
 3092 2 consecutive budget years immediately following the milestone
 3093 inspection in order to allow the association to focus its
 3094 financial resources on completing the repair and maintenance
 3095 recommendations of the milestone inspection.

3096 ~~10.8-~~ If the officers or directors of an association
 3097 willfully and knowingly fail to complete a structural integrity
 3098 reserve study pursuant to this paragraph, such failure is a
 3099 breach of an officer's and director's fiduciary relationship to
 3100 the unit owners under s. 719.104(9). An officer or a director of
 3101 the association must sign an affidavit acknowledging receipt of
 3102 the completed structural integrity reserve study.

3103 ~~11.9-~~ Within 45 days after receiving the structural

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3104 integrity reserve study, the association must distribute a copy
 3105 of the study to each unit owner or deliver to each unit owner a
 3106 notice that the completed study is available for inspection and
 3107 copying upon a written request. Distribution of a copy of the
 3108 study or notice must be made by United States mail or personal
 3109 delivery at the mailing address, property address, or any other
 3110 address of the owner provided to fulfill the association's
 3111 notice requirements under this chapter, or by electronic
 3112 transmission to the e-mail address or facsimile number provided
 3113 to fulfill the association's notice requirements to unit owners
 3114 who previously consented to receive notice by electronic
 3115 transmission.

3116 ~~12.10-~~ Within 45 days after receiving the structural
 3117 integrity reserve study, the association must provide the
 3118 division with a statement indicating that the study was
 3119 completed and that the association provided or made available
 3120 such study to each unit owner in accordance with this section.
 3121 Such statement must be provided to the division in the manner
 3122 established by the division using a form posted on the
 3123 division's website.

3124 13. The division shall adopt by rule the form for the
 3125 structural integrity reserve study in coordination with the
 3126 Florida Building Commission.

3127 Section 13. Subsection (3) of section 719.501, Florida
 3128 Statutes, is amended, paragraph (c) is added to subsection (2)
 3129 of that section, and subsection (1) of that section is
 3130 reenacted, to read:

3131 719.501 Powers and duties of Division of Florida
 3132 Condominiums, Timeshares, and Mobile Homes.—

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3133 (1) The Division of Florida Condominiums, Timeshares, and
 3134 Mobile Homes of the Department of Business and Professional
 3135 Regulation, referred to as the "division" in this part, in
 3136 addition to other powers and duties prescribed by chapter 718,
 3137 has the power to enforce and ensure compliance with this chapter
 3138 and adopted rules relating to the development, construction,
 3139 sale, lease, ownership, operation, and management of residential
 3140 cooperative units; complaints related to the procedural
 3141 completion of the structural integrity reserve studies under s.
 3142 719.106(1)(k); and complaints related to the procedural
 3143 completion of milestone inspections under s. 553.899. In
 3144 performing its duties, the division shall have the following
 3145 powers and duties:

3146 (a) The division may make necessary public or private
 3147 investigations within or outside this state to determine whether
 3148 any person has violated this chapter or any rule or order
 3149 hereunder, to aid in the enforcement of this chapter, or to aid
 3150 in the adoption of rules or forms hereunder.

3151 (b) The division may require or permit any person to file a
 3152 statement in writing, under oath or otherwise, as the division
 3153 determines, as to the facts and circumstances concerning a
 3154 matter to be investigated.

3155 (c) For the purpose of any investigation under this
 3156 chapter, the division director or any officer or employee
 3157 designated by the division director may administer oaths or
 3158 affirmations, subpoena witnesses and compel their attendance,
 3159 take evidence, and require the production of any matter which is
 3160 relevant to the investigation, including the existence,
 3161 description, nature, custody, condition, and location of any

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3162 books, documents, or other tangible things and the identity and
 3163 location of persons having knowledge of relevant facts or any
 3164 other matter reasonably calculated to lead to the discovery of
 3165 material evidence. Upon failure by a person to obey a subpoena
 3166 or to answer questions propounded by the investigating officer
 3167 and upon reasonable notice to all persons affected thereby, the
 3168 division may apply to the circuit court for an order compelling
 3169 compliance.

3170 (d) Notwithstanding any remedies available to unit owners
 3171 and associations, if the division has reasonable cause to
 3172 believe that a violation of any provision of this chapter or
 3173 related rule has occurred, the division may institute
 3174 enforcement proceedings in its own name against a developer,
 3175 association, officer, or member of the board, or its assignees
 3176 or agents, as follows:

3177 1. The division may permit a person whose conduct or
 3178 actions may be under investigation to waive formal proceedings
 3179 and enter into a consent proceeding whereby orders, rules, or
 3180 letters of censure or warning, whether formal or informal, may
 3181 be entered against the person.

3182 2. The division may issue an order requiring the developer,
 3183 association, officer, or member of the board, or its assignees
 3184 or agents, to cease and desist from the unlawful practice and
 3185 take such affirmative action as in the judgment of the division
 3186 will carry out the purposes of this chapter. Such affirmative
 3187 action may include, but is not limited to, an order requiring a
 3188 developer to pay moneys determined to be owed to a condominium
 3189 association.

3190 3. The division may bring an action in circuit court on

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3191 behalf of a class of unit owners, lessees, or purchasers for
 3192 declaratory relief, injunctive relief, or restitution.

3193 4. The division may impose a civil penalty against a
 3194 developer or association, or its assignees or agents, for any
 3195 violation of this chapter or related rule. The division may
 3196 impose a civil penalty individually against any officer or board
 3197 member who willfully and knowingly violates a provision of this
 3198 chapter, a rule adopted pursuant to this chapter, or a final
 3199 order of the division. The term "willfully and knowingly" means
 3200 that the division informed the officer or board member that his
 3201 or her action or intended action violates this chapter, a rule
 3202 adopted under this chapter, or a final order of the division,
 3203 and that the officer or board member refused to comply with the
 3204 requirements of this chapter, a rule adopted under this chapter,
 3205 or a final order of the division. The division, prior to
 3206 initiating formal agency action under chapter 120, shall afford
 3207 the officer or board member an opportunity to voluntarily comply
 3208 with this chapter, a rule adopted under this chapter, or a final
 3209 order of the division. An officer or board member who complies
 3210 within 10 days is not subject to a civil penalty. A penalty may
 3211 be imposed on the basis of each day of continuing violation, but
 3212 in no event shall the penalty for any offense exceed \$5,000. The
 3213 division shall adopt, by rule, penalty guidelines applicable to
 3214 possible violations or to categories of violations of this
 3215 chapter or rules adopted by the division. The guidelines must
 3216 specify a meaningful range of civil penalties for each such
 3217 violation of the statute and rules and must be based upon the
 3218 harm caused by the violation, upon the repetition of the
 3219 violation, and upon such other factors deemed relevant by the

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3220 division. For example, the division may consider whether the
 3221 violations were committed by a developer or owner-controlled
 3222 association, the size of the association, and other factors. The
 3223 guidelines must designate the possible mitigating or aggravating
 3224 circumstances that justify a departure from the range of
 3225 penalties provided by the rules. It is the legislative intent
 3226 that minor violations be distinguished from those which endanger
 3227 the health, safety, or welfare of the cooperative residents or
 3228 other persons and that such guidelines provide reasonable and
 3229 meaningful notice to the public of likely penalties that may be
 3230 imposed for proscribed conduct. This subsection does not limit
 3231 the ability of the division to informally dispose of
 3232 administrative actions or complaints by stipulation, agreed
 3233 settlement, or consent order. All amounts collected shall be
 3234 deposited with the Chief Financial Officer to the credit of the
 3235 Division of Florida Condominiums, Timeshares, and Mobile Homes
 3236 Trust Fund. If a developer fails to pay the civil penalty, the
 3237 division shall thereupon issue an order directing that such
 3238 developer cease and desist from further operation until such
 3239 time as the civil penalty is paid or may pursue enforcement of
 3240 the penalty in a court of competent jurisdiction. If an
 3241 association fails to pay the civil penalty, the division shall
 3242 thereupon pursue enforcement in a court of competent
 3243 jurisdiction, and the order imposing the civil penalty or the
 3244 cease and desist order shall not become effective until 20 days
 3245 after the date of such order. Any action commenced by the
 3246 division shall be brought in the county in which the division
 3247 has its executive offices or in the county where the violation
 3248 occurred.

