

Agenda Order

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|---------------|--|-----|-------------|-------------------------|----------------|--|
| Tab 1 | CS/SB 10 by JU, Pizzo ; Similar to H 06501 Relief of Sidney Holmes by the State of Florida | | | | | |
| Tab 2 | CS/SB 26 by JU, Gruters ; Similar to H 06513 Relief of Kristen and Lia McIntosh by the Department of Agriculture and Consumer Services | | | | | |
| Tab 3 | SJR 174 by DiCeglie ; Identical to H 01039 Assessment of Homestead Property | | | | | |
| Tab 4 | CS/SB 176 by FT, DiCeglie ; Similar to CS/H 01041 Assessment of Homestead Property | | | | | |
| Tab 5 | CS/SB 600 by ATD, Truenow ; Similar to CS/CS/H 00561 Manufacturing | | | | | |
| Tab 6 | CS/SB 602 by ATD, Truenow ; Identical to CS/H 00563 Fees/Florida Manufacturing Promotional Campaign | | | | | |
| Tab 7 | CS/CS/SB 924 by BI, GO, Calatayud (CO-INTRODUCERS) Sharief ; Similar to CS/H 00677 Coverage for Fertility Preservation Services | | | | | |
| Tab 8 | CS/SB 1122 by ED, Burton ; Similar to CS/CS/H 00885 Florida Virtual School | | | | | |
| Tab 9 | CS/SB 1160 by GO, Leek (CO-INTRODUCERS) Pizzo ; Similar to H 00751 Benefits for Certain Officers Injured in the Line of Duty | | | | | |
| Tab 10 | CS/CS/SB 1290 by FT, TR, Collins ; Similar to H 01075 Department of Highway Safety and Motor Vehicles | | | | | |
| Tab 11 | SB 1292 by Collins ; Similar to H 01077 Public Records/E-mail Addresses/DHSMV | | | | | |
| Tab 12 | CS/CS/SB 1662 by ATD, TR, Collins ; Similar to CS/CS/H 01397 Transportation | | | | | |
| 582758 | A | S | AP, Collins | Delete L.536 - 1571: | 04/16 10:19 AM | |
| 839634 | AA | S L | AP, Collins | btw L.151 - 152: | 04/17 07:40 AM | |
| Tab 13 | HB 5009 by BUC (CO-INTRODUCERS) Sirois ; Compare to S 02500 Government Administration | | | | | |
| 696916 | D | S | AP, Brodeur | Delete everything after | 04/16 09:24 AM | |
| Tab 14 | HB 5013 by BUC (CO-INTRODUCERS) McClure ; Compare to S 02500 State-funded Property Reinsurance Programs | | | | | |
| 711908 | D | S | AP, Brodeur | Delete everything after | 04/16 09:24 AM | |
| Tab 15 | HB 5015 by BUC (CO-INTRODUCERS) Lopez, V. ; Compare to S 02500 State Group Insurance | | | | | |
| 943470 | D | S | AP, Rouson | Delete everything after | 04/16 09:25 AM | |
| Tab 16 | HB 5201 by SAB, Lopez, V. ; Compare to S 01522 State Financial Accounting | | | | | |
| 116496 | D | S | AP, Brodeur | Delete everything after | 04/16 09:24 AM | |
| Tab 17 | HB 5203 by SAB, Lopez, V. ; Compare to S 02500 Capitol Center | | | | | |
| 671950 | D | S | AP, Brodeur | Delete everything after | 04/16 09:23 AM | |

Agenda Order

| Tab 18 | HB 5501 by TED, Shoaf; Compare to S 02500 Documentary Stamp Tax Distributions | | | | |
|--------|---|---|--------------|-------------------------|----------------|
| 485408 | D | S | AP, DiCeglie | Delete everything after | 04/16 09:25 AM |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Hooper, Chair
Senator Rouson, Vice Chair

MEETING DATE: Thursday, April 17, 2025
TIME: 9:00 a.m.—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Hooper, Chair; Senator Rouson, Vice Chair; Senators Berman, Brodeur, Burgess, Collins, DiCeglie, Garcia, Grall, Harrell, Martin, McClain, Pizzo, Polsky, Sharief, Smith, Trumbull, and Wright

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|------------------|
| 1 | CS/SB 10 Judiciary / Pizzo (Similar H 6501) | Relief of Sidney Holmes by the State of Florida; Providing for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees, etc. SM JU 03/19/2025 Fav/CS ACJ 04/10/2025 Favorable AP 04/17/2025 | |
| 2 | CS/SB 26 Judiciary / Gruters (Similar H 6513) | Relief of Kristen and Lia McIntosh by the Department of Agriculture and Consumer Services; Providing for the relief of Kristen and Lia McIntosh; providing an appropriation to compensate Kristen and Lia McIntosh for injuries and damages sustained as a result of the negligence of an employee of the Department of Agriculture and Consumer Services; providing a limitation on the payment of compensation and attorney fees, etc. SM JU 03/19/2025 Fav/CS AEG 04/10/2025 Favorable AP 04/17/2025 | |
| 3 | SJR 174 DiCeglie (Similar SJR 1190, Identical HJR 1039, Compare CS/H 1041, S 1192, Linked CS/S 176) | Assessment of Homestead Property; Proposing amendments to the State Constitution to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in determining the assessed value of such property for ad valorem taxation purposes, to limit the transfer of such value to new homestead property, and to provide an effective date, etc. CA 03/11/2025 Favorable FT 03/26/2025 Favorable AP 04/17/2025 | |

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|------------------|
| 4 | CS/SB 176 Finance and Tax / DiCeglie (Similar CS/H 1041, S 1192, Compare HJR 1039, CS/CS/H 1535, SJR 1190, Linked SJR 174) | Assessment of Homestead Property; Requiring that changes, additions, or improvements that replace or are made to elevate homestead property be assessed in a specified manner; specifying how such assessment must be calculated under certain conditions; authorizing property appraisers to require certain evidence, etc. CA 03/11/2025 Favorable FT 03/26/2025 Fav/CS AP 04/17/2025 | |
| 5 | CS/SB 600 Appropriations Committee on Transportation, Tourism, and Economic Development / Truenow (Similar CS/CS/H 561, Compare CS/H 563, Linked CS/S 602) | Manufacturing; Revising the duties of the Department of Commerce; establishing the Chief Manufacturing Officer among the senior leadership of the department; providing that the Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce; requiring the department to prepare a report regarding manufacturing efforts in this state; creating the Florida Manufacturers' Workforce Development Grant Program; requiring the department, in coordination with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, to review applications submitted and to select specified projects, etc. CM 03/03/2025 Favorable ATD 03/11/2025 Fav/CS AP 04/17/2025 | |
| 6 | CS/SB 602 Appropriations Committee on Transportation, Tourism, and Economic Development / Truenow (Identical CS/H 563, Compare CS/CS/H 561, Linked CS/S 600) | Fees/Florida Manufacturing Promotional Campaign; Requiring the Department of Commerce to assess and collect a specified annual fee sufficient to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign; requiring that such fees be deposited into the Economic Development Trust Fund for a specified purpose, etc. CM 03/03/2025 Favorable ATD 03/11/2025 Fav/CS AP 04/17/2025 | |
| 7 | CS/CS/SB 924 Banking and Insurance / Governmental Oversight and Accountability / Calatayud (Similar CS/H 677) | Coverage for Fertility Preservation Services; Requiring the Department of Management Services to provide coverage of certain fertility retrieval and preservation services for state group health insurance plan policies issued on or after a specified date; prohibiting a state group health insurance plan from requiring preauthorization for certain covered services, etc. GO 03/11/2025 Fav/CS BI 03/31/2025 Fav/CS AP 04/17/2025 | |

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Thursday, April 17, 2025, 9:00 a.m.—6:00 p.m.

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|-----|--|---|------------------|
| 8 | CS/SB 1122 Education Pre-K - 12 / Burton (Similar CS/CS/H 885) | Florida Virtual School; Deleting provisions requiring the Florida Virtual School to give priority to certain students; providing that officers and employees are granted sovereign immunity in addition to the board of trustees; providing that certain expenditures are contingent upon review and approval by the Florida Virtual School president and chief executive officer or authorized designees, rather than the executive director, etc. ED 03/17/2025 Fav/CS AED 04/10/2025 Favorable AP 04/17/2025 | |
| 9 | CS/SB 1160 Governmental Oversight and Accountability / Leek (Similar H 751) | Benefits for Certain Officers Injured in the Line of Duty; Revising eligibility criteria for health insurance coverage provided to law enforcement, correctional, and correctional probation officers injured in the line of duty and to their spouses and dependent children, etc. GO 04/01/2025 Fav/CS AP 04/17/2025 | |
| 10 | CS/CS/SB 1290 Finance and Tax / Transportation / Collins (Similar H 1075, Compare H 1077, CS/S 1280, Linked S 1292) | Department of Highway Safety and Motor Vehicles; Requiring licensure in lieu of registration of motor carriers operating certain qualified motor vehicles; requiring motor carriers to obtain fuel use decals in lieu of identifying devices; revising due dates for motor fuel use tax returns submitted by licensed motor carriers; requiring vehicle registration applicants to provide a Florida address; defining the term "economically disadvantaged area", etc. TR 03/19/2025 Fav/CS FT 03/26/2025 Fav/CS AP 04/17/2025 | |
| 11 | SB 1292 Collins (Similar H 1077, Compare H 1075, Linked CS/CS/S 1290) | Public Records/E-mail Addresses/DHSMV; Expanding an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for providing renewal notices to include e-mail addresses collected for use as a method of notification generally and not only for the purpose of providing renewal notices; expanding the exemption to include e-mail addresses collected for use as a method of notification related to vessel registrations; providing retroactive applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. TR 03/19/2025 Favorable FT 03/26/2025 Favorable AP 04/17/2025 | |

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|-----|--|---|------------------|
| 12 | CS/CS/SB 1662 Appropriations Committee on Transportation, Tourism, and Economic Development / Transportation / Collins (Similar CS/CS/H 1397, Compare H 1125, H 1165, H 1185, CS/S 1502, S 1694) | Transportation; Authorizing the Secretary of Transportation to appoint a specified number of assistant secretaries; creating the Florida Transportation Research Institute; providing that certain spaceport and space industry-related facility projects and commercial shipbuilding and manufacturing facility projects are eligible for grant funding under the Florida Seaport Transportation and Economic Development Program; authorizing the department, in consultation with the Department of Commerce and the Department of Environmental Protection, to fund certain infrastructure projects and projects associated with certain critical infrastructure projects; requiring airports to provide the Department of Transportation with the opportunity to use certain airport property for a specified purpose during a declared state of emergency, etc. TR 03/25/2025 Fav/CS ATD 04/10/2025 Fav/CS AP 04/17/2025 | |
| 13 | HB 5009 Budget Committee (Compare H 5001, H 5003, S 2500, S 2502, S 7024) | Government Administration; Revises provisions relating to government administration including auditing, reviews, & investigations of programs, appropriations, & state entities; government accountability; planning & budgeting; estimating conferences; EOG budget recommendations; & budget requests. AP 04/17/2025 | |
| 14 | HB 5013 Budget Committee (Compare H 5001, S 2500) | State-funded Property Reinsurance Programs; Decreases authorized cumulative transfers from General Revenue Fund to SBA for Reinsurance to Assist Policyholders program to reimburse certain insurers for insured losses caused by hurricanes; removes Florida Optional Reinsurance Assistance program. AP 04/17/2025 | |

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|-----|--|---|------------------|
| 15 | HB 5015 Budget Committee (Compare H 5001, S 2500) | State Group Insurance; Requires that state group health insurance plan copayments for prescription drugs be established annually in General Appropriations Act; removes provisions relating to formulary inclusions of specified drugs; requires DMS to make monthly administrative health insurance assessments against state agencies based on certain vacant positions within agencies; requires state agencies to remit administrative health insurance assessments to State Employees Health Insurance Trust Fund; requires state agencies to provide department with list of certain position numbers, include certain information in list, & update list monthly; requires state agencies to take steps to include administrative health insurance assessments in their indirect cost plans for each fiscal year; requires state agencies to notify certain entities on updated indirect cost plans; authorizes EOG to transfer certain budget authority between state agencies for specified purpose. AP 04/17/2025 | |
| 16 | HB 5201 State Administration Budget Subcommittee / Lopez, V. (Compare H 1281, H 5001, S 1522, S 2500) | State Financial Accounting; Revises name of certain subsystem used for financial management; requires replacement of certain warrants; deletes authority to make semimonthly salary payments; requires certain requests for records to be made to specified entity; requires agencies to pay interest from available appropriations. AP 04/17/2025 | |

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

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| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|------------------|
| 17 | HB 5203 State Administration Budget Subcommittee / Lopez, V. (Compare H 5001, S 2500) | Capitol Center; Provides that Governor, Cabinet officers, & Legislature are permanent tenants of Capital Complex; prohibits certain space from being reduced or moved without express consent of tenants; provides Legislature with first right of refusal if additional vacant space becomes available; requires DMS to coordinate with & receive approval of certain tenants before planning or scheduling certain projects; requires department to consider Legislature's schedule, time constraints, & needs for projects that impact certain space; authorizes President of Senate & Speaker of House of Representatives to take certain actions in relation to certain spaces without approval by department; provides that President of Senate & Speaker of House of Representatives have direct control over utilities for certain spaces; requires department to consult with & receive approval from President of Senate or Speaker of House of Representatives, as appropriate, before including certain projects in specified report; requires department to solicit feedback on development of certain state-owned property from all permanent tenants of Capitol Center; prohibits certain parking spaces from being reduced or reassigned without express consent of Legislature; provides Legislature with first right of refusal if additional parking spaces become available. AP 04/17/2025 | |
| 18 | HB 5501 Transportation & Economic Development Budget Subcommittee / Shoaf (Compare H 5001, S 2500) | Documentary Stamp Tax Distributions; Requires certain collected tax to be subject to specified service charge; revises how remainder of certain tax is distributed. AP 04/17/2025 | |

Other Related Meeting Documents



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
409 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-------------|
| 3/14/25 | SM | Favorable |
| 3/19/25 | JU | Fav/CS |
| 4/10/25 | ACJ | Favorable |
| 4/17/25 | AP | Pre-Meeting |

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 10** – Committee on Judiciary and Senator Pizzo
HB 6501 – Representative Gottlieb
Relief of Sidney Holmes by the State of Florida

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR \$1.772 MILLION, AND A WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION, TO COMPENSATE SIDNEY L. HOLMES FOR 34 YEARS OF WRONGFUL INCARCERATION.

FINDINGS OF FACT:

General Overview

On October 6, 1988, Sidney Lamar Holmes (the claimant) was arrested and charged with robbery with a firearm, in Broward County. In April 1989, the claimant was tried before a jury and convicted of the aforementioned charges. The claimant was sentenced to 400 years in prison. He remained incarcerated until his conviction was overturned, serving over 34 years.

Since his conviction, claimant has maintained and sought to establish his innocence. He sought the assistance of the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office ("CRU"), to obtain post-conviction relief.

In November 2020, the claimant sent a letter requesting the CRU review his case, whereupon the CRU began reviewing his case and claim of factual innocence. After finding that claimant had asserted a plausible claim of innocence, the CRU asked the Innocence Project of Florida, Inc., ("IPF"), to assist claimant in his attempt for post-conviction relief. Upon conclusion of the joint investigation between the CRU and IPF, the CRU concluded that there was reasonable doubt as to claimant's guilt and that it is highly likely that he was misidentified and is factually innocent of the armed robbery.

The CRU then presented the case to an Independent Review Panel ("IRP"), to provide its own interpretation of the case. The IRP, which consists of six Broward County residents, reviewed all the documents relevant to claimant's case and unanimously concluded that the evidence gave rise to a reasonable doubt as to claimant's culpability. Five of the six members of the IRP voted that claimant is innocent and should be exonerated.

Upon the conclusion of its investigation, the CRU ultimately filed a Motion for Post-Conviction Relief and to Vacate the Judgments, Convictions, and Sentences in the claimant's case in which it concluded that the claimant is actually innocent and should be exonerated of all charges. The court ultimately agreed, and on March 13, 2023, entered an order vacating the convictions and sentences. The claimant was immediately released from incarceration.

Subsequently, this claim bill was filed to obtain compensation for his wrongful incarceration. Because of his prior convictions in 1984, claimant is precluded from receiving compensation through the Victims of Wrongful Incarceration Act.

Overview of the Crime

On the evening of June 19, 1988, two males accosted Vincent Wright and Anissia Johnson at a One Stop convenience store where Wright and Johnson had stopped to put air in a tire. While Wright was filling up the tire, two unidentified men came up behind him and demanded money. When Wright told the men that he did not have any money, one of the men confronted Johnson, pointed a gun at her and again demanded money. Johnson, who was sitting in the front passenger seat of Wright's car, responded that she also did

not have any money. While this was occurring, a third man, purportedly claimant, pulled up in a brown Oldsmobile with a hole in the trunk of the car where the lock would normally be. At the 1989 trial, Wright testified that the third man got out of the car and told his accomplices to take Wright's car and that he would meet up with them later.