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3249 (e) The division may prepare and disseminate a prospectus
 3250 and other information to assist prospective owners, purchasers,
 3251 lessees, and developers of residential cooperatives in assessing
 3252 the rights, privileges, and duties pertaining thereto.

3253 (f) The division has authority to adopt rules pursuant to
 3254 ss. 120.536(1) and 120.54 to implement and enforce the
 3255 provisions of this chapter.

3256 (g) The division shall establish procedures for providing
 3257 notice to an association when the division is considering the
 3258 issuance of a declaratory statement with respect to the
 3259 cooperative documents governing such cooperative community.

3260 (h) The division shall furnish each association which pays
 3261 the fees required by paragraph (2) (a) a copy of this act,
 3262 subsequent changes to this act on an annual basis, an amended
 3263 version of this act as it becomes available from the Secretary
 3264 of State's office on a biennial basis, and the rules adopted
 3265 thereto on an annual basis.

3266 (i) The division shall annually provide each association
 3267 with a summary of declaratory statements and formal legal
 3268 opinions relating to the operations of cooperatives which were
 3269 rendered by the division during the previous year.

3270 (j) The division shall adopt uniform accounting principles,
 3271 policies, and standards to be used by all associations in the
 3272 preparation and presentation of all financial statements
 3273 required by this chapter. The principles, policies, and
 3274 standards shall take into consideration the size of the
 3275 association and the total revenue collected by the association.

3276 (k) The division shall provide training and educational
 3277 programs for cooperative association board members and unit

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3278 owners. The training may, in the division's discretion, include
 3279 web-based electronic media and live training and seminars in
 3280 various locations throughout the state. The division may review
 3281 and approve education and training programs for board members
 3282 and unit owners offered by providers and shall maintain a
 3283 current list of approved programs and providers and make such
 3284 list available to board members and unit owners in a reasonable
 3285 and cost-effective manner.

3286 (l) The division shall maintain a toll-free telephone
 3287 number accessible to cooperative unit owners.

3288 (m) When a complaint is made to the division, the division
 3289 shall conduct its inquiry with reasonable dispatch and with due
 3290 regard to the interests of the affected parties. Within 30 days
 3291 after receipt of a complaint, the division shall acknowledge the
 3292 complaint in writing and notify the complainant whether the
 3293 complaint is within the jurisdiction of the division and whether
 3294 additional information is needed by the division from the
 3295 complainant. The division shall conduct its investigation and
 3296 shall, within 90 days after receipt of the original complaint or
 3297 timely requested additional information, take action upon the
 3298 complaint. However, the failure to complete the investigation
 3299 within 90 days does not prevent the division from continuing the
 3300 investigation, accepting or considering evidence obtained or
 3301 received after 90 days, or taking administrative action if
 3302 reasonable cause exists to believe that a violation of this
 3303 chapter or a rule of the division has occurred. If an
 3304 investigation is not completed within the time limits
 3305 established in this paragraph, the division shall, on a monthly
 3306 basis, notify the complainant in writing of the status of the

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3307 investigation. When reporting its action to the complainant, the
 3308 division shall inform the complainant of any right to a hearing
 3309 pursuant to ss. 120.569 and 120.57.

3310 (n) The division shall develop a program to certify both
 3311 volunteer and paid mediators to provide mediation of cooperative
 3312 disputes. The division shall provide, upon request, a list of
 3313 such mediators to any association, unit owner, or other
 3314 participant in arbitration proceedings under s. 718.1255
 3315 requesting a copy of the list. The division shall include on the
 3316 list of voluntary mediators only persons who have received at
 3317 least 20 hours of training in mediation techniques or have
 3318 mediated at least 20 disputes. In order to become initially
 3319 certified by the division, paid mediators must be certified by
 3320 the Supreme Court to mediate court cases in county or circuit
 3321 courts. However, the division may adopt, by rule, additional
 3322 factors for the certification of paid mediators, which factors
 3323 must be related to experience, education, or background. Any
 3324 person initially certified as a paid mediator by the division
 3325 must, in order to continue to be certified, comply with the
 3326 factors or requirements imposed by rules adopted by the
 3327 division.

3328 (2)

3329 (c) A cooperative association shall create and maintain an
 3330 online account with the division. Board members shall maintain
 3331 accurate contact information on file with the division. The
 3332 division shall adopt rules to implement this paragraph.

3333 (3) On or before October 1, 2025, all cooperative
 3334 associations shall provide information as specified by the
 3335 division in an electronic format determined by the division. The

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3336 information in paragraphs (a), (b), and (c) must be updated
 3337 within 15 days after any change. The information that must be
 3338 provided to the division includes, but is not limited to:

3339 (a) The contact information for the association that
 3340 includes all of the following:

3341 1. The name of the association.

3342 2. The mailing address and county of the association.

3343 3. The e-mail address and telephone number for the
 3344 association.

3345 4. The name, board title, and e-mail address for each
 3346 member of the association's board.

3347 5. The name and contact information of the association's
 3348 community association manager or community association
 3349 management firm, if applicable.

3350 6. The name and contact information of every individual or
 3351 community association management company responsible for
 3352 remitting any payment to the division.

3353 7. The hyperlink or website address of the association's
 3354 website, if applicable.

3355 (b) The total number of buildings and for each building in
 3356 the association:

3357 1. The physical address of the association.

3358 2. The total number of stories of each building, including
 3359 both habitable and uninhabitable stories.

3360 3. The total number of units.

3361 4. The age of each building based on the certificate of
 3362 occupancy.

3363 5. Any construction commenced on the common elements within
 3364 the previous calendar year.

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3365 (c) The association's assessments, including the:
 3366 1. Amount of assessment or special assessment by unit type,
 3367 including reserves.
 3368 2. Purpose of the assessment or special assessment.
 3369 3. Name of the financial institution or institutions with
 3370 which the association maintains accounts.
 3371 (d) A copy of any structural integrity reserve study and
 3372 any associated materials requested by the department. The
 3373 association must provide such materials within 5 business days
 3374 after such request, in a manner prescribed by the department.
 3375 ~~(a) On or before January 1, 2023, cooperative associations~~
 3376 ~~existing on or before July 1, 2022, must provide the following~~
 3377 ~~information to the division in writing, by e-mail, United States~~
 3378 ~~Postal Service, commercial delivery service, or hand delivery,~~
 3379 ~~at a physical address or e-mail address provided by the division~~
 3380 ~~and on a form posted on the division's website:~~
 3381 ~~1. The number of buildings on the cooperative property that~~
 3382 ~~are three stories or higher in height.~~
 3383 ~~2. The total number of units in all such buildings.~~
 3384 ~~3. The addresses of all such buildings.~~
 3385 ~~4. The counties in which all such buildings are located.~~
 3386 ~~(b) The division must compile a list of the number of~~
 3387 ~~buildings on cooperative property that are three stories or~~
 3388 ~~higher in height, which is searchable by county, and must post~~
 3389 ~~the list on the division's website. This list must include all~~
 3390 ~~of the following information:~~
 3391 ~~1. The name of each association with buildings on the~~
 3392 ~~cooperative property that are three stories or higher in height.~~
 3393 ~~2. The number of such buildings on each association's~~

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3394 ~~property.~~
 3395 ~~3. The addresses of all such buildings.~~
 3396 ~~4. The counties in which all such buildings are located.~~
 3397 ~~(c) An association must provide an update in writing to the~~
 3398 ~~division if there are any changes to the information in the list~~
 3399 ~~under paragraph (b) within 6 months after the change.~~
 3400 Section 14. Paragraph (d) of subsection (1) and paragraphs
 3401 (c) and (d) of subsection (2) of section 719.503, Florida
 3402 Statutes, are amended, to read:
 3403 719.503 Disclosure prior to sale.—
 3404 (1) DEVELOPER DISCLOSURE.—
 3405 (d) *Milestone inspection, turnover inspection report, or*
 3406 *structural integrity reserve study.*—If the association is
 3407 required to have completed a milestone inspection as described
 3408 in s. 553.899, a turnover inspection report for a turnover
 3409 inspection performed on or after July 1, 2023, or a structural
 3410 integrity reserve study, and the association has not completed
 3411 the milestone inspection, the turnover inspection report, or the
 3412 structural integrity reserve study, each contract entered into
 3413 after December 31, 2024, for the sale of a residential unit
 3414 shall contain in conspicuous type a statement indicating that
 3415 the association is required to have a milestone inspection, a
 3416 turnover inspection report, or a structural integrity reserve
 3417 study and has not completed such inspection, report, or study,
 3418 as appropriate. If the association is not required to have a
 3419 milestone inspection as described in s. 553.899 or a structural
 3420 integrity reserve study, each contract entered into after
 3421 December 31, 2024, for the sale of a residential unit shall
 3422 contain in conspicuous type a statement indicating that the

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3423 association is not required to have a milestone inspection or a
 3424 structural integrity reserve study, as appropriate. If the
 3425 association has completed a milestone inspection as described in
 3426 s. 553.899, a turnover inspection report for a turnover
 3427 inspection performed on or after July 1, 2023, or a structural
 3428 integrity reserve study, each contract entered into after
 3429 December 31, 2024, for the sale of a residential unit shall
 3430 contain in conspicuous type:

3431 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 3432 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 3433 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 3434 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 3435 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 3436 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 3437 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 3438 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 3439 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 3440 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 3441 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

3442 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 3443 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 3444 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 3445 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 3446 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 3447 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 3448 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 3449 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 3450 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 3451 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY

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3452 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 3453 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 3454 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 3455 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 3456 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 3457 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 3458 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 3459 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 3460 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q),
 3461 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 3462 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 3463 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN
 3464 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 3465 CLOSING.

3466
 3467 A contract that does not conform to the requirements of this
 3468 paragraph is voidable at the option of the purchaser before
 3469 ~~prior to~~ closing.

3470 (2) NONDEVELOPER DISCLOSURE.—

3471 (c) Each contract entered into after July 1, 1992, for the
 3472 resale of an interest in a cooperative shall contain in
 3473 conspicuous type either:

3474 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 3475 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF
 3476 INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE
 3477 ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 15 ~~3~~
 3478 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 3479 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

3480 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY

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3481 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 3482 CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 3483 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 3484 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF
 3485 INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND
 3486 QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY
 3487 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO
 3488 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF
 3489 NOT MORE THAN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 3490 HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF
 3491 INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF
 3492 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
 3493 TERMINATE AT CLOSING.

3494

3495 A contract that does not conform to the requirements of this
 3496 paragraph is voidable at the option of the purchaser before
 3497 ~~prior to~~ closing.

3498 (d) If the association is required to have completed a
 3499 milestone inspection as described in s. 553.899, a turnover
 3500 inspection report for a turnover inspection performed on or
 3501 after July 1, 2023, or a structural integrity reserve study, and
 3502 the association has not completed the milestone inspection, the
 3503 turnover inspection report, or the structural integrity reserve
 3504 study, each contract entered into after December 31, 2024, for
 3505 the sale of a residential unit shall contain in conspicuous type
 3506 a statement indicating that the association is required to have
 3507 a milestone inspection, a turnover inspection report, or a
 3508 structural integrity reserve study and has not completed such
 3509 inspection, report, or study, as appropriate. If the association

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3510 is not required to have a milestone inspection as described in
 3511 s. 553.899 or a structural integrity reserve study, each
 3512 contract entered into after December 31, 2024, for the sale of a
 3513 residential unit shall contain in conspicuous type a statement
 3514 indicating that the association is not required to have a
 3515 milestone inspection or a structural integrity reserve study, as
 3516 appropriate. If the association has completed a milestone
 3517 inspection as described in s. 553.899, a turnover inspection
 3518 report for a turnover inspection performed on or after July 1,
 3519 2023, or a structural integrity reserve study, each contract
 3520 entered into after December 31, 2024, for the resale of a
 3521 residential unit shall contain in conspicuous type:

3522 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 3523 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
 3524 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 3525 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 3526 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 3527 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 3528 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 3529 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 3530 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 ~~3~~
 3531 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
 3532 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

3533 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 3534 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 3535 CANCEL WITHIN 15 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 3536 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 3537 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 3538 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED

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3539 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 3540 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 3541 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 3542 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 3543 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
 3544 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 3545 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 3546 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 3547 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 3548 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 3549 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 3550 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 3551 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),
 3552 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 3553 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
 3554 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF REQUESTED IN
 3555 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 3556 CLOSING.

3557
 3558 A contract that does not conform to the requirements of this
 3559 paragraph is voidable at the option of the purchaser before
 3560 ~~prior to~~ closing.

3561 Section 15. Subsection (3) of section 914.21, Florida
 3562 Statutes, is amended to read:

3563 914.21 Definitions.—As used in ss. 914.22-914.24, the term:

3564 (3) "Official investigation" means any investigation
 3565 instituted by a law enforcement agency or prosecuting officer of
 3566 the state or a political subdivision of the state or the
 3567 Commission on Ethics or the Division of Florida Condominiums,

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3568 Timeshares, and Mobile Homes of the Department of Business and
 3569 Professional Regulation.

3570 Section 16. For the 2025-2026 fiscal year, the recurring
 3571 sum of \$150,000 and nonrecurring sum of \$100,000 is appropriated
 3572 from the Professional Regulation Trust Fund to the Florida
 3573 Building Commission to contract with the University of Florida
 3574 to implement s. 553.899(3) (f), Florida Statutes, as amended by
 3575 this act. The unexpended balance of nonrecurring funds provided
 3576 by this section shall revert and is appropriated for the same
 3577 purpose for the 2026-2027 fiscal year.

3578 Section 17. For the purpose of incorporating the amendment
 3579 made by this act to section 718.111, Florida Statutes, in a
 3580 reference thereto, paragraph (e) of subsection (3) of section
 3581 721.13, Florida Statutes, is reenacted to read:

3582 721.13 Management.—

3583 (3) The duties of the managing entity include, but are not
 3584 limited to:

3585 (e) Arranging for an annual audit of the financial
 3586 statements of the timeshare plan by a certified public
 3587 accountant licensed by the Board of Accountancy of the
 3588 Department of Business and Professional Regulation, in
 3589 accordance with generally accepted auditing standards as defined
 3590 by the rules of the Board of Accountancy of the Department of
 3591 Business and Professional Regulation. The financial statements
 3592 required by this section must be prepared on an accrual basis
 3593 using fund accounting, and must be presented in accordance with
 3594 generally accepted accounting principles. A copy of the audited
 3595 financial statements must be filed with the division for review
 3596 and forwarded to the board of directors and officers of the

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3597 owners' association, if one exists, no later than 5 calendar
 3598 months after the end of the timeshare plan's fiscal year. If no
 3599 owners' association exists, each purchaser must be notified, no
 3600 later than 5 months after the end of the timeshare plan's fiscal
 3601 year, that a copy of the audited financial statements is
 3602 available upon request to the managing entity. Notwithstanding
 3603 any requirement of s. 718.111(13) or s. 719.104(4), the audited
 3604 financial statements required by this section are the only
 3605 annual financial reporting requirements for timeshare
 3606 condominiums or timeshare cooperatives.