After the perpetrators drove off with Wright's car, a friend of Wright's pulled into the One Stop convenience store, at which point Wright got in the car with him and chased after his car. Johnson stayed back at the scene and called police. When police arrived, Johnson told Deputy Kenneth Smith what happened, but never mentioned a third perpetrator or a brown car. Deputy Smith never spoke to Wright. Wright and his friend were unsuccessful in catching up to his car.

Eyewitness Identification and Arrest

Following the robbery at the convenience store, Vincent Wright spoke with his brother, Milton Wright, about the event. Milton claimed to have been robbed earlier the same day, under similar circumstances, in the same area as Vincent's robbery. Specifically, Milton recalled that the perpetrators in his event drove a brown Oldsmobile from the 1970s that, like in Vincent's robbery, had a hole in the trunk where the lock would normally be.¹

Milton then began looking out for cars that fit the description of the car allegedly used in both robberies. He found one and gave the license tag number to his brother, who passed it along to the police; however, police notified Vincent that it was the wrong car.² Two to three weeks after the robbery, Milton gave Vincent another license plate of a brown Oldsmobile that belonged to the claimant. However, there was no hole in the trunk of this particular car, which led Milton to believe that the hole had been fixed.³ This ultimately led to claimant becoming a suspect.

Vincent Wright spoke with police several times following the incident, but it was not until nine days after the robbery on June 28, 1988, that he first spoke with investigators about what happened at the convenience store. In a sworn

¹ Conviction Review Unit Final Memorandum, p. 7, (Feb. 20, 2023).

² *Id.* at 8; The police did not inform Wright as to why this car was the incorrect car.

³ *Id.*

statement a month later, Wright described the driver of the brown car only as a black man. Then, during a deposition in January, 1989, he recalled the driver as short, dark-skinned and having big lips. In a second deposition in March, 1989, Wright described the driver as about 5'6, 170 pounds, dark-skinned, muscle-bound, big lips, low haircut and a little overweight.⁴

On the day Wright first spoke with police regarding the robbery, Detective Robert Campbell showed Wright a book containing 250 photographs, of which Wright was unable to identify any suspects. A photograph of the claimant was not included in the book because he was not a suspect at that point in time.⁵ A few days later, and subsequent to Wright turning in claimant's license plate information, Wright was shown a lineup of six photographs that contained a photo of the claimant. Again, Wright did not make an identification.⁶

Following Wright's failure to identify claimant in the first photograph lineup containing claimant's photo, detectives met with claimant and asked if they could take an updated photo of him (the photograph used in the first lineup was from 1984), to which claimant fully cooperated, allowing the detectives to take the photo, but asserting his innocence.⁷

It was not until the third lineup of photographs that Wright made an identification of claimant.⁸ Wright met with the detectives on July 25, 1988, who showed him a second photograph lineup that contained the updated photo of claimant. The claimant was the only person included in both the first and second lineup.⁹

The claimant was arrested on October 6, 1988, and two weeks later identified by Wright during a live lineup of six people. As with the second photograph lineup Wright viewed, claimant was the only person to have appeared multiple times, this being the third time Wright had seen the claimant.

⁴ *Id.* at 5; It should be noted that the arrest report from 1988 lists the claimant as 6'0 and 183 pounds, which is inconsistent with the description given by Wright; *see also*, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:14:20.

⁵ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

⁶ *Id.*

⁷ *Id.* at 11.

⁸ *Id.*

⁹ *Id.*

Trial and Conviction

The state's case rested solely on Milton Wright's "identification" of claimant's vehicle, Vincent Wright's identification of claimant in the several lineups and the fact that claimant drove a brown Oldsmobile.¹⁰ Milton Wright, who had previously been deposed, did not testify at the trial.¹¹ On the first day of the trial, Vincent Wright identified claimant in the courtroom; this was the fourth time Wright had seen claimant and the third time he identified him as the driver of the brown Oldsmobile.¹² During his testimony, Wright told the story of how he received claimant's license tag number and also testified that the driver of the brown Oldsmobile was 5'6 and "heavyset."¹³ Anissia Johnson testified that she never identified any of the perpetrators.¹⁴ The state did not present any physical evidence that claimant's Oldsmobile ever had a hole in the trunk.¹⁵

The defense presented four alibi witnesses for claimant. Each alibi witness testified that claimant had been at his parents' house attending a Father's Day celebration all day on June 19, 1988. Further, three of the four witnesses testified that claimant's car had been parked beneath a tree in the front yard and did not move until claimant left the celebration that night.¹⁶ The fourth testifying witness, a friend of claimant's, testified that he drove claimant's car to pick up his girlfriend and was gone for about an hour, but that claimant stayed back at the house.¹⁷ Two additional witnesses gave depositions, but did not testify at claimant's trial.

A jury ultimately found the claimant guilty of armed robbery. At the sentencing hearing, the prosecutor asked the judge to sentence claimant to 825 years "to ensure that [claimant] won't be released from prison while he's breathing."¹⁸ The

¹⁰ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 58:00-58:25.

¹¹ Conviction Review Unit Final Memorandum, p. 7, (February 20, 2023).

¹² *Id.* at 11.

¹³ *Id.* at 6-7.

¹⁴ *Id.* at 10.

¹⁵ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:09:50; police records from when claimant's car had been reported stolen that same year do not mention a hole in the trunk of claimant's car.

¹⁶ Conviction Review Unit Final Memorandum, p. 18, (February 20, 2023).

¹⁷ *Id.*

¹⁸ *Id.* at 22.

prosecutor also intimated that he offered claimant a chance to avoid prison time if he would have given the identities of the other two perpetrators, but as claimant maintained he did not know the identities, he did not accept the offer. The judge ultimately sentenced claimant to 400 years in Florida State Prison.¹⁹

Review by the Conviction Review Unit and the Innocence Project of Florida, Inc.

Since first becoming a suspect in 1988, claimant has maintained his innocence.²⁰ The claimant submitted an application to have his case reviewed by the Conviction Review Unit of the Seventeenth Judicial Circuit State Attorney's Office in November, 2020.²¹ When performing a preliminary review of claimant's case, the CRU determined he presented a plausible claim of innocence, and thus the CRU requested the IPF assist in claimant's claim for post-conviction relief.

Witness Interviews

Investigators conducted an interview with Vincent Wright on September 26, 2022, at the State Attorney's Office. Wright testified that the driver of the Oldsmobile never got out of the car and further, that he did not remember the car at all.²² He also testified that he didn't remember what the driver looked like and that the person he identified could have been either the driver or either of the two other perpetrators.²³

In June of 2022, the IPF re-interviewed Anissia Johnson who remained steadfast that because she was so focused on the gun one of the perpetrators was carrying, she was never able to identify any of the perpetrators.²⁴

Both Wright and Johnson stated they believed claimant should no longer be in prison. Johnson stated that she believed that even if claimant had committed the crime in 1988, "this happened so long ago that [she] feels like he

¹⁹ *Id.* at 23.

²⁰ *Id.* at 11.

²¹ *Id.* at 1.

²² *Id.* at 4, 7.

²³ *Id.* at 6, 11.

²⁴ *Id.* at 6.

served his time.”²⁵ Wright expressed similar sentiments, stating 30 years for this case “is a long time,” and that claimant should be released from prison.²⁶

The CRU conducted follow-up interviews with claimant’s alibis at trial who all maintained their stories from 1989.²⁷ All of claimant’s alibi witnesses remembered claimant being at the Father’s Day celebration all day and recall riding “dirt bikes or something like that.”²⁸

Although some of the details of the alibi reports were inconsistent with each other, which may lead to a lesser perception of honesty, research shows that “lying pairs can plan an alibi ahead of time, whereas truth-telling pairs will tend to instead rely on memory—which is prone to normal memory errors.”²⁹ So, even though the alibi witnesses’ stories may have contained some inconsistencies, the fact that they all recalled claimant being at the house the entire day, while not definitively proving his innocence, leads to additional support of his innocence claim.³⁰

Expert Witness Reports

Both the CRU and the IPF consulted separate eyewitness identification experts to review the events and procedures used in claimant’s case. Each expert identified a list of issues that “show an increase in the probability of unreliable identification made under the same circumstances.”³¹ IPF consulted Dr. Lora Levett, a tenured professor in the Department of Sociology and Criminology & Law at the University of Florida and past president of the American Psychology Law Society to review the documents from claimant’s case. Dr. Levett identified eleven issues that either contaminated the investigation or were outdated standards of procedure in law enforcement that would no longer be accepted today.

²⁵ *Id.* at 9.

²⁶ *Id.* at 10.

²⁷ The IPF investigators were able to re-interview five of the six alibi witnesses; claimant’s father has since passed away.

²⁸ Conviction Review Unit Final Memorandum, p. 10, (Feb. 20, 2023).

²⁹ *Id.* at 19.

³⁰ *Id.*

³¹ *Id.* at 11, 12.

Chief among the issues Dr. Levett identified concerned issues with the lineup identifications and the fact that claimant was the only person who was in both photo lineups presented to Wright.³² According to Dr. Levett, research shows that the first lineup is the only “uncontaminated chance to test the witness’s memory,” because “it is impossible to tell whether Wright identified [claimant] in the second photo lineup because Wright’s memory was tainted from seeing [claimant] in the first photo lineup.”³³ Wright did not identify claimant when he was first shown claimant’s photo in the first photo lineup that included claimant.³⁴ Wright did, however, identify claimant in the second photo lineup, of which claimant was the only person appearing in both sets.³⁵ According to Dr. Levett, “the importance of focusing on the first identification test cannot be emphasized strongly enough,” so “if one focuses on the first identification test in this case, the witness did not identify [claimant] as the perpetrator.”³⁶

The CRU consulted Dr. Laura Shambaugh, an expert in legal psychology and an eyewitness memory researcher who is a volunteer with the CRU. Dr. Shambaugh concurred with Dr. Levett’s analysis and identified nine issues with claimant’s case. Like Dr. Levett, Dr. Shambaugh took issue with claimant being the only person to be featured in the first and second photo lineup, finding that “when witnesses view multiple lineups containing the same individual, it is difficult to know whether any subsequent recognition is from the witnesses’ memory trace of the crime, or the product of a source monitoring error (from having seen the individual in a prior lineup).”³⁷ She also found several issues with the fairness of the lineups: 1) the photos in the lineup were all lighter than the photo of claimant that was used; 2) the instructions given to Wright before the photo lineup was administered were not recorded;³⁸ and 3) the lineup administrator was the same detective that investigated the case, which may have led

³² Conviction Review Unit Final Memorandum, 14, (February 20, 2023).

³³ *Id.*

³⁴ *Id.* at 10.

³⁵ *Id.* at 11.

³⁶ *Id.* at 14.

³⁷ *Id.* at 17.

³⁸ Studies show that instructing the witness that the suspect may or may not be present in the lineup is important because the witness “may be more likely to make an identification out of the default belief that the suspect is present. Conviction Review Unit Final Memorandum, p.18, (February 20, 2023).

Wright to pick up on inadvertent clues to identify the claimant.³⁹

Studies into schema also show that when questioned about specifics that occurred previously, people tend to resort to their usual activities and routines to provide an answer.⁴⁰ When first questioned by police, claimant stated that he could not have participated in the robbery because his car had been stolen at the time. However, it was not until later in the investigation that claimant realized the robbery had occurred on Father's Day. Once this was revealed, he realized he had been at the Father's Day celebration and changed his alibi accordingly.⁴¹ At first glance, this may seem to indicate that claimant was lying about his alibi, but according to research into mistaken alibis, this is completely normal; "when suspects lack a memory for their whereabouts for a specific time in the past...they tend to resort to a backup strategy: they assess their "schemas"—their beliefs about what they normally do during the critical time period."⁴² So because claimant was not questioned until much later after the robbery occurred, in addition to not being told until later in the legal process that the robbery occurred on Father's Day, claimant resorted back to what he thought he would normally be doing four months prior—that his car had been stolen around that time and thus he did not have his car to commit the robbery. Once he realized the robbery occurred on Father's Day, he was better able to recall what he was specifically doing on the date in question.⁴³

In August of 2022, an IPF investigator interviewed Dave Pfaff, a historian at the R.E. Olds Transportation Museum, who told IPF that the Oldsmobile Cutlass was the best-selling car in America between 1976 and 1983 and was a "standout seller of the 1980s."⁴⁴ When asked during a 2022 interview to recall the perpetrator's vehicle, witness Anissia Johnson claimed, "man, that car was everywhere back then."⁴⁵ With the

³⁹ Best practices recommend that identification procedures be administered by computer or by an officer without any case-specific knowledge. *Id.*

⁴⁰ *Id.* at 20.

⁴¹ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:16:20.

⁴² Conviction Review Unit Final Memorandum, p. 20, (February 20, 2023), citing, Leins, D.A., & Charman, S. D. (2016). Schema reliance and innocent alibi generation. *Legal and Criminological Psychology*, 21, 111-126.

⁴³ *Id.* at 19-20.

⁴⁴ *Id.* at 8.

⁴⁵ *Id.*

popularity of the perpetrator's car, the CRU concluded that the probability of a misidentification was high.

Beginning in February, 2023, the CRU also worked with the Independent Review Panel ("IRP") in Broward County, a body of six Broward County residents, to review and provide its own recommendation for claimant's case.⁴⁶ After reviewing all of the documents relevant to claimant's case, the IRP unanimously concluded that there was reasonable doubt as to claimant's culpability, with five of the six members believing that claimant was innocent and that he should be exonerated immediately.⁴⁷ The IRP ultimately recommended that claimant's judgment and sentence be vacated and the State Attorney's Office should enter a Nolle Prosequi.⁴⁸

Prior Convictions and Prison Disciplinary Record

The claimant has two prior convictions for felony offenses stemming from separate incidents that occurred on August 31, 1984. In these incidents, claimant was the driver for an acquaintance who committed two armed robberies. When the pair were caught, claimant immediately confessed to his wrongdoing. Claimant ultimately pled guilty and was sentenced to 5.5 years in prison.⁴⁹ Claimant was released from prison on March 17, 1987. The claimant has never been convicted of any other misdemeanors or felonies.⁵⁰

During his 34 years in the Florida State Prison system related to this incident, claimant only had seven minor, non-violent violations, with his most recent violation occurring over 13 years ago in 2009.⁵¹ Upon his release, CRU investigators asked claimant how he maintained such a clean disciplinary record while in prison, to which claimant replied, "I believe in God and knew I was getting out."⁵²

Claimant also took full advantage of educational and vocational programs while in prison. He has completed many

⁴⁶ *Id.* at 3; See also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:31:50.

⁴⁷ *Id.* at 3.

⁴⁸ *Id.*

⁴⁹ *Id.* at 21.

⁵⁰ Special Master Hearing (Nov. 27, 2023), Testimony of Sidney L. Holmes at 2:49:45-2:50:00.

⁵¹ Conviction Review Unit Final Memorandum, p. 23, (Feb. 20, 2023); see also, Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:27:30.

⁵² Special Master Hearing (Nov. 27, 2023), Testimony of Arielle Demby Berger at 1:29:00.

certifications, including certifications in theology and has become a paralegal.⁵³

Conclusion

In conclusion, the CRU determined that there is reasonable doubt that claimant committed this crime, that it is “highly likely” that claimant is innocent, and that Broward County would not put claimant on trial for this crime today.⁵⁴ Although the State Attorney’s Office usually stays neutral concerning legislative claims bills, there is “no doubt at all” as to claimant’s innocence, and thus, State Attorney Harold Pryor and the State Attorney’s Office “fully supports” claimant in filing this bill.⁵⁵ On March 13, 2023, the court granted the state’s Motion to Vacate Judgment and Sentence.

CONCLUSIONS OF LAW:

Wrongful Incarceration under Chapter 961

Chapter 961, of the Florida Statutes, governs the general process for compensating victims of wrongful incarceration. The chapter requires a person claiming to be a victim of wrongful incarceration to prove that he or she is actually innocent of the crime and meet other criteria, such as not having been previously convicted of a violent felony offense or more than one nonviolent felony offense. A person who is wrongfully incarcerated is entitled to receive \$50,000 for each year of wrongful incarceration, which is prorated as necessary.⁵⁶ Any such individual may also receive a waiver of tuition and fees for up to 120 hours of instruction at a career center, Florida College System institution, or any state university;⁵⁷ as well as reimbursement of fines, fees and court costs paid,⁵⁸ and reasonable attorney’s fees and expenses incurred.⁵⁹ The total amount awarded may not exceed \$2 million.⁶⁰

⁵³ *Id.* at 1:28:00.

⁵⁴ *Id.* at 1:32:50.

⁵⁵ *Id.* 1:35:45-1:36:25.

⁵⁶ Section 961.06(1)(a), F.S. The amount of \$50,000 per year of wrongful incarceration may be adjusted to account for inflation for those wrongfully incarcerated after December 31, 2008. *Id.*

⁵⁷ Section 961.06(1)(b), F.S.