3607 Section 18. For the purpose of incorporating the amendment
 3608 made by this act to section 718.112, Florida Statutes, in
 3609 references thereto, paragraph (a) of subsection (7) and
 3610 paragraph (c) of subsection (21) of section 718.504, Florida
 3611 Statutes, are reenacted to read:

3612 718.504 Prospectus or offering circular.—Every developer of
 3613 a residential condominium which contains more than 20
 3614 residential units, or which is part of a group of residential
 3615 condominiums which will be served by property to be used in
 3616 common by unit owners of more than 20 residential units, shall
 3617 prepare a prospectus or offering circular and file it with the
 3618 Division of Florida Condominiums, Timeshares, and Mobile Homes
 3619 prior to entering into an enforceable contract of purchase and
 3620 sale of any unit or lease of a unit for more than 5 years and
 3621 shall furnish a copy of the prospectus or offering circular to
 3622 each buyer. In addition to the prospectus or offering circular,
 3623 each buyer shall be furnished a separate page entitled
 3624 "Frequently Asked Questions and Answers," which shall be in
 3625 accordance with a format approved by the division and a copy of

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3626 the financial information required by s. 718.111. This page
 3627 shall, in readable language, inform prospective purchasers
 3628 regarding their voting rights and unit use restrictions,
 3629 including restrictions on the leasing of a unit; shall indicate
 3630 whether and in what amount the unit owners or the association is
 3631 obligated to pay rent or land use fees for recreational or other
 3632 commonly used facilities; shall contain a statement identifying
 3633 that amount of assessment which, pursuant to the budget, would
 3634 be levied upon each unit type, exclusive of any special
 3635 assessments, and which shall further identify the basis upon
 3636 which assessments are levied, whether monthly, quarterly, or
 3637 otherwise; shall state and identify any court cases in which the
 3638 association is currently a party of record in which the
 3639 association may face liability in excess of \$100,000; shall
 3640 state whether the condominium is created within a portion of a
 3641 building or within a multiple parcel building; and which shall
 3642 further state whether membership in a recreational facilities
 3643 association is mandatory, and if so, shall identify the fees
 3644 currently charged per unit type. The division shall by rule
 3645 require such other disclosure as in its judgment will assist
 3646 prospective purchasers. The prospectus or offering circular may
 3647 include more than one condominium, although not all such units
 3648 are being offered for sale as of the date of the prospectus or
 3649 offering circular. The prospectus or offering circular must
 3650 contain the following information:

3651 (7) A description of the recreational and other facilities
 3652 that will be used in common with other condominiums, community
 3653 associations, or planned developments which require the payment
 3654 of the maintenance and expenses of such facilities, directly or

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3655 indirectly, by the unit owners. The description shall include,
3656 but not be limited to, the following:

3657 (a) Each building and facility committed to be built and a
3658 summary description of the structural integrity of each building
3659 for which reserves are required pursuant to s. 718.112(2)(g).

3660
3661 Descriptions shall include location, areas, capacities, numbers,
3662 volumes, or sizes and may be stated as approximations or
3663 minimums.

3664 (21) An estimated operating budget for the condominium and
3665 the association, and a schedule of the unit owner's expenses
3666 shall be attached as an exhibit and shall contain the following
3667 information:

3668 (c) The estimated items of expenses of the condominium and
3669 the association, except as excluded under paragraph (b),
3670 including, but not limited to, the following items, which shall
3671 be stated as an association expense collectible by assessments
3672 or as unit owners' expenses payable to persons other than the
3673 association:

- 3674 1. Expenses for the association and condominium:
3675 a. Administration of the association.
3676 b. Management fees.
3677 c. Maintenance.
3678 d. Rent for recreational and other commonly used
3679 facilities.
3680 e. Taxes upon association property.
3681 f. Taxes upon leased areas.
3682 g. Insurance.
3683 h. Security provisions.

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3684 i. Other expenses.

3685 j. Operating capital.

3686 k. Reserves for all applicable items referenced in s.

3687 718.112(2)(g).

3688 1. Fees payable to the division.

3689 2. Expenses for a unit owner:

3690 a. Rent for the unit, if subject to a lease.

3691 b. Rent payable by the unit owner directly to the lessor or
3692 agent under any recreational lease or lease for the use of
3693 commonly used facilities, which use and payment is a mandatory
3694 condition of ownership and is not included in the common expense
3695 or assessments for common maintenance paid by the unit owners to
3696 the association.

3697 Section 19. For the purpose of incorporating the amendment
3698 made by this act to section 718.112, Florida Statutes, in
3699 references thereto, paragraph (d) of subsection (1) of section
3700 718.618, Florida Statutes, is reenacted to read:

3701 718.618 Converter reserve accounts; warranties.—

3702 (1) When existing improvements are converted to ownership
3703 as a residential condominium, the developer shall establish
3704 converter reserve accounts for capital expenditures and deferred
3705 maintenance, or give warranties as provided by subsection (6),
3706 or post a surety bond as provided by subsection (7). The
3707 developer shall fund the converter reserve accounts in amounts
3708 calculated as follows:

3709 (d) In addition to establishing the reserve accounts
3710 specified above, the developer shall establish those other
3711 reserve accounts required by s. 718.112(2)(f), and shall fund
3712 those accounts in accordance with the formula provided therein.

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3713 The vote to waive or reduce the funding or reserves required by
 3714 s. 718.112(2)(f) does not affect or negate the obligations
 3715 arising under this section.

3716 Section 20. For the purpose of incorporating the amendment
 3717 made by this act to sections 718.111, 718.112, and 718.503,
 3718 Florida Statutes, in references thereto, subsections (1) and (3)
 3719 of section 718.706, Florida Statutes, are reenacted to read:

3720 718.706 Specific provisions pertaining to offering of units
 3721 by a bulk assignee or bulk buyer.—

3722 (1) Before offering more than seven units in a single
 3723 condominium for sale or for lease for a term exceeding 5 years,
 3724 a bulk assignee or a bulk buyer must file the following
 3725 documents with the division and provide such documents to a
 3726 prospective purchaser or tenant:

3727 (a) An updated prospectus or offering circular, or a
 3728 supplement to the prospectus or offering circular, filed by the
 3729 original developer prepared in accordance with s. 718.504, which
 3730 must include the form of contract for sale and for lease in
 3731 compliance with s. 718.503(2);

3732 (b) An updated Frequently Asked Questions and Answers
 3733 sheet;

3734 (c) The executed escrow agreement if required under s.
 3735 718.202; and

3736 (d) The financial information required by s. 718.111(13).
 3737 However, if a financial information report did not exist before
 3738 the acquisition of title by the bulk assignee or bulk buyer, and
 3739 if accounting records that permit preparation of the required
 3740 financial information report for that period cannot be obtained
 3741 despite good faith efforts by the bulk assignee or the bulk

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3742 buyer, the bulk assignee or bulk buyer is excused from the
 3743 requirement of this paragraph. However, the bulk assignee or
 3744 bulk buyer must include in the purchase contract the following
 3745 statement in conspicuous type:

3746
 3747 ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
 3748 REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
 3749 BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
 3750 AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
 3751 EFFORTS OF THE SELLER.

3752
 3753 (3) A bulk assignee, while in control of the board of
 3754 administration of the association, may not authorize, on behalf
 3755 of the association:

3756 (a) The waiver of reserves or the reduction of funding of
 3757 the reserves pursuant to s. 718.112(2)(f)2., unless approved by
 3758 a majority of the voting interests not controlled by the
 3759 developer, bulk assignee, and bulk buyer; or

3760 (b) The use of reserve expenditures for other purposes
 3761 pursuant to s. 718.112(2)(f)3., unless approved by a majority of
 3762 the voting interests not controlled by the developer, bulk
 3763 assignee, and bulk buyer.

3764 Section 21. For the purpose of incorporating the amendment
 3765 made by this act to section 719.106, Florida Statutes, in a
 3766 reference thereto, subsection (24) of section 719.103, Florida
 3767 Statutes, is reenacted to read:

3768 719.103 Definitions.—As used in this chapter:

3769 (24) "Structural integrity reserve study" means a study of
 3770 the reserve funds required for future major repairs and

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3771 replacement of the cooperative property performed as required
3772 under s. 719.106(1)(k).

3773 Section 22. For the purpose of incorporating the amendment
3774 made by this act to section 719.106, Florida Statutes, in
3775 references thereto, paragraph (a) of subsection (7) and
3776 paragraph (c) of subsection (20) of section 719.504, Florida
3777 Statutes, are reenacted to read:

3778 719.504 Prospectus or offering circular.—Every developer of
3779 a residential cooperative which contains more than 20
3780 residential units, or which is part of a group of residential
3781 cooperatives which will be served by property to be used in
3782 common by unit owners of more than 20 residential units, shall
3783 prepare a prospectus or offering circular and file it with the
3784 Division of Florida Condominiums, Timeshares, and Mobile Homes
3785 prior to entering into an enforceable contract of purchase and
3786 sale of any unit or lease of a unit for more than 5 years and
3787 shall furnish a copy of the prospectus or offering circular to
3788 each buyer. In addition to the prospectus or offering circular,
3789 each buyer shall be furnished a separate page entitled
3790 "Frequently Asked Questions and Answers," which must be in
3791 accordance with a format approved by the division. This page
3792 must, in readable language: inform prospective purchasers
3793 regarding their voting rights and unit use restrictions,
3794 including restrictions on the leasing of a unit; indicate
3795 whether and in what amount the unit owners or the association is
3796 obligated to pay rent or land use fees for recreational or other
3797 commonly used facilities; contain a statement identifying that
3798 amount of assessment which, pursuant to the budget, would be
3799 levied upon each unit type, exclusive of any special

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3800 assessments, and which identifies the basis upon which
3801 assessments are levied, whether monthly, quarterly, or
3802 otherwise; state and identify any court cases in which the
3803 association is currently a party of record in which the
3804 association may face liability in excess of \$100,000; and state
3805 whether membership in a recreational facilities association is
3806 mandatory and, if so, identify the fees currently charged per
3807 unit type. The division shall by rule require such other
3808 disclosure as in its judgment will assist prospective
3809 purchasers. The prospectus or offering circular may include more
3810 than one cooperative, although not all such units are being
3811 offered for sale as of the date of the prospectus or offering
3812 circular. The prospectus or offering circular must contain the
3813 following information:

3814 (7) A description of the recreational and other facilities
3815 that will be used in common with other cooperatives, community
3816 associations, or planned developments which require the payment
3817 of the maintenance and expenses of such facilities, directly or
3818 indirectly, by the unit owners. The description shall include,
3819 but not be limited to, the following:

3820 (a) Each building and facility committed to be built and a
3821 summary description of the structural integrity of each building
3822 for which reserves are required pursuant to s. 719.106(1)(k).

3823
3824 Descriptions shall include location, areas, capacities, numbers,
3825 volumes, or sizes and may be stated as approximations or
3826 minimums.

3827 (20) An estimated operating budget for the cooperative and
3828 the association, and a schedule of the unit owner's expenses

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3829 shall be attached as an exhibit and shall contain the following
3830 information:

3831 (c) The estimated items of expenses of the cooperative and
3832 the association, except as excluded under paragraph (b),
3833 including, but not limited to, the following items, which shall
3834 be stated as an association expense collectible by assessments
3835 or as unit owners' expenses payable to persons other than the
3836 association:

- 3837 1. Expenses for the association and cooperative:
- 3838 a. Administration of the association.
 - 3839 b. Management fees.
 - 3840 c. Maintenance.
 - 3841 d. Rent for recreational and other commonly used areas.
 - 3842 e. Taxes upon association property.
 - 3843 f. Taxes upon leased areas.
 - 3844 g. Insurance.
 - 3845 h. Security provisions.
 - 3846 i. Other expenses.
 - 3847 j. Operating capital.
 - 3848 k. Reserves for all applicable items referenced in s.
- 3849 719.106(1)(k).
- 3850 1. Fee payable to the division.
 - 3851 2. Expenses for a unit owner:
 - 3852 a. Rent for the unit, if subject to a lease.
 - 3853 b. Rent payable by the unit owner directly to the lessor or
 - 3854 agent under any recreational lease or lease for the use of
 - 3855 commonly used areas, which use and payment are a mandatory
 - 3856 condition of ownership and are not included in the common
 - 3857 expense or assessments for common maintenance paid by the unit

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3858 owners to the association.

3859 Section 23. Except as otherwise provided in this act, this
3860 act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1760

INTRODUCER: Senator Grall

SUBJECT: Public Officers and Employees

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1760 places additional citizenship and residency requirements on state executive branch officers and defines the term “office” for purposes of the constitutional prohibition on dual office-holding.

This bill is not expected to affect state or local government revenues or expenditures. See section V., Fiscal Impact Statement.

This bill takes effect July 1, 2025.

II. Present Situation:

Residency Requirements

A residency requirement is a mandate that certain public officers – elected and, in some cases, appointed—be residents of the area they serve or the area in which they work. Current law places specific residency requirements on the following public officers in Florida:

- Governor.¹
- Lieutenant Governor.²
- Cabinet members (Attorney General, Chief Financial Officer, and Commissioner of Agriculture).³
- State legislators.⁴

¹ The Governor must be a state resident for seven years and an elector before being elected. FLA. CONST. art. IV, s. 5(b).

² The Lieutenant Governor must be a state resident for seven years and an elector before being elected. *Id.*

³ Cabinet members must be state residents for seven years and an elector before being elected. *Id.*

⁴ State legislators must be residents of the district from which they are elected, be an elector in the district from which they were elected, and have resided in Florida for at least two years prior to being elected. FLA. CONST. art. III, s. 15(c).

- State attorneys.⁵
- Public defenders.⁶
- County commissioners.⁷
- School board members.⁸
- Judges (supreme court justices, district court of appeal judges, and circuit court judges).⁹

All candidates for state and county public office, except candidates for judicial office, must subscribe to an oath affirming they are qualified electors of their county at the time of qualifying for public office.¹⁰ In order to be a qualified elector, one must be a U.S. citizen and a resident of the state as well as the county in which he or she registers to vote.¹¹ The Division of Elections within the Department of State has opined that, unless otherwise provided by the State Constitution, statute, or court ruling, the qualifications one must possess for public office, including residency, are determined as of the commencement of the term of office.¹² Accordingly, county constitutional officers¹³ must be residents of the jurisdiction they serve at the time of assuming office.

Commissions

For purposes of ch. 20, F.S., a “commission” is “a body created by specific statutory enactment within a department,^[14] the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.”¹⁵ Commissions play an essential role, serving as regulatory oversight bodies across various policy areas. These entities are typically responsible for rulemaking, licensing, adjudicating disputes, or enforcing regulations.

⁵ State attorneys must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V., s. 17; *see also* Florida Division of Elections, *FAQ—Candidates*, <https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/> (last visited Mar. 23, 2025).

⁶ Public defenders must be an elector of the state and reside in the territorial jurisdiction of the circuit in which they serve upon taking office. FLA. CONST. art. V, s. 18; *see also* Florida Division of Elections, *FAQ—Candidates*, <https://dos.fl.gov/elections/contacts/frequently-asked-questions/faq-candidates/> (last visited Mar. 27, 2025).

⁷ County commissioners must be residents of the district from which they are elected at the time of election. FLA. CONST. art. VIII, s. 1(e); *see also* Florida Division of Elections Opinion 94-04; *State v. Grassi*, 532 So.2d 1055 (Fla. 1988).