⁵⁸ Section 961.06(1)(c), F.S.

⁵⁹ Section 961.06(1)(d), F.S.

⁶⁰ Section 961.06(1), F.S.

Having been previously convicted for the 1984 robberies, the claimant did not seek relief under chapter 961, of the Florida Statutes, because he had prior convictions for unrelated felonies.

Evidentiary Standard for Victims of Wrongful Incarceration

Generally, a claimant seeking tort damages under a claim bill must prove entitlement to relief by a preponderance of the evidence – that is, more likely than not. When a claimant seeks a claim bill for wrongful incarceration, he or she must demonstrate actual innocence, but the appropriate burden of proof is not well-established.

When the Legislature created chapter 961, of the Florida Statutes, in 2008, establishing a statutory proceeding to compensate victims of wrongful incarceration, it included a requirement that the claimant demonstrate “actual innocence” by clear and convincing evidence before an administrative law judge. In addition, a person seeking compensation as provided in the statutory framework, could not have had any other felony conviction, other than the conviction for which he or she was wrongfully incarcerated.

Since the law was created, three individuals have received relief through a claim bill for wrongful incarceration: William Dillon in 2011,⁶¹ Clifford Williams in 2020⁶² and Robert Earl Duboise in 2023.⁶³ In those cases, the Special Masters applied a “clear and convincing” standard. This standard is an intermediate burden of proof requiring that the evidence is “precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction, without hesitation, about the matter in issue.”⁶⁴ This standard also requires “that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue.”⁶⁵

⁶¹ See Senate Bill 46 (2011).

⁶² See Senate Bill 28 (2020).

⁶³ See Senate Bill 62 (2023).

⁶⁴ Florida Standard Jury Instructions in Civil Cases, No. 405.4, *available at* <https://supremecourt.flcourts.gov/content/download/243071/file/entire-Documents.pdf> (last visited February 13, 2025).

⁶⁵ *Slomowitz v. Walker*, 429 So.2d 797, 800, (4th DCA 1983).

The Legislature is not bound by a previous Legislature's application of the clear and convincing standard. However, the Legislature's previous application of that standard, coupled with the Legislature's requirement of that same standard for a person claiming to be a victim of wrongful incarceration under chapter 961, of the Florida Statutes, demonstrates that this standard is the appropriate standard for wrongful incarceration cases.

Because the Legislature has demonstrated an intent to hold persons claiming to be victims of wrongful incarceration to this higher evidentiary standard, I find that the clear and convincing standard shall apply.

Conclusions Based upon Findings of Fact and Clear and Convincing Evidence

The conviction of the claimant was based primarily on the eyewitness account and identification of Vincent Wright and the civilian investigation completed by Milton Wright, who was not even at the scene of the crime. There is no physical evidence tying the claimant to the crime. The state failed to show that claimant's car ever had a hole in the trunk, only that claimant owned a similar car to the one driven by the actual perpetrator. Without Milton Wright's identification of claimant's vehicle, the claimant never would have become a suspect. This is further emphasized by the ubiquity of the model of car driven by the alleged perpetrator and the claimant.

Additionally, Vincent Wright did not identify claimant in the first lineup he was shown that contained the claimant. However, he did identify claimant in subsequent lineups. With the expert testimony regarding eyewitness reliability and the problems with the practices and procedures surrounding the multiple lineups, it is highly likely that the claimant was misidentified and should not have stood trial in the first place. Further, even if he had been a suspect, the Seventeenth Judicial Circuit would choose not to charge claimant if the case were presented today.

Six alibi witnesses of the claimant all stated he was with them at the Father's Day celebration on June 19, 1988. In 2022, all five of the witnesses that were re-interviewed maintained their claims that claimant was with them all day and that he did not

leave the house. While they misremembered details of the day, for example, whether they were riding a go-kart or a dirt bike, or what color the go-kart may have been, they all remained steadfast in their overall statements. As provided by the expert witnesses, these small, misremembered details amongst the alibi witnesses are normal and tend to display a more truthful testimony.

During her testimony at the Special Master Hearing on November 27, 2023, Assistant State Attorney Arielle Demby Berger stated that the position of the Broward State Attorney's Office is that it "fully support[s] it (the claims bill). We're not staying neutral. This is what our office did by agreeing to vacate the conviction based on *actual innocence*."⁶⁶ (emphasis added).

Given the evidence provided during the claim bill process which includes the Motion for Post-Conviction Relief and to Vacate Judgments, Convictions, and Sentences, the Amended Order Vacating Judgments, Convictions, and Sentences, the testimony of the claimant, the expert reports and their findings of multiple issues showing an increase in the probability of unreliable identification and the unequivocal assertion by the CRU that the claimant is actually innocent, the undersigned finds that the claimant has demonstrated actual innocence by clear and convincing evidence.

The claimant was wrongfully incarcerated for 34 years, 5 months and 7 days. At the statutory amount of \$50,000 per year of wrongful incarceration, the sum of \$1,722,000 appears correct.

ATTORNEY FEES:

The instant claim bill does not allow for any funds awarded to claimant to be used toward attorney or lobbying fees related to this claim. Attorneys for IPF representing claimant have also submitted an affidavit stating that all representation is *pro bono* and that no fees awarded will go toward any attorney or lobbying fees.⁶⁷

⁶⁶ Special Master Hearing (November 27, 2023), Testimony of Arielle Demby Berger at 1:35:40-1:36:25.

⁶⁷ Miller, Seth, Aff., ¶ 5, (September 15, 2023).

RECOMMENDATIONS:

Based upon the evidence submitted prior to and during the special master hearing, the undersigned finds the claimant has demonstrated actual innocence by clear and convincing evidence. There is clear and convincing evidence that the claimant committed neither the act nor the offense that served as the basis for the conviction and that the petitioner did not aid, abet, or act as an accomplice, and the relief sought is reasonable. Based upon the foregoing, the undersigned recommends SB 10 be reported FAVORABLY.

Respectfully submitted,

Nathan L. Bond

Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute no longer includes provisions from the original bill that would have waived the standard requirement that the recipient of a claim bill execute a release of all liability as a condition of payment of the claim bill proceeds. The amendment also removes from the bill provisions that would allow this claimant to pursue new or additional responsible parties. With this amendment, the bill's provisions are consistent with past claim bills awarding damages for wrongful incarceration.

By the Committee on Judiciary; and Senator Pizzo

590-02592-25

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A bill to be entitled

An act for the relief of Sidney Holmes; providing an appropriation to compensate Mr. Holmes for being wrongfully incarcerated for 34 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Holmes; providing for the waiver of certain tuition and fees for Mr. Holmes; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to the act; prohibiting funds awarded under the act to Mr. Holmes from being used or paid for attorney or lobbying fees; prohibiting Mr. Holmes from submitting a compensation application under certain provisions upon his receipt of payment under the act; providing that certain benefits are void upon specified findings; providing an effective date.

WHEREAS, Sidney Holmes was arrested on October 6, 1988, for a robbery committed on June 19, 1988, outside a convenience store in Fort Lauderdale and was convicted on April 26, 1989, of armed robbery with a firearm, and

WHEREAS, since the time of his arrest, Mr. Holmes has been unwavering in maintaining his innocence in connection with the crime, and

WHEREAS, Mr. Holmes, who had previous felony convictions, was sentenced to 400 years in prison and served 34 years of that sentence, and

WHEREAS, on February 23, 2023, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit

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issued a 25-page "Conviction Review Unit Final Memorandum," reaching the conclusion that Mr. Holmes' judgment and sentence should be vacated and that the State Attorney's Office should enter a nolle prosequi, and

WHEREAS, the final memorandum was issued based on the findings of the Independent Review Panel that the case against Mr. Holmes gave rise to reasonable doubt as to his culpability and noted that it was highly likely that Mr. Holmes is factually innocent of the armed robbery and that the Broward County State Attorney's Office would not charge Mr. Holmes if the case were presented today, and

WHEREAS, on March 13, 2023, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an "Agreed Order Vacating Judgment and Sentence" on the basis that there is reasonable doubt as to Mr. Holmes' guilt in the case and that it is highly likely that he was misidentified and is factually innocent of the armed robbery, and

WHEREAS, that same day, the state filed a Notice of Nolle Prosequi, exonerating Mr. Holmes, and

WHEREAS, the Legislature acknowledges that the state's system of justice yielded an imperfect result that had tragic consequences in this case, and

WHEREAS, the Legislature acknowledges that as a result of his physical confinement, Mr. Holmes suffered significant damages that are unique to him, and that the damages are due to the fact that he was physically restrained and prevented from exercising the freedom to which all innocent citizens are entitled, and

WHEREAS, before his conviction for the aforementioned

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crime, Mr. Holmes had prior convictions for unrelated felonies,
and

WHEREAS, because of those prior felony convictions, Mr.
Holmes is ineligible for compensation under chapter 961, Florida
Statutes, and

WHEREAS, the Legislature apologizes to Mr. Holmes on behalf
of the state, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are
found and declared to be true.

Section 2. The sum of \$1.722 million is appropriated from
the General Revenue Fund to the Department of Financial Services
for the relief of Sidney Holmes for his wrongful incarceration.
The Chief Financial Officer is directed to draw a warrant in
favor of Mr. Holmes in the sum of \$1.722 million, payable
directly to Sidney Holmes.

Section 3. Tuition and fees for Mr. Holmes shall be waived
for up to a total of 120 hours of instruction at any career
center established under s. 1001.44, Florida Statutes, any
Florida College System institution established under part III of
chapter 1004, Florida Statutes, or any state university. For any
educational benefit made, Mr. Holmes must meet and maintain the
regular admission and registration requirements of such career
center, institution, or state university and make satisfactory
academic progress as defined by the educational institution in
which he is enrolled.

Section 4. With respect to the relief for Mr. Holmes as

590-02592-25

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described in this act, the Legislature does not waive any
defense of sovereign immunity or increase the limits of
liability on behalf of the state or any person or entity that is
subject to s. 768.28, Florida Statutes, or any other law. Funds
awarded under this act to Mr. Holmes may not be used or paid for
attorney fees or lobbying fees related to this claim.

Section 5. Upon his receipt of payment under this act, Mr.
Holmes may not submit an application for compensation under
chapter 961, Florida Statutes.

Section 6. The amount awarded under this act is intended to
provide the sole compensation for all present and future claims
arising out of the factual situation described in this act.

Section 7. If any future judicial determination concludes
that Mr. Holmes, by DNA evidence or otherwise, participated in
any manner in the armed robbery for which he was incarcerated,
the unused benefits to which he is entitled under this act are
void.

Section 8. This act shall take effect upon becoming a law.



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location

409 The Capitol

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5229

| DATE | COMM | ACTION |
|---------|------|-------------|
| 3/14/25 | SM | Favorable |
| 3/19/25 | JU | Fav/CS |
| 4/9/25 | AEG | Favorable |
| 4/16/25 | AP | Pre-meeting |

March 14, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 26** – Committee on Judiciary and Senator Gruters
HB 6513 – Representative Busatta
Relief of Kristen and Lia McIntosh by the Department of Agriculture and
Consumer Services

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM BILL FOR \$2.252 MILLION IN ACCORDANCE WITH A CONSENT JUDGMENT RENDERED BY THE CIRCUIT COURT. KRISTEN AND LIA MCINTOSH SEEK DAMAGES FROM GENERAL REVENUE FUNDS FOR PERSONAL INJURIES CAUSED BY THE NEGLIGENT OPERATION OF A VEHICLE DRIVEN BY AN EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

FINDINGS OF FACT:

Accident and Investigation

On February 12, 2022, Ronald Thornton was driving his 2010 Ford F-150 on I-95 South in Nassau County.¹ Ronald Thornton's wife Elizabeth Thornton was seated in the front passenger seat, and their daughters, Kristen and Lia McIntosh (Claimants), who were 17 and 13 years old at the time, respectively, were in the rear seats.² Lia was sitting on

¹ Claimants' Ex. Deposition of Ronald Thornton at 23-24 (Sept. 15, 2023).

² *Id.* at 24.

the left behind Ronald Thornton and Kristen was on the right behind Elizabeth Thornton.³ Both were wearing seatbelts.⁴

At approximately 8:33 p.m., James Michael McWhorter, a law enforcement officer with the Department of Agriculture and Consumer Services' (DACS) Office of Agricultural Law Enforcement (OALE), was driving his patrol vehicle from an OALE inspection station on the northbound side of I-95 to an inspection station on the southbound side.⁵ The OALE officer drove over the paved median and crossed the southbound lanes directly in the path of Ronald Thornton's vehicle.⁶ The front of Ronald Thornton's vehicle collided with the passenger side of the officer's vehicle.⁷ The officer passed away at the scene.⁸ All four occupants of Ronald Thornton's vehicle were transported by ambulance to Shands Hospital (UF Health) in Jacksonville.⁹ Kristen and Lia's injuries are discussed in more detail below.

Following an investigation, the Florida Highway Patrol (FHP) determined that neither driver was under the influence of drugs or alcohol at the time of the accident.¹⁰ FHP concluded that the OALE officer violated section 316.1925(1), of the Florida Statutes, (careless driving), and section 316.614(4)(b), of the Florida Statutes, (Florida Safety Belt Law) and was responsible for his own untimely death and the injuries to Kristen and Lia McIntosh.¹¹

Physical Injuries: Kristen McIntosh

The responding ambulance transported Kristen to UF Health in Jacksonville,¹² where she was treated for injuries, including:

- Concussion;
- Cervical ligamentous sprain;
- Small intestine injury;
- Unstable compression and burst fractures in her lumbar spine; and

³ Claimants' Ex. 43, Deposition of Ronald Thornton (Sept. 15, 2023).

⁴ Claimants' Ex. 1, Florida Highway Patrol (FHP) Traffic Homicide Report, 17 (Sept. 22, 2022).

⁵ *Id.* at 4, 13.

⁶ *Id.* at 13.

⁷ *Id.* at 13, 31.

⁸ *Id.* at 33.

⁹ *Id.* at 11.

¹⁰ *Id.* at 8.

¹¹ *Id.* at 33.

¹² See Claimants' Ex. 27, Nassau County Fire Rescue Medical Records for Kristen McIntosh at 1.

- Dislocation of facet joints in her thoracic-lumbar spine.¹³

Kristen underwent emergency lumbar spinal fusion surgery and had hardware inserted into her spine.¹⁴ She remained in the hospital until February 16, 2022.¹⁵ Thereafter she received follow-up care at First Coast Medical Center from September 2022 through November 2022 where she was treated for her ongoing pain and received trigger point injections.¹⁶

Medical Expenses: Kristen McIntosh

Kristen has been billed \$376,495 for medical expenses related to the accident,¹⁷ with her insurance providing benefits of \$143,724.¹⁸ Kristen was insured under their family automobile policy through State Farm, which provided uninsured motorist coverage with limits of \$50,000 per person or \$100,000 per accident. State Farm tendered the \$100,000 per accident limit to the family. This was distributed evenly between the four injured family members. Of the total amount sought and agreed to by Kristen and DACS, only \$1,000 has been paid to Kristen.¹⁹ DACS paid the statutory cap of \$300,000 to Ronald and Elizabeth Thornton, who each received \$150,000.²⁰

In November 2023, Craig Lichtblau, M.D., conducted a comprehensive rehabilitation evaluation of Kristen McIntosh.²¹ Based on this evaluation, he determined that Kristen's injuries, including lumbar myofascial pain syndrome and an acute chance fracture, would result in chronic pain; when she experiences a flare up of that pain, she will require short courses in an outpatient physical medication program, trigger point injections, and medications.²² He explained she will likely need to see a neurosurgeon once a year for five years, an orthopedic surgeon once a year for five years, and

¹³ Claimants' Ex. 28, UF Health Jacksonville Medical Records for Kristen McIntosh.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Claimants' Ex. 30, First Coast Medical Care medical records for Kristen McIntosh, 9, 18, 37.

¹⁷ Claimants' Exs. 33-38, Kristen's Medical Bills; Claimants' Ex. 39, BlueCross BlueShield of Illinois Lien at 4.

¹⁸ Claimants' Ex. 39, BlueCross BlueShield of Illinois Lien.

¹⁹ Claimants' Attorney's Affidavit, Attachment A.

²⁰ Claimants' Ex. 48, Mediation Settlement Agreement at 1-2.

²¹ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) (Nov. 18, 2023).

²² Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, 17, 18, 20 (Dec. 17, 2024).

a physical therapist at least twice a year.²³ She will also require an MRI scan every five to ten years and will need treatment from a physical medicine and rehabilitation physician or chronic pain specialist.²⁴ Dr. Lichtblau opined that Kristen will eventually develop adjacent segment disease that will require future surgical intervention and post-operative therapy.²⁵ Due to her injuries, Dr. Lichtblau determined that Kristen had an eight percent partial impairment of her whole person (one percent impairment for a cervical soft tissue injury and seven percent for posterior fusion, secondary to a chance fracture).²⁶

Based on a life expectancy of 61.6 more years, Dr. Lichtblau estimated Kristen's future medical expense will be between \$278,122 (best-case scenario) and \$492,627 (worst-case scenario).²⁷ Below is a breakdown of the estimated medical expenses under the worst-case scenario:

| Kristen's Estimated Future Medical Expenses²⁸ | Best-Case Scenario | Worst-Case Scenario |
|---|---------------------------|----------------------------|
| Neurosurgeon | \$1,000 | \$3,000 |
| Orthopedic Surgeon | \$1,000 | \$2,500 |
| Physiatrist | \$34,466 | \$66,498 |
| MRI Scan Lumbar | \$3,080 | \$6,160 |
| Physical Therapy Evaluation | \$14,784 | \$14,784 |
| Physical Therapy Treatments | \$118,272 | \$118,272 |
| Trigger Point Injections | \$13,860 | \$138,600 |
| Epidural Steroid Injections | \$18,000 | \$27,000 |
| Microdiscectomy and Fusion | \$67,140 | \$107,692 |
| Post-op Physical Therapy Eval. | \$120 | \$120 |
| Post-op Protocol | \$6,400 | \$8,000 |
| TOTAL | \$278,122 | \$492,627 |

²³ *Id.* at 17-18; Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD).

²⁴ Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, 17 (Dec. 17, 2024).

²⁵ *Id.* at 19.

²⁶ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 15-17. This does not include any impairment for depression (as a component of chronic pain), which the doctor opined exists.

²⁷ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 24-25; Claimants' Ex. 42, Amended Comprehensive Rehabilitation Evaluation of Kristen McIntosh, 8-11 (Dec. 6, 2024); Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 17-19; Claimants' Ex. 58, Opening Statement Presentation, 51-52.

²⁸ Claimants' Ex. 58, Opening Statement Presentation at 50-51; Claimants' Ex. 42, Amended Comprehensive Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) at 8-9.

Non-Economic Damages: Kristen McIntosh

During a hearing held before the Senate and House Special Masters, Ronald and Elizabeth Thornton testified about how the accident impacted their daughters' lives. They testified that Kristen and Lia were bedridden for a period of time following the accident and needed assistance with everyday tasks such as bathing, eating, and getting around the house. They also needed help putting on and removing the back braces they were required to wear for four months after the accident. Elizabeth Thornton, who was herself injured from the accident, took six months off work to care for her daughters.

Ronald Thornton testified about the mental impact of the accident as well. He explained that Kristen used to be outgoing and happy before the accident, but her limited ability to do physical activity has left her depressed.

During the hearing, Kristen testified that before the accident she wanted to become a combat nurse in the military after graduating high school. However, she learned from an army recruiter that the hardware in her back and physical limitations would prevent her from being recruited. Kristen testified that she then decided to pursue a nursing career outside the military, but she soon discovered that she would be unable to meet the physical demands of such a position, which would require standing for long periods of time and physically moving patients and medical supplies.

Kristen testified that future injuries or falls could cause further damage to her back or paralyze her. She avoids strenuous activity and lifting heavy objects, and she can no longer enjoy her hobbies for fear of paralysis. Prior to sustaining the injuries in the car accident, Kristen enjoyed driving her dirt bike, riding rollercoasters, and playing volleyball and flag football. She is no longer able to participate in these activities due to her ongoing pain and fear of exacerbating her injuries. She testified that this fear and the knowledge that she may require more surgery in the future has caused her to suffer from anxiety.

Kristen testified that she still lives with constant neck and back pain, rating her pain as 10 out of 10, and numbness in her right hip. She testified that she has not had a pain-free day since the accident. In his report on his evaluation of Kristen,

Dr. Lichtblau opined that Kristen is going to suffer from acute, intermittent exacerbations of chronic pain; he concluded that she will have good days, bad days, and missed days of work.²⁹

Physical Injuries: Lia McIntosh

Like Kristen, the responding ambulance transported Lia to Shands Hospital in Jacksonville,³⁰ where she was treated for injuries, including:

- A broken sternum;
- Compressed vertebrae in her lower (lumbar) spine;
- An intestinal tear (i.e., a serosal and partial thickness mesenteric tear);
- A collapsed right lung.³¹

Lia was taken to the operating room for a diagnostic laparoscopy and to repair the tear in her intestine.³² She was discharged from the hospital on February 16, 2022.³³ Thereafter she received follow-up care for ongoing knee pain and headaches at Baptist Health.³⁴ An x-ray in May 2022 revealed she had a small effusion (excess fluid) in her right knee, and she later received a cortisone injection.³⁵ She also received treatment at Jacksonville Orthopedic Institute for her knee pain.³⁶

In November 2023, Craig Lichtblau, M.D., conducted a comprehensive rehabilitation evaluation of Lia. Dr. Lichtblau reported that Lia was suffering from intermittent low back and right knee pain and constant abdominal pain where the surgical incision was made.³⁷ Dr. Lichtblau opined that, like Kristen, Lia would have to live with chronic pain that will require short courses in an outpatient physical medicine program, trigger point injections, and medications for flareups

²⁹ Claimants' Ex. 41, Preliminary Comprehensive Rehabilitation Evaluation of Kristen McIntosh (Craig H. Lichtblau, MD) (Nov. 18, 2023).

³⁰ See Claimants' Ex. 13, Medical Records: Lia McIntosh (Nassau County Fire Rescue) at 1.

³¹ Claimants' Ex. 14, Medical Records: Lia McIntosh (UF Health) at 5.

³² *Id.* at 58-59.

³³ See generally *id.*

³⁴ Claimants' Ex. 16, Baptist Health Medical Records for Lia McIntosh at 5.

³⁵ *Id.* at 5, 37.

³⁶ Claimants' Ex. 17, Jacksonville Orthopedic Institute Medical Records for Lia McIntosh; Claimants' Ex. 18, Jacksonville Orthopedic Institute Rehabilitation.

³⁷ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD), 1 (Nov. 18, 2023).

of her pain.³⁸ He determined that Lia's future treatment would include the need to see a physical therapist twice a year and a chronic pain specialist, whether it is a physiatrist, a neurologist, or an internist, at least one to two times a year.³⁹ She will also need an MRI of her lumbar spine every five to ten years.⁴⁰ Dr. Lichtblau opined that Lia has an eight percent permanent partial impairment of her whole person.⁴¹

Medical Expenses: Lia McIntosh

Lia has been billed \$140,659 for medical expenses related to the accident,⁴² with her insurance providing benefits of \$70,555.⁴³

Lia was insured under Mr. Thornton's automobile policy through State Farm, which provided uninsured motorist coverage with limits of \$50,000 per person or \$100,000 per accident. As noted above, State Farm tendered the \$100,000 per accident limit to the family, which was distributed evenly between the four injured family members. Of the total amount sought and agreed to by Lia McIntosh and DACS, DACS has paid a total of \$1,000 to Lia for this claim (\$2,000 total, including the payment to Kristen).⁴⁴ DACS paid the statutory cap of \$300,000 to Ronald and Elizabeth Thornton, who each received \$150,000.⁴⁵

Dr. Lichtblau estimated that Lia's future medical requirements will cost between approximately \$191,427 (best case scenario) and \$283,427 (worst case scenario) based on a life expectancy of 65.5 more years.⁴⁶ This does not include the cost of surgery to remove abdominal adhesions that Lia likely suffered from her laparotomy surgery to repair her intestinal injuries.⁴⁷ After laparotomy, almost 95 percent of patients

³⁸ *Id.* at 21-24; Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 28.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 13-14; Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 28.

⁴² Claimants' Exs. 19-25, Lia's Medical Bills; Claimants' Ex. 26, BlueCross BlueShield of Illinois Lien at 4. The lien indicates that Lia was billed \$265,147.22; however, Claimants' attorney advised the correct figure is \$140,659. See Claimants' Ex. 58, Opening Statement Presentation at 28.

⁴³ Claimants' Attorney's Affidavit, Attachment A.

⁴⁴ *Id.*

⁴⁵ Claimants' Ex. 48, Mediation Settlement Agreement at 1-2.

⁴⁶ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 21-24; Claimants' Ex. 58, Opening Statement Presentation at 30-31.

⁴⁷ *Id.*

develop abdominal adhesions.⁴⁸ Adhesions are internal “scars” that form after trauma through complex processes, involving injured tissues and the peritoneum.⁴⁹ Dr. Lichtblau opined that Lia was at a much greater risk than the general population to develop such adhesions and bowel obstruction that will require treatment and surgery.⁵⁰

Below is a breakdown of the estimated medical expenses under the worst-case scenario:

| Lia's Estimated Future Medical Expenses⁵¹ | Best-Case Scenario | Worst-Case Scenario |
|---|---------------------------|----------------------------|
| Orthopedic Surgeon | \$200 | \$500 |
| Physiatrist | \$36,647 | \$36,647 |
| MRI Scan Lumbar | \$3,275 | \$6,550 |
| Physical Therapy Evaluation | \$15,720 | \$15,720 |
| Physical Therapy Treatments | \$125,760 | \$125,760 |
| Trigger Point Injections | \$9,825 | \$98,250 |
| Surgery for removal of abdominal adhesions | Undetermined | Undetermined |
| TOTAL | \$191,427 | \$283,427 |

Dr. Lichtblau opined that Lia is too young to determine whether she will experience any physical deficits in her ability to participate in gainful employment in the competitive open labor market.⁵²

Non-Economic Damages: Lia McIntosh

During a hearing held before the Senate and House Special Masters, Ronald and Elizabeth Thornton testified about how the accident impacted their daughters' lives. As discussed above, they testified that Kristen and Lia were bedridden for a period of time following the accident and needed assistance with everyday tasks such as bathing, eating, and getting around the house. They also needed help putting on and removing the back braces they were required to wear for four months after the accident.

⁴⁸ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 5.

⁴⁹ *Id.*

⁵⁰ Claimants' Ex. 45, Deposition Transcript of Craig H. Lichtblau, MD, at 31.

⁵¹ Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 21-24; Claimants' Ex. 58, Opening Statement Presentation at 30-31.

⁵² Claimants' Ex. 40, Comprehensive Rehabilitation Evaluation of Lia McIntosh (Craig H. Lichtblau, MD) at 11.

Ronald Thornton testified that Lia now suffers from nightmares and rarely leaves the house. He explained that, for a while, she refused to ride in cars, except to go to doctors' appointments, and even now she is always hyper vigilante for the presence of other vehicles on the road.

Lia testified that, prior to sustaining the injuries in the car accident, she attended school and enjoyed riding her dirt bike and swimming but is no longer able to enjoy these activities and has attended school virtually (rather than in-person) since the accident.

Since the accident, Lia occasionally has difficulty falling and staying asleep, often resulting in feeling tired in the afternoon.⁵³ Her back pain has caused her to feel depressed about her situation.⁵⁴ Lia also testified at a hearing before the Senate and House Special Masters that she still experiences back and stomach pain, rating her pain as six to seven out of ten.⁵⁵

LITIGATION HISTORY:

Litigation and Settlement

On January 12, 2023, Claimants filed a complaint in the Fourth Judicial Circuit, in and for Nassau County, against the Florida Department of Agriculture and Consumer Services (DACS). The case went to mediation on January 29, 2024, and the parties reached a settlement agreement.⁵⁶ The parties agreed, among other things, that DACS would pay Ronald and Elizabeth Thornton \$150,000 each and support a claim bill filed by Kristen McIntosh and Elizabeth Thornton (as parent and natural guardian of Lia McIntosh).⁵⁷ On May 7, 2024, the court entered a consent judgment for the following amounts:

- Elizabeth Thornton (as parent and natural guardian of Lia McIntosh): \$1,251,000
- Kristen McIntosh: \$1,001,000.⁵⁸

⁵³ *Id.* at 1.

⁵⁴ *Id.*

⁵⁵ *See generally* Claimants' Ex. 18, Jacksonville Orthopedic Institute Rehabilitation; Claimants' Ex. 17, Jacksonville Orthopedic Institute; Claimants' Ex. 16, Baptist Health; and Lia's Final Hearing Testimony.

⁵⁶ Claimants' Ex. 48, Mediation Settlement Agreement at 1.

⁵⁷ *Id.* at 1-2.

⁵⁸ Claimants' Ex. 49, Consent Final Judgment at 1-2.

On January 8, 2025, a hearing was held before the House and Senate special masters. Kristen and Lia McIntosh submitted 57 exhibits for consideration, including, among other things, the FHP traffic report, Kristen and Lia's medical records, and video deposition testimony of Craig Lichtblau, MD. The exhibits were received without objection by DACS.

Both Kristen and Lia McIntosh, as well as Elizabeth and Ronald Thornton, testified at the hearing regarding the Claimants' injuries, their quality of life before the accident, and their decreased quality of life after the accident. Their testimony is discussed in detail above.

The attorney for DACS did not present any evidence at the hearing but stated DACS supported the relief sought through the claim bill for Kristen and Lia McIntosh.

CONCLUSIONS OF LAW:

A *de novo* hearing was held as the Legislature is not bound by settlements or jury verdicts when considering a claim bill, passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, waives sovereign immunity for tort liability up to \$200,000 per person and \$300,000 for all claims or judgments arising out of the same incident. Sums exceeding this amount are payable by the State and its agencies or subdivisions by further act of the Legislature.

In this matter, Kristen and Lia McIntosh allege that Officer James McWhorter, a DACS employee who drove the vehicle that injured Kristen and Lia, was negligent. DACS is liable for a negligent act committed by an employee acting within the scope of employment. Officer McWhorter was driving from one inspection station to another within the scope of his employment with DACS. Thus, if Officer McWhorter was negligent when driving into the path of Ronald Thornton's vehicle, Officer McWhorter's negligence is imputed to DACS.

After completing its investigation, the Florida Highway Patrol cited the DACS officer for careless driving pursuant to section 316.1925(1), of the Florida Statutes.⁵⁹ DACS agreed to a

⁵⁹ Claimants' Ex. 1, FHP Homicide Traffic Report, 33 (Sept. 22, 2022).

judgment entered in favor of Kristen and Lia McIntosh and against DACS in the amount of \$2,252,000.⁶⁰

No evidence suggests that Ronald Thornton or Claimants failed to exercise due care with regard to the accident.

Negligence

There are four elements to a negligence claim: (1) duty—where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach—which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation—where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages—actual harm.⁶¹

Duty

Motorists have a duty to use reasonable care on the roadways to avoid accidents and injury to themselves or others.⁶²

Breach

The DACS officer carelessly operated his vehicle, in violation of section 316.1925(1), of the Florida Statutes, and drove directly into the path of Ronald Thornton's vehicle. The officer, and therefore DACS, breached its duty of care toward Kristen and Lia McIntosh.

Causation

The DACS officer's failure to exercise due care directly caused the collision with Ronald Thornton's vehicle, which did not have time to stop before striking the officer's vehicle. It is foreseeable that driving directly into the path of oncoming traffic would cause injury and subject a survivor to the medical expenses and pain and suffering experienced by Kristen and Lia McIntosh.

Damages

The standard jury instruction for personal injury guides the determination of damages for non-economic loss and includes "[a]ny bodily injury sustained by [name] and any resulting pain and suffering, disability or physical impairment,

⁶⁰ Claimants' Ex. 49, Consent Final Judgment.

⁶¹ *Williams v. Davis*, 974 So. 2d 1052, 1056–57 (Fla. 2007).

⁶² *Id.* at 1063.

disfigurement, mental anguish, inconvenience or loss of capacity for the enjoyment of life experienced in the past, or to be experienced in the future. There is no exact standard for measuring such damage. The amount should be fair and just, in the light of the evidence.”⁶³

The evidence presented at the hearing established that as a direct consequence of the accident: (1) Kristen McIntosh suffered damages in the form of current and anticipated medical expenses of \$869,122, and will suffer from chronic pain for the rest of her life; and (2) Lia McIntosh suffered damages in the form of current and anticipated medical expenses of \$424,086 and will suffer from chronic pain for the rest of her life. Claimants have also incurred \$42,637 in outstanding costs related to this litigation.⁶⁴

DACS agreed to the consent judgment of \$2,252,000 (\$1,001,000 for Kristen and \$1,251,000 for Lia) against DACS.⁶⁵ This amount is conservative in comparison with other jury verdicts that have considered similar injuries. The amount is reasonable in light of the Claimants' past and present injuries, their persistent pain and fear of the need for future surgeries, and their continuing diminished physical abilities as reported through the testimony at the hearing and the deposition of and evidence prepared by Craig Lichtblau, MD.

ATTORNEY FEES:

Language in the bill states attorney fees may not exceed 25 percent of the amount awarded. Counsel for Claimants indicates attorney fees will be 25 percent of the total funds awarded through the claim bill, and lobbying fees will be 7.5 percent.⁶⁶ It appears from the affidavit of costs and fees submitted by counsel for Claimants that the lobbying fees are in addition to the attorney fees.

RECOMMENDATIONS:

Based upon the information provided before, during, and after the special master hearing, the undersigned finds that Kristen and Lia McIntosh have demonstrated negligence on behalf of the Department of Agriculture and Consumer Services, and that the amount sought is reasonable. Based upon the

⁶³ Fla. Std. Jury Instr. (Civ.) 501.3d, *Injury, pain, disability, disfigurement, loss of capacity for enjoyment of life*.