⁸ A school board member must be a resident of the district school board member residence area and be an elector in the district in which he or she serves at the time of qualifying. Sections 1001.34 and 1001.36, F.S.; *see also* Florida Division of Elections Opinion 94-04.

⁹ Judges must reside in the territorial jurisdiction of the court they serve and be an elector of the state at the time of assuming office. FLA. CONST. art. V, s. 8; *see also Advisory Opinion to the Governor*, 192 So. 2d 757 (Fla. 1966).

¹⁰ Section 99.021(1)(a)1., F.S. Note candidates for municipal office are not explicitly required by this statute to reside within the municipality in which they are running for office. Instead, residency requirements for municipal offices are typically established on a local level. *See Nichols v. State*, 177 So.2d 467 (Fla. 1965); *Marina v. Leahy*, 578 So.2d 382 (Fla. 3rd DCA 1991); Florida Division of Elections Opinion 94-04.

¹¹ Section 97.041(1)(a), F.S.

¹² Florida Division of Elections Opinion 94-04.

¹³ The term “county constitutional officers” includes sheriffs, tax collectors, property appraisers, supervisors of elections, and clerks of circuit courts. FLA. CONST. art. VIII, s. 1(d).

¹⁴ “Department” means the principal administrative unit within the executive branch of state government. Section 20.03(8), F.S.

¹⁵ Section 20.03(4), F.S.

Board of Trustees

For purposes of ch. 20, F.S., a “board of trustees” is a “board created by specific statutory enactment and appointed to function adjunctively to a department, the Governor, or the Executive Office of the Governor to administer public property or a public program.”¹⁶ While these entities may function within an executive department or under the Governor’s authority, they often operate with a degree of autonomy, making policy decisions and managing public programs in alignment with statutory mandates. Florida college boards of trustees are required to reside in the service delivery area of the college,¹⁷ while university boards of trustees do not have to reside in the state.¹⁸

The Board of Governors

The State University System of Florida consists of 12 public universities,¹⁹ each governed by an individual board of trustees.²⁰ The Board of Governors (BOG) is responsible for overseeing, regulating, and managing the entire State University System.²¹ Through its authority, the BOG ensures affordable access to higher education, promotes articulation with other educational institutions, and upholds fiscal responsibility and accountability across Florida’s public universities.²² The BOG consists of 17 members, 14 of which are “citizens” appointed by the Governor, subject to Senate confirmation.²³ The commissioner of education, the chair of the advisory council of faculty senates, and the president of the Florida student association are also members.²⁴

Licensing Boards

For purposes of ch. 20, F.S., a “licensing board” is “a board authorized to grant and revoke licenses to engage in regulated occupations.”²⁵ The boards are typically established to oversee and enforce standards within various professions, ensuring that practitioners meet the requisite qualifications and that those practitioners adhere to established ethical and professional guidelines. The boards are commonly composed of professionals licensed in the respective fields and members of the public who represent consumer interests.

Quasi-public Entities

Throughout the Florida Statutes, entities have been established that are neither entirely governmental in nature nor entirely private but possess traits from both the public and private

¹⁶ Section 20.03(2), F.S. The definition specifically exempts boards created under ch. 253, F.S., relating to public lands and property.

¹⁷ FLA. CONST. art. IX, s. 8(c).

¹⁸ Section 1001.71(1), F.S.

¹⁹ Section 1000.21(9), F.S.; see State University System, *Universities*, <https://www.flbog.edu/universities/> (last visited Mar. 23, 2025).

²⁰ FLA. CONST. art. IX, s. 7(b), FLA. CONST.; s. 1001.71, F.S.

²¹ See FLA. CONST. art. IX, s. 7(d).

²² Section 20.155(4)(b), F.S.

²³ FLA. CONST. art. IX, s. 7(d); see s. 1001.70, F.S.

²⁴ FLA. CONST. art. IX, s. 7(d).

²⁵ Section 20.03(9), F.S.

sectors. These entities are often referred to as quasi-public entities (QPEs). The reasons for their establishment in law vary from entity to entity. Some are independent entities created to advance certain policy goals. For example, the Florida Housing Finance Corporation was created to finance or refinance housing and related facilities.²⁶ Others, like the Florida Healthy Kids Corporation²⁷ and Citizens Property Insurance Corporation,²⁸ are created to administer government programs or to achieve a particular outcome in the state or in a community.

Just as the purposes of these QPEs vary, so too do their structures. For example, some are nonprofit corporations established completely independent of government and others are for-profit corporations funded through methods that allow the entity to be entirely self-sufficient. The governing bodies of QPEs, usually a board of directors or board of trustees, vary, too. The membership of these boards ranges from government officials and political appointees to private sector representatives and board-elected members.

Executive Departments

Florida's executive branch structure is set forth in the State Constitution and further refined by statute. The State Constitution provides that "[a]ll functions of the executive branch of state government [must] be allotted to among not more than twenty-five departments," excluding those explicitly created or authorized by the Constitution.²⁹ A "department" is the principal administrative unit within the executive branch of state government.³⁰ Each department is headed by a secretary³¹ appointed by the Governor or an executive director³² appointed by the Governor and Cabinet or a board.³³ Additionally, some departments house subunits that function independently of their parent department.³⁴ These department heads and administrative officers play a critical role in policy implementation, program administration, and regulatory enforcement.

Dual Office-holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.³⁵ The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.³⁶ Neither the State Constitution nor the

²⁶ Section 420.504(1), F.S.

²⁷ Florida Healthy Kids Corporation aims to improve children's health by providing comprehensive and affordable health insurance coverage. Section 624.91(2)(a), F.S.

²⁸ Citizens Property Insurance Corporation was created to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market. Section 627.351(6)(a)1., F.S.

²⁹ FLA. CONST. art. IV, s. 6.

³⁰ Section 20.03(8), F.S.

³¹ See s. 20.03(12), F.S.

³² See s. 20.03(10), F.S.

³³ For example, the executive director of the State Board of Administration is appointed by a majority vote of the Board of Trustees comprised of the Governor, the Chief Financial Officer, and the Attorney General. The Governor must vote on the prevailing side. Section 215.441, F.S.

³⁴ For example, the Division of Administrative Hearings is housed with the Department of Management Services but is not subject to the department's control, supervision, or direction. Section 120.65(1), F.S.

³⁵ FLA. CONST. art. II, s. 5(a).

³⁶ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.³⁷ The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”³⁸ Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.³⁹

Despite the general prohibition, Florida courts have recognized an *ex officio* exception that allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, provided that the additional duties are consistent with those already exercised.⁴⁰ For example, county commissioners and school board members may also serve *ex officio* on a property appraisal adjustment board if the law assigns this responsibility to their office rather than to the individual, as their additional duties are consistent with their existing responsibilities. Additionally, the State Constitution explicitly exempts certain roles, such as notaries public, military officers, and members of advisory bodies from the dual office-holding prohibition.⁴¹

III. Effect of Proposed Changes:

Section 1 creates s. 20.70, F.S., to establish requirements of “U.S. citizenship” and “state residency” for individuals serving as:

- A member of a commission;
- A member of a board of trustees;
- A member of the Board of Governors;
- A member of a licensing board;
- A member of a governing board or as the chief executive of a statewide entity statutorily created for a public purpose or to effectuate a government program, and which is not under the direct control of a governmental entity; or
- An appointee to state office.

The bill also requires the following individuals to be U.S. citizens, Florida residents, and residents in the same county as their respective department headquarters:

- A secretary of an executive branch department (this includes most executive branch secretaries, except the departments of Legal Affairs; Financial Services; Agriculture and Consumer Services; and those departments noted below).

³⁷ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

³⁸ *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

³⁹ See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf> (last visited Mar. 23, 2025).

⁴⁰ *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981).

⁴¹ Members of a constitutional revision commission and taxation and budget reform commission are also exempt. FLA. CONST. art. II, s. 5(a).

- The executive director of an executive branch department (this includes the executive directors of the departments of Revenue; Law Enforcement; Highway Safety and Motor Vehicles; Veterans' Affairs; Elderly Affairs; and Citrus; the executive director of the State Board of Administration; the Commissioner of Education; and the Adjutant General of the Department of Military Affairs).
- The chief administrative officer of any unit of state government housed under an executive branch department for administrative purposes but is not subject to control, supervision, or direction of such department (this includes, but is not limited to, the executive directors of the Florida Gaming Control Commission; Florida Transportation Commission; Fish and Wildlife Conservation Commission; the director of the Agency for Persons with Disabilities; the Commissioner of Insurance Regulation; and the Commissioner of Financial Regulation, the Chief Judge of the Division of Administrative Hearings, the executive director of the Human Relations Commission, and the chair of the Public Employees Relations Commission).

Section 2 creates s. 112.31251, F.S., to define the term “office” for purposes of the constitutional restriction on dual office-holding in Florida. The term “office” is defined to mean any position in state, county, or municipal government that:

- Delegates to the individual holding the position a portion of sovereign power of the government;
- Requires the exercise of independent governmental authority performed in an official capacity rather than solely based upon a contractual or employment relationship;
- Has a prescribed tenure; and
- Exists independently of the individual holding the position.

The following offices are enumerated as positions that meet the definition of “office”:

- Governor, Lieutenant Governor, Cabinet officers;
- State senator and state representative;
- County commissioner, sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit court;
- Member of the Board of Governors of the State University System;
- Member of a board of trustees for a state university;
- Member of a district school board;
- County or municipal administrator and attorney;
- The director of a county or municipal emergency management agency;
- Member of a state, county, or municipal board or commission that exercises governmental authority and is not purely advisory in nature;
- Member of the board of the Citizens Property Insurance Corporation;
- Member of the board of the Florida Housing Finance Corporation; and
- Member of the board of the Florida Healthy Kids Corporation.

The bill also exempts *ex officio*⁴² designations and employment positions from the definition of “office.” The bill defines “employment” to mean a relationship with a state, county, or municipal

⁴² A person serving in an *ex officio* capacity serves “by virtue or because of an office.” Blacks Law Dictionary (12th ed. 2024).

government where an individual does not exercise in his or her own right any sovereign power or any prescribed individual authority of a governmental nature.

While the position of a “police officer” or “law enforcement officer” has been held to be an office for purposes of dual office-holding under the State Constitution, the new statutory criteria of “prescribed tenure” may shift these positions away from being an “office” under the statutory interpretation. Likewise, other positions that do not have “prescribed tenure” may also fall outside the statutory definition of “office”. However, the language and interpretation will continue to control, potentially leading to inadvertent noncompliance.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Art. IX, section 7(d) of the State Constitution provides that the Board of Governors of the State University System will be comprised of fourteen *citizen members dedicated to the purposes of the state university system*. Similarly, Art. IX, section 7(c) of the State Constitution provides that each board of trustees of a state university will be comprised of six *citizen* members appointed by the governor and five *citizen* members appointed by the Board of Governors.

Art. II, section 5(b) of the State Constitution requires each state and county officer to affirm:

I do solemnly affirm that I will support, protect, and defend the Constitution and Government of the United States and the State of Florida; that I am duly *qualified to hold office under the Constitution*

*of the state; and that I will well and faithfully perform the duties of the office on which I am not about to enter. So help me God.*⁴³

Since the State Constitution explicitly places citizenship, dedication to the purposes of the state university system, and senate confirmation requirements on these appointees, it is unclear whether the legislature may add other qualifications (i.e., residency) that must be met for the officer.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

It is unclear whether the dual office-holding provisions of this bill will impact a law firm or attorney that has contracted to serve as the municipal attorney for more than one municipality. The position of municipal attorney may not meet the criteria enumerated on lines 47-54 to be included in the dual office-holding prohibition. Yet, the position is included in the statutorily enumerated positions that are mandated to be included in the dual office-holding prohibition.

C. Government Sector Impact:

This bill is not expected to affect state or local government revenues or expenditures.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

Section 1001.71(1), F.S., relating to university board of trustees, states “There shall be no state residency requirement for university board members, but the Governor and the Board of Governors shall consider diversity and regional representation.” This conflicts with the new language of Section 1 of the bill that applies to boards of trustees generally.

VIII. Statutes Affected:

This bill creates sections 20.70 and 112.31251 of the Florida Statutes.

⁴³ Article II, s. 5(b), Fla. Const. (emphasis added).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Agriculture, Environment, and General Government (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 20.71, Florida Statutes, is created to
read:

20.71 Residency requirements.—Notwithstanding any other
law:

(1)(a) Effective October 1, 2025, each of the following
persons must be a United States citizen and a resident of this



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11 state:

12 1. A member of a commission.

13 2. A member of a licensing board.

14 3. The chair of the governing board, or the chief
15 executive, of a statewide entity that is explicitly created or
16 established by statute, regardless of its legal form, for a
17 public purpose or to carry out a government program and that is
18 not under the direct control of a governmental entity.

19 4. Any other person appointed to hold state office.

20 (b) If a person listed in subparagraph (a)1., subparagraph
21 (a)2., or subparagraph (a)3. does not meet the requirements of
22 paragraph (a), the office of such person is automatically deemed
23 vacant.

24 (2) (a) Effective October 1, 2025, each of the following
25 persons must be a United States citizen, must be a resident of
26 this state, and must reside in the same county as his or her
27 respective department headquarters or within 75 miles of the
28 department headquarters:

29 1. The secretary of a department.

30 2. The executive director of a department.

31 3. The chief administrative officer of any unit of state
32 government which is housed under a department for administrative
33 purposes, but is not subject to the control, supervision, or
34 direction of such department.

35 (b) If a person listed in subparagraph (a)1., subparagraph
36 (a)2., or subparagraph (a)3. does not meet the requirements of
37 paragraph (a), the office of such person is automatically deemed
38 vacant.

39 (3) Effective January 6, 2027, each member of a state



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40 university board of trustees must be a United States citizen and
41 either a resident of this state or a graduate of the state
42 university, the administration of which is overseen by such
43 board of trustees.

44 (4) Effective January 6, 2027, each member of the Board of
45 Governors must be a United States citizen and either a resident
46 of this state or a graduate of a state university as defined in
47 s. 1000.21. If any member of the Board of Governors does not
48 meet the requirements of this subsection, such member's office
49 is automatically deemed vacant.

50 Section 2. Section 112.31251, Florida Statutes, is created
51 to read:

52 112.31251 Definition of the term "office."—

53 (1) (a) For purposes of s. 5(a), Art. II of the State
54 Constitution, the term "office," when referring to an office in
55 this state, means any position in state, county, or municipal
56 government which all of the following apply:

57 1. Delegates to the individual holding such position a
58 portion of the sovereign power of the government.

59 2. Requires the exercise of independent governmental
60 authority, which is performed in an official capacity and is not
61 based solely on a contractual or employment relationship.

62 3. Has a prescribed tenure.

63 4. Exists independently of the individual holding such
64 position.

65 (b) The term "office" includes, but is not limited to, each
66 of the following positions:

67 1. The Governor.

68 2. The Lieutenant Governor.