⁶⁴ Claimants' Attorney's Affidavit, Attachments A and C.

⁶⁵ Claimants' Ex. 49, Consent Final Judgment at 1.

⁶⁶ Claimants' Attorney's Affidavit as to Costs and Fees.

foregoing, the undersigned recommends that SB 26 be reported FAVORABLY.

Respectfully submitted,

Janelle Barriero
Senate Special Master

cc: Secretary of the Senate

CS by Judiciary

The committee substitute added a provision to the bill which provides for the funds awarded to Lia McIntosh, a minor, to be deposited into a trust for her benefit.

By the Committee on Judiciary; and Senator Gruters

590-02601-25

202526c1

A bill to be entitled

An act for the relief of Kristen and Lia McIntosh;
providing an appropriation to compensate Kristen and
Lia McIntosh for injuries and damages sustained as a
result of the negligence of an employee of the
Department of Agriculture and Consumer Services;
providing a limitation on the payment of compensation
and attorney fees; providing an effective date.

WHEREAS, at approximately 8:30 p.m. on February 12, 2022,
Officer James Michael McWhorter of the Law Enforcement Division
of the Department of Agriculture and Consumer Services, while
operating a state-owned 2019 Dodge Charger in Nassau County,
attempted to cross Interstate 95 in a westerly direction across
northbound and southbound travel lanes in the dark and with
complete disregard for the right-of-way of approaching motorists
traveling within authorized highway speeds, and

WHEREAS, in traversing the interstate, Officer McWhorter
drove into the path of a vehicle traveling southbound containing
a driver and three passengers, husband and wife Ronald and
Elizabeth Thornton, who were in the front seats, and their two
teenage daughters, Kristen and Lia McIntosh, who were in the
rear seats, and

WHEREAS, Officer McWhorter's actions caused the two
vehicles to violently collide on the interstate, resulting in
serious injuries to Mr. and Mrs. Thornton and their daughters,
and to Officer McWhorter, who subsequently died as a result of
his injuries, and

WHEREAS, as a result of the collision, Kristen McIntosh

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suffered a traumatic brain injury, multiple spinal fractures,
and posttraumatic stress disorder, resulting in pain and
suffering, disability, disfigurement, mental anguish, emotional
distress, loss of capacity for the enjoyment of life, expense of
hospitalization, medical and nursing care and treatment, loss of
earnings, loss of ability to earn money, and aggravation of any
previously existing condition, and

WHEREAS, as a result of the collision, Lia McIntosh
suffered a fractured neck, a spinal fracture, a collapsed lung,
internal bleeding, a bowel tear, and posttraumatic stress
disorder, resulting in pain and suffering, disability or
physical impairment, disfigurement, mental anguish,
inconvenience, loss of capacity for the enjoyment of life, and
aggravation of any previously existing condition, and

WHEREAS, the Thornton-McIntosh family filed a lawsuit in
the Circuit Court of the Fourth Judicial Circuit in and for
Nassau County under case number 2023-CA-0014 against the
Department of Agriculture and Consumer Services seeking
compensatory damages for the injuries sustained in the crash,
and

WHEREAS, during the course of the litigation, the
Department of Agriculture and Consumer Services agreed that the
injuries sustained by Kristen and Lia McIntosh far exceeded the
statutory limit of \$200,000 per person and \$300,000 per incident
and would likely result in a multimillion-dollar verdict in
their favor if tried before a judge or jury, and

WHEREAS, in April 2024, a settlement agreement was entered
into between the parties, whereby the Department of Agriculture
and Consumer Services agreed to pay its capped statutory limits

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of \$300,000 to the family and support a claim bill to recover additional damages for the severe injuries sustained by Kristen and Lia McIntosh, and

WHEREAS, pursuant to the settlement agreement, a consent judgment was entered by the circuit court in the amount of \$1.001 million to Kristen McIntosh and \$1.251 million to Elizabeth Thornton as parent and natural guardian of Lia McIntosh, a minor child, with payment of this judgment contingent upon passage of this claim bill, which is fully supported by the Department of Agriculture and Consumer Services, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$2.252 million is appropriated from the General Revenue Fund to the Department of Agriculture and Consumer Services for the relief of Kristen and Lia McIntosh for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw warrants payable to Kristen McIntosh in the sum of \$1.001 million and to Elizabeth Thornton, as parent and natural guardian of Lia McIntosh, a minor child, to be placed in a trust created for the exclusive use and benefit of Lia McIntosh, in the sum of \$1.251 million upon funds of the Department of Agriculture and Consumer Services in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Department of Agriculture

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and Consumer Services pursuant to s. 768.28, Florida Statutes, under the settlement agreement and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Kristen and Lia McIntosh. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the total amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.

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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 Committee on Appropriations

BILL: SJR 174

INTRODUCER: Senator DiCeglie

SUBJECT: Assessment of Homestead Property

DATE: April 16, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Shuler | Fleming | CA | Favorable |
| 2. | Gross | Khan | FT | Favorable |
| 3. | Gross | Sadberry | AP | Pre-meeting |

I. Summary:

SJR 174 proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property's susceptibility to flood damage in determining the assessed value of the property.

The Revenue Estimating Conference has determined that the proposed amendment has no fiscal impact as it requires approval by the voters and is not self-executing. See Section V., Fiscal Impact Statement.

If passed by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2027.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.¹ The property appraiser annually determines the "just value"² of property

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

² Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing

within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³ The state constitution prohibits the state from levying ad valorem taxes⁴ and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Homestead Exemptions

The state constitution establishes homestead protections for certain residential real estate in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an assessment limitation⁶ and exemption from taxes.⁷ Second, the homestead provisions protect the homestead from forced sale by creditors.⁸ Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.⁹

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹⁰ An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.¹¹

In addition to the exemptions granted to each person who makes property his or her homestead, persons who meet specific criteria or circumstances can receive additional exemptions. For example, persons who have attained the age of 65 and have limited income¹² or veterans who are partially or totally permanently disable.¹³

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the state constitution.¹⁴ The Save Our Homes assessment limitation limits the amount that a homestead property's assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer

buyer would pay a willing seller for the property in an arm's-length transaction. *See, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

³ *See* ss. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ *Id.* at (d).

⁷ FLA. CONST. art. VII, s. 6.

⁸ FLA. CONST. art. X, s. 4.

⁹ *Id.* at (c).

¹⁰ FLA. CONST. art. VII, s. 6(a).

¹¹ *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2025 tax year, the exemption amount is \$25,722. *See* Volusia County Property Appraiser, Homestead Exemption, <https://vcpa.vcgov.org/exemption/homestead> (last visited Mar. 8, 2025).

¹² FLA. CONST. art. VII, s. 6(d).

¹³ FLA. CONST. art. VII, s. 6(e).

¹⁴ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Save Our Homes amendment in s. 193.155, F.S.

Price Index.¹⁵ The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The Save Our Homes assessment limitation is considered portable because a homestead property owner may transfer this benefit when moving from one homestead property to another.¹⁶ Due to the homestead exemption effects and the Save Our Homes assessment limitation, many homestead property owners have significant tax savings.

Resistance to Flood Damage

Florida faces the year-round risk of flooding from slow-moving and severe storms and hurricanes, and sea level rise may increase the risk.¹⁷ Florida is among the top five states with coastal populations, having 16.2 million residents living in coastal counties as of 2020.¹⁸ The South Atlantic Coastal Study predicts that coastal areas of the state are at risk of \$9 billion in damages annually from storm surge, and \$24 billion in the future with three feet of sea level rise.¹⁹ As of 2023, Florida held over one-third of the flood insurance policies issued by the National Flood Insurance Program (NFIP), a federal entity created in 1968 to provide standardized flood insurance.²⁰ Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.²¹

Flood damage can be mitigated by homeowners using a variety of strategies. These might include improvements such as elevating the home on posts, columns, or fill.²² It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.²³ They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.²⁴

III. Effect of Proposed Changes:

The joint resolution proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property's susceptibility to flood damage in determining the property's assessed value.

¹⁵ FLA. CONST. art. VII, s. 4(d).

¹⁶ See FLA. CONST. art. VII, s. 4(d)(8); see also s. 193.155, F.S.

¹⁷ See Rebecca Lindsey, National Oceanic and Atmospheric Administration, *Climate Change: Global Sea Level*, (Aug. 22, 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 6, 2025); University of Florida Emergency Management, *Flood*, <https://emergency.ufl.edu/storm-ready/weather-hazards/flood/> (last visited Mar 6, 2025).

¹⁸ National Oceanic and Atmospheric Administration, *Economics and Demographics*, <https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html> (last visited Mar. 6, 2025).

¹⁹ U.S. Army Corps of Engineers, *South Atlantic Coastal Study(SACS) Main Report*, (Oct. 2021) at 5-22, <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/23162> (last visited Mar. 6, 2025).

²⁰ Florida Division of Emergency Management, *State Floodplain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited Mar. 6, 2025).

²¹ *Id.*

²² Association of State Floodplain Managers, *Mitigation Strategies*, <https://www.reducefloodrisk.org/mitigation-library/> (last visited Mar. 6, 2025)

²³ *Id.*

²⁴ U.S. Army Corps of Engineers, *Nonstructural Flood Risk Management Measures*, <https://www.nwd-mr.usace.army.mil/rcc/MRFTF/docs/USACE-NFPC%20Nonstructural%20Measures%20Definitions.pdf> (last visited Mar. 6, 2025).

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions in Art. VII, s. 18 of the Florida Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable.

E. Other Constitutional Issues:

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment to be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

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

The Revenue Estimating Conference has determined that the proposed amendment has no fiscal impact as it requires approval by the voters and is not self-executing.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²⁵ typically paid from non-recurring General Revenue funds.²⁶ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution substantially amends Article VII, section 4 of the Florida Constitution.

This resolution creates a new section of Article XII of the Florida Constitution.

²⁵ Pursuant to Section 203 of the *Voting Rights Act* (52 U.S.C.A. § 10503).

²⁶ See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator DiCeglie

18-00967-25

2025174

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in determining the assessed value of such property for ad valorem taxation purposes and to provide an effective date.

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

That the following amendment to Section 4 of Article VII and the creation of a new section of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—

By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

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(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value

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as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1 and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of any of the three years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the

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year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of

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that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition,

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reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of

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the following in the determination of the assessed value of real property:

(1) Any change or improvement to real property used for residential purposes made to improve the property's resistance to wind damage.

(2) Any change or improvement made to real property assessed pursuant to subsection (d) to mitigate the property's susceptibility to flood damage.

(3) The installation of a solar or renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

ARTICLE XII

SCHEDULE

Limitation on the assessment of homestead property.-This section and the amendment to Section 4 of Article VII, authorizing the legislature to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in the determination of the property's assessed

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value for ad valorem taxation purposes, shall take effect January 1, 2027.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

LIMITATION ON THE ASSESSMENT OF HOMESTEAD PROPERTY.-

Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in the determination of the property's assessed value for ad valorem taxation purposes. This amendment takes effect January 1, 2027.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 176

INTRODUCER: Finance and Tax Committee and Senator DiCeglie

SUBJECT: Assessment of Homestead Property

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|--------------------|
| 1. Shuler | Fleming | CA | Favorable |
| 2. Gross | Khan | FT | Fav/CS |
| 3. Gross | Sadberry | AP | Pre-meeting |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 176 is linked to SJR 174, which proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property's susceptibility to flood damage in determining the property's assessed value.

The bill increases the amount to which certain property may be expanded in size after suffering damage or destruction without the property becoming subject to an assessment at just value. The amount increases from 1,500 square feet to 2,000 square feet.

The bill provides that the assessed value of homestead property elevated to meet National Flood Insurance Program and Florida Building Code elevation requirements or to mitigate damage from a previous flood event must be calculated based upon the assessment of the property on the January 1 immediately before such elevation if the size of the property after the elevation does not exceed 2,000 feet or 110 percent of its original size. Elevation of property unable to be used before elevation as a result of damage or destruction must commence construction within 5 years. Additionally, the assessment limitation will not apply to the property if, after elevation, the property's classification changes.

The Revenue Estimating Conference determined that the fiscal impact of the implementing bill is contingent upon passage of an amendment to Florida's Constitution, which makes the impact of

the bill zero or negative indeterminate. **See Section V. Fiscal Impact Statement** for more detail on the fiscal impact should an amendment to Florida's Constitution be approved..

The bill will take effect on the effective date of the amendment proposed by SJR 174 or a similar joint resolution having substantially the same specific intent and purpose. If approved by the electors in the next general election in November 2026, the proposed amendment (SJR 174) and this bill will take effect on January 1, 2027.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ The state constitution prohibits the state from levying ad valorem taxes⁴ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Homestead Exemptions

The state constitution establishes homestead protections for certain residential real estate in three distinct ways. First, it provides homesteads, property owned and maintained as a person’s primary residence, with an assessment limitation⁶ and exemption from taxes.⁷ Second, the homestead provisions protect the homestead from forced sale by creditors.⁸ Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.⁹

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by

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

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

³ *See* ss. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ *Id.* at (d)

⁷ FLA. CONST. art. VII, s. 6.

⁸ FLA. CONST. art. X, s. 4.

⁹ *Id.* at (c).

school districts.¹⁰ An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.¹¹

In addition to the exemptions granted to each person who makes property his or her homestead, persons who meet specific criteria or circumstances can receive additional exemptions. For example, persons who have attained the age of 65 and have limited income¹² or veterans who are partially or totally permanently disabled.¹³

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the state constitution.¹⁴ The Save Our Homes assessment limitation limits the amount that a homestead property's assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.¹⁵ The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The Save Our Homes assessment limitation is considered portable because a homestead property owner may transfer this benefit when moving from one homestead property to another.¹⁶ Due to the homestead exemption effects and the Save Our Homes assessment limitation, many homestead property owners have significant tax savings.

Changes, Additions, and Improvements to Real Property

In general, changes, additions, or improvements to real property are assessed at just value as of the first January 1 after they are substantially completed.¹⁷ However, when property is damaged or destroyed by calamity or misfortune, the property may be repaired or replaced without the change, addition, or improvement being assessed at just value; rather, the change, addition, or improvement is assigned the taxable value and other tax characteristics (i.e., assessment limitation) that the damaged or replaced property had before being damaged or destroyed. This treatment has certain limitations. For homestead property, two possible limitations apply: 1) the change, addition, or improvement may not exceed 110 percent of the square footage of the property before it was damaged or destroyed; or 2) the total square footage of the property as changed or improved may not exceed 1,500 square feet.¹⁸ Any square footage greater than 110 percent of the replaced property or beyond a total of 1500 square feet is assessed at just value.

¹⁰ FLA. CONST. art VII, s. 6(a).

¹¹ *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2025 tax year, the exemption amount is \$25,722. See Volusia County Property Appraiser, *Homestead Exemption*, <https://vcpa.vcgov.org/exemption/homestead> (last visited Mar. 18, 2025).

¹² FLA. CONST. art VII, s. 6(d).

¹³ FLA. CONST. art VII, s. 6(e).

¹⁴ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Save Our Homes amendment in s. 193.155, F.S.

¹⁵ FLA. CONST. art. VII, s. 4(d).

¹⁶ See FLA. CONST. art. VII, s. 4(d)(8); see also s. 193.155, F.S.

¹⁷ Sections 193.155(4)(a), 193.1554(6)(a), and 193.1555(6)(a), F.S.

¹⁸ Section 193.155(4)(b), F.S.

The rebuilding of damaged property must commence within 5 years of the damage to qualify for the assessment limitation described above.¹⁹

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.²⁰ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.²¹ Participation in the NFIP by a community is voluntary.²² To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with the FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.²³

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.²⁴ While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective.²⁵ An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).²⁶ The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a 1-in-100 year flood or greater frequency. This means that properties in the SFHA have a risk of 1 percent or greater risk of flooding every year²⁷ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.²⁸ In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.²⁹

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;

¹⁹ *Id.*

²⁰ The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Mar. 18, 2025).

²¹ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Mar. 18, 2025).

²² FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip> (last visited Mar. 18, 2025).

²³ *Id.*

²⁴ See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Mar. 18, 2025).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Mar. 18, 2025).

²⁹ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.

- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE)³⁰;
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.³¹

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.³² Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.³³ Premium discounts range from 5 to 45 percent based on a community's CRS credit points.³⁴ Communities earn credit points by implementing a variety of FEMA-approved activities or programs, such as:

- Limiting floodplain development or providing increased protection to development through more restrictive mapping standards or higher regulatory standards; or
- Reduce risk to existing development through floodproofing, elevation, or minor flood control projects.³⁵

Substantial Improvement and Substantial Damage

In communities participating in the NFIP, local officials must determine whether a proposed repair or construction project qualifies as substantial improvement³⁶ or repair of substantial damage³⁷ (a "SI/SD determination").³⁸ If officials determine that the proposed work is SI/SD, then the entire building must be brought into compliance with NFIP requirements for new construction, including the requirement that lowest floors be elevated to or above the BFE.³⁹

³⁰ The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of happening annually. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe> (last visited Mar. 18, 2025).