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- 69 3. A member of the Cabinet.
- 70 4. A state senator.
- 71 5. A state representative.
- 72 6. A county commissioner.
- 73 7. A sheriff.
- 74 8. A tax collector.
- 75 9. A property appraiser.
- 76 10. A supervisor of elections.
- 77 11. A clerk of the circuit court.
- 78 12. A member of the Board of Governors of the State
79 University System.
- 80 13. A member of a board of trustees for a state university.
- 81 14. A member of a district school board.
- 82 15. A member of a state, county, or municipal board or
83 commission that exercises governmental authority and is not
84 purely advisory in nature.
- 85 16. A member of the Board of Governors for the Citizens
86 Property Insurance Corporation established under s. 627.351(6).
- 87 17. A member of the board of directors for the Florida
88 Housing Finance Corporation established under s. 420.504.
- 89 18. A member of the board of directors for the Florida
90 Healthy Kids Corporation established under s. 624.91, other than
91 the member appointed pursuant to s. 624.91(6)(a)9.
- 92 19. An administrator or a manager of a county, a
93 municipality, or a corporation established under s. 420.504, s.
94 s. 624.91, or s. 627.351(6) who exercises in his or her own
95 right any sovereign power or any prescribed independent
96 authority of a governmental nature.
- 97 20. The director of a county or municipal emergency



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98 management agency who exercises in his or her own right any
99 sovereign power or any prescribed independent authority of a
100 governmental nature.

101 21. A state, county, or municipal law enforcement officer
102 with the authority to arrest without a warrant.

103 22. Any position that meets all the criteria enumerated in
104 paragraph (a).

105 (2) The term "office" does not include either of the
106 following:

107 (a) A legislative designation of an officer to perform ex
108 officio the functions of another office; or

109 (b) The position of an individual whose relationship with a
110 state, county, or municipal government is considered employment.

111 For purposes of this paragraph, the term "employment" means a
112 relationship with a state, county, or municipal government where
113 an individual does not exercise in his or her own right any
114 sovereign power or any prescribed independent authority of a
115 governmental nature.

116 Section 3. Subsection (1) of section 1001.71, Florida
117 Statutes, is amended to read:

118 1001.71 University boards of trustees; membership.—

119 (1) Pursuant to s. 7(c), Art. IX of the State Constitution,
120 each local constituent university shall be administered by a
121 university board of trustees comprised of 13 members as follows:
122 6 citizen members appointed by the Governor subject to
123 confirmation by the Senate; 5 citizen members appointed by the
124 Board of Governors subject to confirmation by the Senate; the
125 chair of the faculty senate or the equivalent; and the president
126 of the student body of the university. The appointed members



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127 shall serve staggered 5-year terms. In order to achieve
128 staggered terms, beginning July 1, 2003, of the initial
129 appointments by the Governor, 2 members shall serve 2-year
130 terms, 3 members shall serve 3-year terms, and 1 member shall
131 serve a 5-year term and of the initial appointments by the Board
132 of Governors, 2 members shall serve 2-year terms, 2 members
133 shall serve 3-year terms, and 1 member shall serve a 5-year
134 term. ~~There shall be no state residency requirement~~ For
135 university board members, ~~but~~ the Governor and the Board of
136 Governors shall consider diversity and regional representation.
137 Beginning July 2, 2020, for purposes of this subsection,
138 regional representation shall include the chair of a campus
139 board established pursuant to s. 1004.341.

140 Section 4. This act shall take effect July 1, 2025.

141
142 ===== T I T L E A M E N D M E N T =====

143 And the title is amended as follows:

144 Delete everything before the enacting clause
145 and insert:

146 A bill to be entitled
147 An act relating to public officers and employees;
148 creating s. 20.71, F.S.; requiring that, beginning on
149 a specified date, members of commissions and licensing
150 boards, chairs of governing boards or certain chief
151 executives, or any persons appointed to hold state
152 office be United States citizens and residents of this
153 state; requiring that, beginning on a specified date,
154 secretaries and executive directors of departments and
155 certain chief administrative officers be United States



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156 citizens and be residents of, and reside in, specified
157 areas; requiring that, beginning on a specified date,
158 members of the board of trustees for state
159 universities be United States citizens and residents
160 of this state or graduates of the state university
161 that the board oversees; requiring that, beginning on
162 a specified date, members of the Board of Governors of
163 the State University System be United States citizens
164 and residents of this state or have graduated from a
165 state university; providing that if any such
166 requirements are not met, the office is deemed vacant;
167 creating s. 112.31251, F.S.; defining the term
168 "office" for purposes of s. 5(a), Art. II of the State
169 Constitution; defining the term "employment"; amending
170 s. 1001.71, F.S.; conforming a provision to changes
171 made by the act; providing an effective date.

By Senator Grall

29-01046A-25

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1 A bill to be entitled
 2 An act relating to public officers and employees;
 3 creating s. 20.70, F.S.; requiring certain public
 4 officers and employees to be United States citizens
 5 and residents of this state, and, for specified public
 6 officers and employees, to reside in a certain county;
 7 creating s. 112.31251, F.S.; defining the term
 8 "office" for purposes of s. 5(a), Art. II of the State
 9 Constitution; defining the term "employment";
 10 providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Section 20.70, Florida Statutes, is created to
 15 read:
 16 20.70 Residency requirements.—Notwithstanding any other
 17 law:
 18 (1) All of the following persons must be United States
 19 citizens and residents of this state:
 20 (a) A member of a commission.
 21 (b) A member of a board of trustees.
 22 (c) A member of the Board of Governors.
 23 (d) A member of a licensing board.
 24 (e) A member of a governing board or the chief executive of
 25 a statewide entity that is explicitly created or established by
 26 statute, regardless of its legal form, for a public purpose or
 27 to effectuate a government program and which is not under the
 28 direct control of a governmental entity.
 29 (f) Any other person appointed to hold state office.

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

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30 (2) All of the following persons must be United States
 31 citizens, be residents of this state, and reside in the same
 32 county as their respective departments' headquarters:
 33 (a) The secretary of a department.
 34 (b) The executive director of a department of the executive
 35 branch.
 36 (c) The chief administrative officer of any unit of state
 37 government that is housed under a department for administrative
 38 purposes but is not subject to the control, supervision, or
 39 direction of such department.
 40 Section 2. Section 112.31251, Florida Statutes, is created
 41 to read:
 42 112.31251 Definition of the term "office."—
 43 (1) (a) For purposes of s. 5(a), Art. II of the State
 44 Constitution, the term "office," when referring to an office in
 45 this state, means any position in state, county, or municipal
 46 government that:
 47 1. Delegates to the individual holding such position a
 48 portion of the sovereign power of the government.
 49 2. Requires the exercise of independent governmental
 50 authority, which is performed in an official capacity and is not
 51 based solely on a contractual or employment relationship.
 52 3. Has a prescribed tenure.
 53 4. Exists independently of the individual holding such
 54 position.
 55 (b) The term includes, but is not limited to, all of the
 56 following positions:
 57 1. The Governor.
 58 2. The Lieutenant Governor.

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- 59 3. A member of the Cabinet.
60 4. A state senator.
61 5. A state representative.
62 6. A county commissioner.
63 7. A sheriff.
64 8. A tax collector.
65 9. A property appraiser.
66 10. A supervisor of elections.
67 11. A clerk of the circuit court.
68 12. A member of the Board of Governors of the State
69 University System.
70 13. A member of a board of trustees for a state university.
71 14. A member of a district school board.
72 15. A county or municipal administrator.
73 16. A county or municipal attorney.
74 17. The director of a county or municipal emergency
75 management agency.
76 18. A member of a state, county, or municipal board or
77 commission that exercises governmental authority and is not
78 purely advisory in nature.
79 19. A member of the board of the Citizens Property
80 Insurance Corporation established under s. 627.351(6).
81 20. A member of the board of the Florida Housing Finance
82 Corporation established under s. 420.504.
83 21. A member of the board of the Florida Healthy Kids
84 Corporation established under s. 624.91.
85 (2) The term "office" does not include either of the
86 following:
87 (a) A legislative designation of an officer to perform ex

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- 88 ~~officio the functions of another office; or~~
89 (b) The position of an individual whose relationship with a
90 state, county, or municipal government is considered employment.
91 For purposes of this subsection, the term "employment" means a
92 relationship with a state, county, or municipal government where
93 an individual does not exercise in his or her own right any
94 sovereign power or any prescribed independent authority of a
95 governmental nature.
96 Section 3. This act shall take effect July 1, 2025.

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