³¹ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Mar. 18, 2025).

³² FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Mar. 18, 2025).

³³ *Id.*

³⁴ *Id.*

³⁵ FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2023), available at https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf (last visited Mar. 18, 2025).

³⁶ Substantial improvement (SI) means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure (or smaller percentage if established by the community) before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. FEMA, *Substantial Improvement/Substantial Damage Desk Reference* (May 2010), available at https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Mar. 18, 2025).

³⁷ Substantial damage (SD) means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Work on structures that are determined to be substantially damaged is considered to be substantial improvement, regardless of the actual repair work performed. *Id.*

³⁸ *Id.*

³⁹ *Id.*

NFIP Elevation Certificate

An NFIP Elevation Certificate is a form produced by FEMA used to provide information which can ensure compliance with community floodplain ordinances, determine a property's insurance rate, and be used as evidence to have a FEMA flood plain map altered.⁴⁰ An elevation certificate must in most cases be completed by a licensed land surveyor, engineer, architect, or designated local official.⁴¹ The completed document includes location and elevation data from the property, the corresponding FIRM, community information, and photographic proof.⁴² Nationwide, the cost for having an elevation certificate completed is on average \$600.⁴³

The Florida Building Code

In 1974, Florida passed legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met.⁴⁴ Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.⁴⁵

In 1992, Hurricane Andrew destroyed many structures that were built according to code, demonstrating that Florida's system of local codes was flawed.⁴⁶ The Governor appointed a study commission to review the system of local codes and make recommendations for its modernization. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.⁴⁷

The Building Code is updated every three years.⁴⁸ The current edition of the Building Code is the 8th edition, which is referred to as the 2023 Florida Building Code. Among other things, the Building Code sets limitations on building height and size.⁴⁹ Height restrictions are determined based on the type of construction, occupancy classification, and whether there is an automatic sprinkler system installed throughout the building.⁵⁰

⁴⁰ FEMA, *Elevation Certificate and Instructions*, (2022) available at:

https://www.fema.gov/sites/default/files/documents/fema_form-ff-206-fy-22-152.pdf (last visited Mar. 18, 2025).

⁴¹ *Id.*

⁴² *Id.*

⁴³ Cassidy Horton, *What Is an Elevation Certificate?*, Nerdwallet.com,

<https://www.nerdwallet.com/article/insurance/elevation-certificate> (last visited Mar. 18, 2025).

⁴⁴ Dep't of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, 4 (2006), available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Mar. 18, 2025).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*; Dep't of Business and Professional Regulation, *Building Code Information System*,

<https://floridabuilding.org/c/default.aspx> (last visited Mar. 18, 2025).

⁴⁸ Section 553.73(7)(a), F.S. See also Fla. Bldg. Commission, *Florida Building Code Effective Dates*, (2018), available at https://www.floridabuilding.org/fbc/Publications/2023_Effective_Dates.pdf (last visited Mar. 18, 2025).

⁴⁹ Florida Building Code, *2023 Florida Building Code, Building: 8th Edition*, s. 503 (2023), available at https://codes.iccsafe.org/content/FLBC2020P1/chapter-5-general-building-heights-and-areas#FLBC2020P1_Ch05_Sec502 (last visited Mar. 18, 2025)..

⁵⁰ *Id.* at s. 504.1.

The Florida Building Commission was statutorily created to implement the Building Code.⁵¹ The commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.⁵² The commission reviews International Codes published by the International Code Council,⁵³ the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.⁵⁴ Local governments may adopt amendments to the technical provisions of the Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Building Code.⁵⁵ A local government must determine there is a need to strengthen the requirements of the Building Code based on a review of local conditions.⁵⁶ Such amendments may not introduce a new subject not addressed in the Building Code.⁵⁷ Most technical amendments sunset upon adoption of the newest edition of the Building Code, unless adopted into the Building Code.⁵⁸

Local Enforcement of the Florida Building Code

Local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁵⁹ Every local government must enforce the Building Code and issue building permits.⁶⁰ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit.⁶¹ Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code, including certain building, electrical, plumbing, mechanical, and gas inspections.⁶² Construction work may not be done beyond a certain point until it passes an inspection.

Florida Building Code Flood Area Requirements

The Florida Building Code requires the construction or reconstruction of residential properties follow specific guidelines to mitigate potential damage that might be caused by flood waters in areas designated as "flood hazard areas" and "coastal high-hazard areas." For example, buildings

⁵¹ See section 553.74(1), F.S.

⁵² *Id.*

⁵³ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. ICC, *About the International Code Council*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 18, 2025).

⁵⁴ Section 553.73(3), F.S.

⁵⁵ Section 553.73(4)(b), F.S.

⁵⁶ Section 553.73(4)(b)1., F.S.

⁵⁷ Section 553.73(4)(b)3., F.S.

⁵⁸ Section 553.73(4)(e), F.S.

⁵⁹ Section 553.72(2), F.S.

⁶⁰ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁶¹ Sections 125.56(4)(a) and 553.79(1), F.S.

⁶² Florida Building Code, 2023 *Florida Building Code: 8th Edition*, s. 110 (2023), available at https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Mar. 18, 2025).

in flood hazard areas must have their lowest floors elevated above the BFE plus one foot, or the design flood elevation, whichever is higher.⁶³

Resistance to Flood Damage

Florida faces the year-round risk of flooding from slow-moving and severe storms and hurricanes, and sea level rise may increase the risk.⁶⁴ Florida is among the top five states with coastal populations, having 16.2 million residents living in coastal counties as of 2020.⁶⁵ The South Atlantic Coastal Study predicts that coastal areas of the state are at risk of \$9 billion in damages annually from storm surge, and \$24 billion in the future with three feet of sea level rise.⁶⁶ As of 2023, Florida held over one-third of the flood insurance policies issued by the NFIP.⁶⁷ Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.⁶⁸

Flood damage can be mitigated by homeowners using a variety of strategies. These might include improvements such as elevating the home on posts, columns, or fill.⁶⁹ It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.⁷⁰ They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.⁷¹

An important initial consideration for a building elevation project is consulting the area's FIRM to determine the BFE for a given area.⁷² Homes constructed before a community was under elevation regulations or before FEMA produced the area's first FIRM may now be considered below safe elevation, and at high risk for flood damage. A home that has not experienced SI/SD will be subject to fewer requirements, though it may be exposed to greater risk if it is elevated below the BFE.⁷³ If a SI/SD determination has been made, the home's lowest floors will have to be elevated above the BFE.

⁶³ Florida Building Code, *2023 Florida Building Code, Residential, 8th Edition*, (2023), Section 322.2.1, available at: https://codes.iccsafe.org/content/FLRC2023P1/chapter-3-building-planning#FLRC2023P1_Pt03_Ch03_SecR322.2.1 (last visited Mar. 18, 2025).

⁶⁴ See Rebecca Lindsey, National Oceanic and Atmospheric Administration, *Climate Change: Global Sea Level*, (Aug. 22, 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 18, 2025); University of Florida Emergency Management, *Flood*, <https://emergency.ufl.edu/storm-ready/weather-hazards/flood/> (last visited Mar 18, 2025).

⁶⁵ National Oceanic and Atmospheric Administration, *Economics and Demographics*, <https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html> (last visited Mar. 18, 2025).

⁶⁶ U.S. Army Corps of Engineers, *South Atlantic Coastal Study(SACS) Main Report*, (Oct. 2021) at 5-22, <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/23162> (last visited Mar. 18, 2025).

⁶⁷ Florida Division of Emergency Management, *State Floodplain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited Mar. 18, 2025).

⁶⁸ *Id.*

⁶⁹ Association of State Floodplain Managers, *Mitigation Strategies*, <https://www.reducefloodrisk.org/mitigation-library/> (last visited Mar. 18, 2025)

⁷⁰ *Id.*

⁷¹ U.S. Army Corps of Engineers, *Nonstructural Flood Risk Management Measures*, <https://www.nwd-mr.usace.army.mil/rcc/MRFTF/docs/USACE-NFPC%20Nonstructural%20Measures%20Definitions.pdf> (last visited Mar. 18, 2025).

⁷² *Chapter 5: Elevating Your House*, Homeowner's Guide to Retrofitting, FEMA, available at: <https://www.fema.gov/pdf/rebuild/mat/sec5.pdf> (last visited Mar. 18, 2025).

⁷³ *Id.*

Buildings may be raised after construction either by lifting an existing house and constructing a new foundation below, or by leaving the house in place and building an elevated floor within the house or adding an upper story.⁷⁴ When a house is lifted, its new foundation may be made of continuous walls, or columns or pilings which would allow access to the area below the newly elevated house.⁷⁵

III. Effect of Proposed Changes:

The bill amends s. 193.155, F.S., to specify that changes, additions, or improvements that replace all or a portion of homestead property that is damaged or destroyed by misfortune or calamity shall be assessed based upon the assessed value of the property on January 1 immediately preceding such calamity if the square footage of the property after substantial completion of the change, addition or improvement does not exceed 2,000 square feet. This will result in portions of the homestead beyond the 2,000 total square foot threshold or 110 percent of the square footage of the original homestead to be assessed at just value.

The bill specifies that the term “elevation,” “elevated,” or “elevate” means raising an existing homestead:

- To the minimum height or higher as required by the NFIP or Florida Building Code elevation requirements; or
- To mitigate flood damage from a previous flood event, as long as the elevation doesn’t exceed the height required by the NFIP or Florida Building Code elevation requirements at the property nearest the homestead property.

The bill defines the term “previous flood event” to mean, for homestead property in a county where a state of emergency was declared, partial or complete inundation from overflow of inland or tidal waters, the unusual and rapid accumulation of runoff or surface waters from any established water source, or sustained periods of standing water from rainfall.

The bill specifies that changes, additions, or improvements that replace or are made to a homestead property to elevate the property shall be assessed based upon the assessed value of the property on January 1 immediately preceding such elevation if the square footage of the property as elevated does not exceed 110 percent of the square footage of the property before the elevation or 2,000 square feet.

For a homestead that was unable to be used due to damage or destruction from misfortune or calamity on the January 1 before elevation was begun, the property appraiser must use the homestead’s assessed value from the January 1 before the damage or destruction, subject to the “Save Our Homes” assessment limitation. Elevation of the property must begin within 5 years after the January 1 following the damage or destruction of the homestead.

If the elevation of the homestead property results in the property exceeding more than 110 percent of its previous square footage or 2,000 square feet, the assessed value must be increased by the just value of that portion in excess of the previous area. Areas below an elevated structure

⁷⁴ *Id.*

⁷⁵ *Id.*

designated only for parking, storage, or access may not be included in the 110 percent calculation unless the area exceeds 110 percent of the square footage before the elevation. If the elevated homestead has an area that is smaller than the original square footage, the assessed value of the property must be reduced by the value of the removed portion of property.

The bill authorizes property appraisers to require evidence showing eligibility for the assessment limitation, including elevation certificates or documentation showing damage from a prior flood event.

The homestead must comply with all applicable NFIP building requirements and Florida Building Code elevation requirements to be eligible for the assessment limitation. Homesteads elevated to mitigate flood damage from a previous flood event must comply with building and elevation requirements nearest the property.

If the property is reclassified to a use other than homestead on the January 1 after the elevation was substantially completed, the property is not eligible for the assessment limitation.

The assessment limitation for elevated homesteads applies to homesteads for which the owner begins elevation on or after January 1, 2027.

The bill takes effect on the same date that SJR 174, or a similar joint resolution, is approved by the electors at the general election held in November 2026 or at an earlier special election specifically authorized for that purpose. If approved by the voters, the joint resolution and this bill will take effect on January 1, 2027.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the State Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,⁷⁶ which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

The Revenue Estimating Conference estimated a reduction greater than \$2.4 million to local government property tax revenue if voters approve a constitutional amendment allowing for a prohibition on the assessment of homestead property elevated to mitigate the susceptibility of flood damage. **See Section V. Fiscal Impact Statement** for more detail on the fiscal impact should an amendment to Florida's Constitution be approved.

⁷⁶ FLA. CONST. Art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Fla. S. Comm. on Cmty. Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 18, 2025).

Therefore, this bill may be a mandate subject to the requirements of Art. VII, s. 18(b) of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has estimated a reduction to local government property tax revenue if voters approve a constitutional amendment allowing for a prohibition on the assessment of homestead property elevated to mitigate the susceptibility of flood damage.⁷⁷ If voters do not approve the constitutional amendment, the bill has no effect. The earliest local governments may experience a reduction in revenue as a result of the bill is Fiscal Year 2027-2028.

| Local Property Tax Revenue (\$million) | | | |
|---|------------------|------------------|------------------|
| | 2025-2026 | 2026-2027 | 2027-2028 |
| School Revenue | 0 | 0 | (10.8) |
| Non-school Revenue | 0 | 0 | (19.1) |

The estimated reduction is expected to grow each year on two accounts: (1) as value that would have otherwise been subject to taxation is foregone, and (2) the estimate expects that each year a new cohort will elevate property. In Fiscal Year 2030-2031, the bill is estimated to reduce school tax revenue by \$44.6 million and non-school tax revenue by \$79.0 million, which equals a total reduction of \$123.6 million.

⁷⁷ Revenue Estimating Impact Conference, *Elevation of Homestead Property CS/SB 176/SB 176/CS/HB 1041*, (Mar. 21, 2025), pg. 239-243 available at https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/page239-243.pdf

B. Private Sector Impact:

Citizens receiving the limitation in assessed value will benefit from a reduction in property taxes due.

C. Government Sector Impact:

Local governments will likely see a negative fiscal impact from the limitation in the value of property on which taxes may be assessed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 193.155 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 Finance and Tax on March 26, 2025:

Clarifying that homestead property owners elevating in a zone that requires elevation standards comply with all applicable NFIP and Florida building requirements.

B. Amendments:

None.

By the Committee on Finance and Tax; and Senator DiCeglie

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A bill to be entitled

An act relating to assessment of homestead property; amending s. 193.155, F.S.; defining terms; requiring that changes, additions, or improvements that replace or are made to elevate homestead property be assessed in a specified manner; specifying how such assessment must be calculated under certain conditions; authorizing property appraisers to require certain evidence; requiring that homestead property comply with certain requirements; providing applicability; providing a contingent effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (4) of section 193.155, Florida Statutes, are amended, and paragraph (e) is added to that subsection, to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)(a) Except as provided in paragraph (b) or paragraph (e) and s. 193.624, changes, additions, or improvements to homestead property must ~~shall~~ be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b)1. Changes, additions, or improvements that replace all

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

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or a portion of homestead property, including ancillary improvements, damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed or improved does not exceed 110 percent of the square footage of the homestead property before the damage or destruction; or

b. The total square footage of the homestead property as changed or improved does not exceed 2,000 ~~1,500~~ square feet.

2. The homestead property's assessed value must be increased by the just value of that portion of the changed or improved homestead property which is in excess of 110 percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 2,000 ~~1,500~~ square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction must ~~shall~~ be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the homestead.

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(e)1. As used in this paragraph, the term:

a. "Elevation," "elevated," or "elevate" means:

(I) Raising an existing homestead property to at least the minimum height required to comply with the elevation requirements of the National Flood Insurance Program or the Florida Building Code; or

(II) Raising an existing homestead property to mitigate flood damage sustained during a previous flood event, provided that the elevation does not exceed the height required to comply with elevation requirements of the National Flood Insurance Program or the Florida Building Code at the property nearest to the homestead property.

b. "Elevation certificate" means the certificate used to demonstrate the elevation of property, which has been developed by the Federal Emergency Management Agency pursuant to federal floodplain management regulations.

c. "Previous flood event" means, for homestead property situated within a county in which a state of emergency is declared pursuant to s. 252.36, partial or complete inundation of the homestead property caused by the overflow of inland or tidal waters, the unusual and rapid accumulation of runoff or surface waters from any established water source, such as a river, stream, or drainage ditch, or sustained periods of standing water resulting from rainfall.

2. Changes, additions, or improvements that replace or are made to homestead property to elevate such property must be assessed upon substantial completion as provided in this paragraph. Except as provided in subparagraph 3., such an assessment must be calculated using the property's assessed

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value as of the January 1 immediately preceding the commencement of elevation, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as elevated does not exceed 110 percent of the square footage of the homestead property before the elevation; or

b. The total square footage of the homestead property as elevated does not exceed 2,000 square feet.

3. Homestead property that was unable to be used for its intended purpose on the January 1 immediately preceding commencement of elevation due to damage or destruction caused by misfortune or calamity must have such assessment calculated using the homestead property's assessed value as of the January 1 immediately preceding such damage or destruction, subject to the assessment limitations in subsections (1) and (2). Such property's elevation must be commenced within 5 years after the January 1 following the damage or destruction of the homestead.

4. The homestead property's assessed value must be increased by the just value of that portion of the elevated homestead property which is in excess of 110 percent of the square footage of the homestead property before the elevation or of that portion exceeding 2,000 square feet. However, the area underneath an elevated structure which is dedicated only for parking, storage, or access may not be included in the 110 percent calculation. The area underneath an elevated structure that exceeds 110 percent of the lowest level square footage before the elevation must be included in the 110 percent calculation.

5. An elevated homestead property that has a square footage

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117 of less than 100 percent of the homestead property's total
 118 square footage before the elevation must be assessed pursuant to
 119 subsection (5).

120 6. Property appraisers may require the property owner to
 121 provide evidence substantiating eligibility for assessment
 122 pursuant to this paragraph, including elevation certificates
 123 documenting compliance with the National Flood Insurance
 124 Program, or, if elevating in accordance with sub-sub-
 125 subparagraph 1.a.(II), documentation evidencing damage from a
 126 prior flood event, including local government building permits
 127 obtained during reconstruction.

128 7. To be eligible for the assessment limitation under this
 129 paragraph, homestead property must comply with all applicable
 130 Federal Emergency Management Agency's National Flood Insurance
 131 Program building requirements and Florida Building Code
 132 elevation requirements. Homestead property elevation pursuant to
 133 sub-sub-subparagraph 1.a.(II) must comply with building and
 134 elevation requirements nearest the property.

135 8. This paragraph does not apply to homestead property that
 136 was elevated if there is a change in the classification of the
 137 property pursuant to s. 195.073(1) on the January 1 immediately
 138 after the substantial completion.

139 9. This paragraph applies to homestead property for which
 140 the owner commenced elevation on or after January 1, 2027.

141 Section 2. This act shall take effect on the effective date
 142 of the amendment to the State Constitution proposed by SJR 174
 143 or a similar joint resolution having substantially the same
 144 specific intent and purpose, if such amendment is approved at
 145 the next general election or at an earlier special election

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146 specifically authorized by law for that purpose.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 600

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development and Senator Truenow

SUBJECT: Manufacturing

DATE: April 16, 2025 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|-----------------|------------|--------------------|
| 1. | <u>Renner</u> | <u>McKay</u> | <u>CM</u> | <u>Favorable</u> |
| 2. | <u>Griffin</u> | <u>Nortelus</u> | <u>ATD</u> | <u>Fav/CS</u> |
| 3. | <u>Griffin</u> | <u>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 600 designates a Chief Manufacturing Officer among the Department of Commerce (department) senior leadership to promote manufacturing statewide. The Chief Manufacturing Officer, who is appointed by the Secretary of Commerce, is responsible for promoting, supporting, and coordinating manufacturing efforts in the state. In consultation with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, the department must report on manufacturing efforts in the state and submit the report by December 15, 2026, and every two years thereafter to the Governor and the Legislature.

The bill creates the Florida Manufacturers' Workforce Development Grant Program (program) within the department to fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in the state with the deployment of new technologies or cybersecurity infrastructure and provide training support to the workforce. Grants would be funded from the Economic Development Trust Fund. The department must provide a list of each awarded project annually and include such information in its annual incentives report.

The bill creates the Florida Manufacturing Promotional Campaign (campaign), a voluntary marketing program to promote manufacturing products and businesses in the state. Participants must register with the department. The campaign would be funded by fees acquired by the department from campaign participants.

The bill authorizes the department to adopt rules to administer the program and establish, by rule, the logos or product identifiers to be depicted for use in the campaign.

The bill will have an impact on state expenditures. It does not appear to impact local government revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Manufacturing

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer. Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.¹ Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over \$74,000, a 6.6 percent increase from 2021.²

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy. The NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:³

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

¹ Department of Commerce, *2023 Florida Manufacturing*, 7, available at <https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf> (last visited March 5, 2025).

² *Id.* at 10.

³ *Id.* at 114.

Additionally, manufacturing sectors with a high value-added component, such as aviation and aerospace, defense, microelectronics, medical devices and equipment, marine, fabricated metal products, and industrial machinery, have helped Florida's small and mid-size manufacturers grow quickly.⁴

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.⁵ Local governments may establish a manufacturing master development plan review process that allows new or expanding manufacturing businesses to go through a single local-level master development plan process and, upon approval, proceed to development without requiring additional approvals or permits, except for building permits.⁶ The approval process must be coordinated with the department.⁷ Additionally, the department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.⁸ Currently, only Manatee and Volusia County have adopted an ordinance.⁹

Workforce Training Programs

CareerSource Florida, a not-for-profit corporation administratively housed within the department,¹⁰ is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.¹¹ Workforce training is administered through the 21 local workforce development boards.

The Florida Job Growth Grant Fund is an economic development program that promotes public infrastructure and workforce training across the state. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.¹²

⁴ *Id.* at 47

⁵ Section 163.3252, F.S.

⁶ *Id.*

⁷ Section 163.3253, F.S.

⁸ Section 163.3252, F.S.

⁹ Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program> (last visited March 5, 2025).

¹⁰ Section 445.004(1), F.S.

¹¹ See CareerSource Florida, *About Us*, available at <https://careersourceflorida.com/> (last visited March 5, 2025).

¹² See s. 288.101, F.S.

III. Effect of Proposed Changes:

Statewide Office of Manufacturing

The bill amends s. 20.60, F.S., to expand the department's responsibilities to encourage and oversee manufacturing in the state in coordination with the Chief Manufacturing Officer.

The bill creates s. 20.601, F.S., to designate a Chief Manufacturing Officer among the Department of Commerce (department) senior leadership to promote manufacturing statewide. The Chief Manufacturing Officer (Officer) serves at the pleasure of the Secretary of the department. Duties of the Officer include:

- Serving as the subject-matter expert on manufacturing;
- Promoting and coordinating manufacturing efforts in the state and identifying gaps across state-supported activities;
- Providing strategic direction for interagency and cross-disciplinary initiatives to promote and support manufacturing in the state;
- Working with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities; and
- Engaging with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in the state.

All state and local governmental agencies must assist the Officer to the extent such assistance is consistent with law and budgetary constraints.

In consultation with the Officer and the state Manufacturing Extension Partnership,¹³ the department must prepare a report on manufacturing efforts in the state, including information regarding the strength and economic importance of the manufacturing industry, and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every two years thereafter.

Florida Manufacturer's Workforce Development Grant Program

The bill creates s. 288.103, F.S., to establish the Florida Manufacturers' Workforce Development Grant Program (program) within the department. The program will fund proposed projects, subject to appropriation by the Legislature, that support small manufacturers in the state in deploying new technologies or cybersecurity infrastructure and providing training support to the workforce.

The department, in coordination with the Officer and the state Manufacturing Extension Partnership, must review applicants and select projects for awards that create strategic investments in workforce training to facilitate the deployment of new technologies or

¹³ FloridaMakes is the official representative of the Manufacturing Extension Partnership (MEP) in Florida. The MEP, which provides U.S. manufacturers with access to resources, is a public-private partnership comprised of the National Institute of Standards and Technology's Manufacturing Extension Partnership, 51 MEP centers located in all 50 states and Puerto Rico, and over 1,300 advisors and experts at more than 400 MEP service locations. See <https://www.floridamakes.com/about-us/how-we-help> (last visited March 5, 2025).

cybersecurity infrastructure. Priority must be given to projects with innovative plans, advanced technologies, and development strategies focusing on workforce development for small manufacturers across the state. Final grant awards are made at the sole discretion of the department.

Grants awarded under the program must be administered by the department from the Economic Development Trust Fund under s. 288.095, F.S. Applicants are authorized to seek workforce development and operations funding. However, grant funding may not be used to pay salary, benefits, or general business or office expenses.

Each year, the department must provide the public with a list of all awarded projects, detailing how each project benefits the program's goals and objectives and the project's current status. This information must be included in the department's annual incentives report under s. 288.0065, F.S. The department may adopt rules to implement this provision.

Florida Manufacturing Promotional Campaign

The Legislature finds that there is a need for the Florida Manufacturing Promotional Campaign (campaign) to do the following in the state:

- Increase consumer awareness of manufacturing;
- Expand market exposure for manufactured products and goods; and
- Inspire future generations of entrepreneurs, fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations.

The Legislature also finds that the campaign is a partnership between industry and the state to promote and advertise such products efficiently.

The bill defines the following terms:

- “Campaign” to mean the Florida Manufacturing Promotional Campaign.
- “Department” to mean the Department of Commerce.
- “Manufactured product” to mean any tangible personal property fabricated or produced, often through industrial or mechanical processes. The term includes items sold or leased to consumers.
- “Person” to mean an individual, firm, partnership, corporation, association, business, trust, legal representative, or any other business unit.

The bill creates s. 288.1033, F.S., to establish the campaign within the department, under the Office's supervision, and in coordination with the state Manufacturing Extension Partnership. The campaign's purpose is to serve as a voluntary marketing program to promote manufacturing products and businesses in the state. In promoting the campaign, the department must do the following:

- Develop logos for the campaign and authorize the use of such logos as provided by rule;
- Register campaign participants;
- Collect rental receipts for industry promotions;
- Develop in-kind advertising programs; and
- Contract with media representatives to disperse promotional materials.

The bill creates s. 288.1034, F.S., to establish campaign registration requirements. Campaign participants must register annually with the department in a form and manner as prescribed by the department.

The bill creates s. 288.1036, F.S., to authorize the department to adopt rules to implement the campaign. The department is authorized to establish the logos or product identifiers to be depicted for use in the campaign for advertising, publicizing, and promoting the sale of manufactured products in the state. The department is authorized to adopt any other necessary rules to ensure compliance with the provision, including, but not limited to, rules governing participant registration, registration renewal, membership classes, application forms, and other forms and enforcement measures.

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The promotional campaign created by this bill is funded by a fee authorized in CS/SB 602, a linked bill.

B. Private Sector Impact:

Manufacturing businesses may see increased demand due to receiving a Florida Manufacturers' Workforce Development Grant and/or participating in the Manufacturing Promotional Campaign.

C. Government Sector Impact:

The bill designates a Chief Manufacturing Officer among the Department of Commerce (department) senior leadership to promote manufacturing statewide. The department is expected to absorb these costs within existing resources.

The bill does not appear to impact local government revenues and expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The biennial reporting on manufacturing efforts could potentially be integrated into the department's annual report required by s. 20.60(10), F.S.

To avoid duplication of effort and funds in workforce training, the Legislature could consider requiring coordination with CareerSource Florida in the consideration and award of grants.

The Legislature could consider whether the grant program and promotional campaign should be included in the economic development program reviews conducted by the Office of Program Policy Analysis and Government Accountability and the Office of Economic & Demographic Research pursuant to s. 288.0001, F.S.

VIII. Statutes Affected:

This bill amends section 20.60 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 20.601, 288.103, 288.1031, 288.1032, 288.1033, 288.1034, and 288.1036.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Appropriations Committee on Transportation, Tourism, and Economic Development on March 11, 2025:**

The committee substitute:

- Expands the department's responsibilities to encourage and oversee manufacturing in the state in coordination with the Chief Manufacturing Officer.
- Moves the designation of a Chief Manufacturing Officer to the department's organization structure under chapter 20, F.S.;
- Removes the creation of a Statewide Office of Manufacturing and designates a senior leadership member within the department as the Chief Manufacturing Officer;
- Specifies that final grant awards under the Florida Manufacturers' Workforce Development Grant are made at the department's sole discretion;

- Clarifies that the Florida Manufacturing Promotional Campaign is voluntary; and
- Moves the Florida Manufacturing Promotional Campaign to chapter 288, F.S.

B. The committee substitute Amendments:

None.

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

By the Appropriations Committee on Transportation, Tourism, and
Economic Development; and Senator Truenow

606-02273-25

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1 A bill to be entitled
2 An act relating to manufacturing; amending s. 20.60,
3 F.S.; revising the duties of the Department of
4 Commerce; creating s. 20.601, F.S.; establishing the
5 Chief Manufacturing Officer among the senior
6 leadership of the department; providing that the Chief
7 Manufacturing Officer is appointed by and serves at
8 the pleasure of the Secretary of Commerce; providing
9 responsibilities for the Chief Manufacturing Officer;
10 directing all state and local governmental entities to
11 assist the Chief Manufacturing Officer; requiring the
12 department to prepare a report regarding manufacturing
13 efforts in this state; requiring the department to
14 submit its report on a specified date and biennially
15 thereafter to the Governor and the Legislature;
16 requiring that the report include certain information;
17 creating s. 288.103, F.S.; creating the Florida
18 Manufacturers' Workforce Development Grant Program;
19 providing that the grant program is created within the
20 department and under the direction of the Chief
21 Manufacturing Officer in consultation with the state
22 Manufacturer Extension Partnership; providing a
23 specified purpose for the grant program; requiring the
24 department, in coordination with the Chief
25 Manufacturing Officer and the state Manufacturing
26 Extension Partnership, to review applications
27 submitted and to select specified projects; providing
28 that the department has sole discretion in final grant
29 awards; requiring that priority be given to projects

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30 that meet certain criteria; authorizing applicants to
31 seek funding for a specified purpose; requiring the
32 department to administer the grant awards from the
33 Economic Development Trust Fund; requiring the
34 department to include certain information in its
35 annual incentives report; authorizing the department
36 to adopt rules; creating s. 288.1031, F.S.; providing
37 legislative findings; creating s. 288.1032, F.S.;
38 defining terms; creating s. 288.1033, F.S.; creating
39 the Florida Manufacturing Promotional Campaign within
40 the department; providing the purpose of the campaign;
41 requiring the department to take certain actions in
42 promoting the campaign; creating s. 288.1034, F.S.;
43 requiring persons that participate in the campaign to
44 register annually with the department; creating s.
45 288.1036, F.S.; authorizing the department to adopt
46 rules; authorizing the department to establish by rule
47 the logos or product identifiers to be depicted for
48 use in the campaign; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Paragraph (m) is added to subsection (4) of
53 section 20.60, Florida Statutes, to read:
54 20.60 Department of Commerce; creation; powers and duties.—
55 (4) The purpose of the department is to assist the Governor
56 in working with the Legislature, state agencies, business
57 leaders, and economic development professionals to formulate and
58 implement coherent and consistent policies and strategies

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designed to promote economic opportunities for all Floridians. The department is the state's chief agency for business recruitment and expansion and economic development. To accomplish such purposes, the department shall:

(m) Encourage and oversee manufacturing in this state in coordination with the Chief Manufacturing Officer.

Section 2. Section 20.601, Florida Statutes, is created to read:

20.601 Chief Manufacturing Officer.—

(1) There shall be designated among the senior leadership of the Department of Commerce a Chief Manufacturing Officer for the purpose of supporting the manufacturing ecosystem statewide. The Chief Manufacturing Officer is appointed by and serves at the pleasure of the Secretary of Commerce.

(2) The Chief Manufacturing Officer shall:

(a) Serve as a subject-matter expert for the state on issues related to manufacturing.

(b) Be responsible for promoting and coordinating manufacturing efforts in this state and identifying gaps across state-supported activities.

(c) Provide strategic direction for interagency and cross-disciplinary initiatives to promote and support manufacturing in this state.

(d) Work with federal, state, regional, and local governmental entities and nongovernmental entities to align manufacturing priorities.

(e) Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to support manufacturing in

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this state.

(3) All state and local governmental entities shall assist the Chief Manufacturing Officer to the extent such assistance is consistent with law and with budgetary constraints.

(4) The department shall prepare a report, in consultation with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, regarding manufacturing efforts in this state. The department shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2026, and every 2 years thereafter. The report must include information regarding the strength and economic importance of the manufacturing industry in this state.

Section 3. Section 288.103, Florida Statutes, is created to read:

288.103 Florida Manufacturers' Workforce Development Grant Program.—

(1) The Florida Manufacturers' Workforce Development Grant Program is created within the Department of Commerce, under the direction of the Chief Manufacturing Officer and in consultation with the state Manufacturing Extension Partnership, to fund proposed projects, subject to appropriation by the Legislature, which support small manufacturers in this state with the deployment of new technologies or cybersecurity infrastructure and to provide training support to the workforce.

(2) The department, in coordination with the Chief Manufacturing Officer and the state Manufacturing Extension Partnership, shall review applications submitted and select projects for awards which create strategic investments in

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workforce training to facilitate the deployment of new technologies or cybersecurity infrastructure. Final grant awards are made at the sole discretion of the department.

(3) Priority must be given to projects with innovative plans, advanced technologies, and development strategies that focus on workforce development for small manufacturers across this state.

(4) Applicants may seek funding for workforce development and operations, but grant funding awarded under this section may not be used to pay salary and benefits or general business or office expenses. Grants awarded under the program shall be administered by the department from the Economic Development Trust Fund established in s. 288.095.

(5) The department shall annually provide a list to the public of each project awarded a grant, the benefit of each project in meeting the goals and objectives of the program, and the current status of each project. The department shall include such information in its annual incentives report required under s. 288.0065.

(6) The department may adopt rules to implement this section.

Section 4. Section 288.1031, Florida Statutes, is created to read:

288.1031 Legislative findings.—The Legislature finds that there is a need for the Florida Manufacturing Promotional Campaign, as established in s. 288.1033, to increase consumer awareness of manufacturing activities in this state, to expand market exposure for manufactured products and goods in this state, and to inspire future generations of entrepreneurs,

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fabricators, and skilled workers to build and grow domestic businesses and manufacturing operations in this state. The Legislature further finds that a campaign that creates a partnership between industry and the state is necessary to promote and advertise such products efficiently.

Section 5. Section 288.1032, Florida Statutes, is created to read:

288.1032 Definitions.—As used in ss. 288.1031-288.1036, the term:

(1) "Campaign" means the Florida Manufacturing Promotional Campaign.

(2) "Department" means the Department of Commerce.

(3) "Manufactured product" means any tangible personal property that has been fabricated or produced, often through industrial or mechanical processes. The term includes items sold or leased to consumers.

(4) "Person" means an individual, a firm, a partnership, a corporation, an association, a business, a trust, a legal representative, or any other business unit.

Section 6. Section 288.1033, Florida Statutes, is created to read:

288.1033 Florida Manufacturing Promotional Campaign; purpose; duties of the department.—There is created within the department, under the supervision of the Chief Manufacturing Officer and in coordination with the state Manufacturing Extension Partnership, the Florida Manufacturing Promotional Campaign. The purpose of the campaign is to serve as a voluntary marketing program to promote manufacturing products and businesses in this state. In promoting the campaign, the

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department shall do all of the following:

(1) Develop logos for the campaign and authorize the use of such logos as provided by rule.

(2) Register campaign participants.

(3) Collect rental receipts for industry promotions.

(4) Develop in-kind advertising programs.

(5) Contract with media representatives for the purpose of dispersing promotional materials.

Section 7. Section 288.1034, Florida Statutes, is created to read:

288.1034 Registration.—A person that participates in the Florida Manufacturing Promotional Campaign must register annually with the department in a form and manner as prescribed by the department.

Section 8. Section 288.1036, Florida Statutes, is created to read:

288.1036 Rulemaking authority.—The department may adopt rules to implement and administer the Florida Manufacturing Promotional Campaign. By rule, the department may establish the logos or product identifiers to be depicted for use in the campaign for advertising, publicizing, and promoting the sale of manufactured products in this state. The department may also adopt any other rules as deemed necessary to ensure compliance with the Florida Manufacturing Promotional Campaign, including, but not limited to, rules governing participant registration, renewal of registration, classes of membership, application forms, and other forms and enforcement measures.

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 Committee on Appropriations

BILL: CS/SB 602

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development and Senator Truenow

SUBJECT: Fees/Florida Manufacturing Promotional Campaign

DATE: April 16, 2025 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|-----------------|------------|--------------------|
| 1. | <u>Renner</u> | <u>McKay</u> | <u>CM</u> | <u>Favorable</u> |
| 2. | <u>Griffin</u> | <u>Nortelus</u> | <u>ATD</u> | <u>Fav/CS</u> |
| 3. | <u>Griffin</u> | <u>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 602 requires the Department of Commerce (department) to assess and collect an annual fee not to exceed \$100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign (campaign). Fees must be deposited into the Economic Development Trust Fund to be used solely for administering the campaign.

CS/SB 600 (Manufacturing), is a linked bill that designates a senior leadership member within the department as the Chief Manufacturing Officer to promote the manufacturing ecosystem statewide . The bill also creates the campaign to serve as a marketing program to promote manufacturing products and businesses in the state. In promoting the campaign, the department must develop logos for the campaign, register campaign participants, collect rental receipts for industry promotions, develop in-kind advertising programs, and contract with media representatives to disperse promotional materials. A person who participates in the campaign must register annually with the department.

The bill may have an indeterminate fiscal impact on the department for collecting fees to promote the campaign. There is no impact expected on local government revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill is effective on the same date that CS/SB 600 (Manufacturing) or similar legislation takes effect if adopted in the same legislative session or any extension and becomes law.

II. Present Situation:

Florida has over 422,000 manufacturing jobs and ranks as the nation's 10th largest manufacturing employer. Since 2014, Florida has increased manufacturing employment by 23.3 percent, which outpaced the other 11 states in the top 12 for manufacturing.¹ Manufacturing jobs generally pay higher wages than those in other industries. In 2022, the average annual wage for manufacturing jobs was over \$74,000, a 6.6 percent increase from 2021.²

The North American Industry Classification System (NAICS) is the standard used by federal statistical agencies to classify businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy. NAICS Sector Codes 311-339 include unique manufacturing industries in Florida that have outpaced the nation in job growth, which include, but are not limited to, the following:³

- Food manufacturing
- Beverage and tobacco product manufacturing
- Textile mills and textile product mills
- Apparel manufacturing
- Leather and allied product manufacturing
- Wood product and paper manufacturing
- Printing and related support activities
- Petroleum and coal products manufacturing
- Chemical manufacturing
- Plastics and rubber products manufacturing
- Nonmetallic mineral product manufacturing
- Primary metal manufacturing
- Fabricated metal product manufacturing
- Machinery manufacturing
- Computer and electronic product manufacturing
- Electrical equipment and appliances
- Transportation equipment manufacturing
- Furniture and related product manufacturing
- Miscellaneous manufacturing

Under the Local Manufacturing Development Program, a local government may adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for developing or expanding sites operated by manufacturers.⁴ Local governments may establish a manufacturing master development plan review process that allows new or expanding manufacturing businesses to go through a single local-level master development plan process and, upon approval, proceed to development without requiring additional approvals or permits, except for building permits.⁵ The approval

¹ Department of Commerce, *2023 Florida Manufacturing*, 7, available at <https://www.floridajobs.org/docs/default-source/communicationsfiles/2023-florida-manufacturing-report.pdf> (last visited March 5, 2025).

² *Id.* at 10.

³ *Id.* at 114.

⁴ Section 163.3252, F.S.

⁵ *Id.*

process must be coordinated with the department.⁶ Additionally, the department has developed a model local manufacturing development program ordinance to guide local governments that intend to establish a local manufacturing development program.⁷ Currently, only Manatee and Volusia County have adopted an ordinance.⁸

CareerSource Florida, a not-for-profit corporation administratively housed within the department,⁹ is the statewide workforce policy and investment board comprised of business and government leaders that helps Floridians enter, remain in, and advance in the workplace so that they may become more highly skilled and successful. The program also connects employers with qualified and skilled employees.¹⁰ Workforce training is administered through the 21 local workforce development boards.

The Florida Job Growth Grant Fund is an economic development program that promotes public infrastructure and workforce training across the state. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs in the communities they are awarded to.¹¹

III. Effect of Proposed Changes:

The bill requires the department to assess and collect an annual fee not to exceed \$100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign. Fees must be deposited into the Economic Development Trust Fund under s. 288.095, F.S., to be used solely for administering the campaign.

The bill is effective on the same date that CS/SB 600 (Manufacturing) or similar legislation takes effect, if adopted in the same legislative session or any extension, and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ Section 163.3253, F.S.

⁷ Section 163.3252, F.S.

⁸ Department of Commerce, *Manufacturing Competitiveness Act Development Approval Program*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/manufacturing-competitiveness-act-development-approval-program> (last visited March 5, 2025).

⁹ Section 445.004(1), F.S.

¹⁰ See CareerSource Florida, *About Us*, available at <https://careersourceflorida.com/> (last visited March 5, 2025).

¹¹ See s. 288.101, F.S.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹²

Article VII, s. 19 of the State Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

E. Other Constitutional Issues:

None identified.

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

The bill imposes an annual fee not to exceed \$100 on manufacturing businesses that wish to participate in the Florida Manufacturing Promotional Campaign.

B. Private Sector Impact:

Certain businesses registering with the campaign must pay a fee to promote their business through the Florida Manufacturing Promotional Campaign.

C. Government Sector Impact:

Creating the Florida Manufacturing Promotional Campaign may have a fiscal impact on the department. The department must do certain things to promote a manufacturing campaign. Fees collected by the department for manufacturing campaign shall be deposited into the Economic Development Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 288.1033 of the Florida Statutes.

¹² FLA. CONST. art. VII, s. 19(d)(1).

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

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

CS by Appropriations Committee on Transportation, Tourism, and Economic Development on March 11, 2025:

The committee substitute:

- Provides that the department may collect an annual fee not to exceed \$100 per registrant to fund the costs of administering the voluntary Florida Manufacturing Promotional Campaign.
- Removes the requirement that the department establish the assessment and collection of fees to administer the campaign by rule.

B. Amendments:

None.

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

By the Appropriations Committee on Transportation, Tourism, and
Economic Development; and Senator Truenow

606-02272-25

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A bill to be entitled

An act relating to fees; creating s. 288.1035, F.S.;
requiring the Department of Commerce to assess and
collect a specified annual fee sufficient to fund the
costs of administering the voluntary Florida
Manufacturing Promotional Campaign; requiring that
such fees be deposited into the Economic Development
Trust Fund for a specified purpose; providing a
contingent effective date.

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

Section 1. Section 288.1035, Florida Statutes, is created
to read:

288.1035 Fees.—

(1) The department shall assess and collect an annual fee
not to exceed \$100 per registrant to fund the costs of
administering the voluntary Florida Manufacturing Promotional
Campaign.

(2) Fees must be deposited into the Economic Development
Trust Fund established in s. 288.095 to be used solely for
administering the campaign.

Section 2. This act shall take effect on the same date that
SB 600 or other similar legislation takes effect, if such
legislation is adopted in the same legislative session or an
extension thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 924

INTRODUCER: Banking and Insurance Committee; Governmental Oversight and Accountability Committee; and Senator Calatayud and others

SUBJECT: Coverage for Fertility Preservation Services

DATE: April 16, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|-----------------|-----------|--------------------|
| 1. | <u>White</u> | <u>McVaney</u> | <u>GO</u> | <u>Fav/CS</u> |
| 2. | <u>Johnson</u> | <u>Knudson</u> | <u>BI</u> | <u>Fav/CS</u> |
| 3. | <u>Davis</u> | <u>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 924 requires all contracted state group health insurance plans issued on or after January 1, 2026, to provide coverage, consistent with the laws of this state, for standard fertility preservation services to individuals undergoing cancer treatments that may result in iatrogenic infertility. The bill provides that standard fertility preservation services include the costs associated with the retrieval and preservation of sperm and oocyte materials that are consistent with nationally recognized clinical practice guidelines and definitions.

The bill prohibits a state group health insurance plan from imposing any preauthorization requirements.

The bill likely has a negative impact on state expenditures. The Division of State Group Insurance within the Department of Management Services estimates an annual fiscal impact of \$813,000 to the state employee group health plan. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Medical Treatments and Conditions Effecting Fertility

Infertility can be caused by many different things.¹ Numerous medical treatments may affect fertility or cause infertility in men and women; additionally, some individuals face potential infertility due to different medical conditions.

Men and women's fertility can be negatively impacted by necessary surgeries that cause damage or scarring, or that remove certain necessary reproductive organs or tissues. Medications have also been linked to infertility, such as those used to treat certain anti-inflammatory and autoimmune diseases, some steroids, and other various prescription drugs.²

Cancer Specific

Infertility is often a side effect of life-saving cancer treatments like chemotherapy and radiation. Moreover, surgeries necessary to remove cancerous tissues and other cancer treating medications, such as hormone therapies, can affect a patient's fertility. The effects can be temporary or permanent. The likelihood that cancer treatment will harm fertility depends on the type and stage of cancer, the type of cancer treatment, and age at the time of treatment.³

Fertility Preservation Services

Fertility preservation is the practice of proactively helping patients to preserve their chances for future reproduction.⁴ Fertility preservation saves and protects embryos, eggs, sperm, and reproductive tissues to enable an individual to have a child sometime in the future. It is an option for adults and even some children of both sexes. Fertility preservation is common in people whose fertility is compromised due to health conditions or diseases (medically indicated preservation) or when someone wishes to delay having children for personal reasons (elective preservation).⁵ Medically indicative preservation is available to individuals affected by cancer, autoimmune disease, and other reproductive health conditions; as well as those facing medical treatments that may cause infertility.⁶

¹ National Health Services, *Infertility: Causes*, <https://www.nhs.uk/conditions/infertility/causes/> (last visited Apr. 11, 2025).

² National Health Services, *Infertility: Causes*, *supra* n. 1; James F. Buchanan & Larry Jay Davis, *Drug-induced infertility*, 18(2) DRUG INTELL CLIN PHARM. 122, available at <https://pubmed.ncbi.nlm.nih.gov/6141923/> (last visited Apr. 11, 2025).

³ Mayo Clinic Staff, *Fertility preservation: Understand your options before cancer treatment*, <https://www.mayoclinic.org/healthy-lifestyle/getting-pregnant/in-depth/fertility-preservation/art-20047512> (last visited Apr. 11, 2025).

⁴ Yale Medicine, *Fertility Preservation*, <https://www.yalemedicine.org/conditions/fertility-preservation> (last visited Apr. 11, 2025).

⁵ Cleveland Clinic, *Fertility Preservation*, <https://my.clevelandclinic.org/health/treatments/17000-fertility-preservation> (last visited Apr. 11, 2025).

⁶ *Id.*; Mayo Clinic, *Fertility Preservation: Understand your options before cancer treatment*, <https://www.mayoclinic.org/healthy-lifestyle/getting-pregnant/in-depth/fertility-preservation/art-20047512> (last visited Apr. 11, 2025).

For female patients, fertility preservation comprises retrieval, cryopreservation, and storage of ova, but the patient will still require in vitro fertilization (IVF) services in the future.⁷ The cost of a fertility preservation cycle can be expensive, since the average procedure costs of one cycle of oocyte cryopreservation or embryo cryopreservation, excluding storage costs, are \$10,000-\$15,000 and \$11,000-\$15,000, respectively.⁸ Estimates for medication are generally \$3,500 to \$6,000.⁹ Further, storage is an additional cost of \$700-\$1,000 per year.¹⁰ For men, fertility preservation options cost in the range of \$500- \$12,000, excluding storage costs.¹¹ The high cost of fertility preservation services and lack of insurance coverage are often cited as reasons for the low utilization of fertility preservation services.¹² In 2024, there were 16 states with insurance mandates for fertility preservation, including California, Colorado, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maine, Maryland, Montana, New Hampshire, New Jersey, New York, Rhode Island, Texas, and Utah.¹³

In 2024, the American Society for Clinical Oncology (ASCO) updated their fertility preservation recommendations for people with cancer.¹⁴ The ASCO evidence-based clinical guidelines included the following recommendations:

- For females, established fertility preservation should be offered, including embryo, oocyte, ovarian tissue cryopreservation, ovarian transposition, and conservative gynecologic surgery. In vitro maturation of oocytes may be offered as an emerging method. Post treatment fertility preservation may be offered to individuals who did not undergo pretreatment fertility preservation or cryopreserve enough oocytes or embryos.
- For males, sperm cryopreservation should be offered before cancer-directed treatment. Other alternative treatments are recommended.
- For children who have begun puberty, established fertility preservation methods should be offered with patient assent and parent/guardian consent. The only established method for prepubertal females is ovarian tissue cryopreservation.

The ASCO guidelines note that the live birth rate for women having the procedures varies, as described below:

- Embryo cryopreservation, 35-41 percent;
- Oocyte cryopreservation, 26-32 percent;

⁷ New York State, Department of Financial Services, [DFS: Report on In-Vitro Fertilization and Fertilization Preservation Coverage](#) (Feb. 27, 2019) (last visited Apr. 11, 2025).

⁸ Sauerbrun-Cutler, M.-T.; Rollo, A.; Gadson, A.; Eaton, J.L. *The Status of Fertility Preservation Insurance Mandates and Their Impact on Utilization and Access to Care*. J. Clin. Med. 2024, 13, 1072.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC10889224/pdf/jcm-13-01072.pdf> (last visited Mar. 24, 2025).

⁹ Pacific Fertility Center Los Angeles, *The Cost of Egg Freezing in the U.S.* (Jun. 29, 2022),

<https://www.pfcla.com/blog/egg-freezing-costs#:~:text=The%20Cost%20of%20Egg%20Freezing,for%20purchasing%20multiple%20cycles%20upfront>. (last visited Mar. 26, 2025).

¹⁰ *Id.*

¹¹ Alliance for Fertility Preservation, *Paying for Treatments* <https://www.allianceforfertilitypreservation.org/paying-for-treatments/> (last visited Mar. 26, 2025).

¹² Pacific Fertility Center Los Angeles, *The Cost of Egg Freezing in the U.S.* (Jun. 29, 2022),

<https://www.pfcla.com/blog/egg-freezing-costs#:~:text=The%20Cost%20of%20Egg%20Freezing,for%20purchasing%20multiple%20cycles%20upfront>

¹³ *Id.*

¹⁴ American Society for Clinical Oncology, *Fertility Preservation in People with Cancer: ASCO Guideline Update* ((Mar. 19, 2025), Updated Guidelines approved Dec. 16, 2024. J. Clin Oncol 001:28.

- Ovarian transposition, 18-55 percent;
- Conservative gynecological surgery, 11-89 percent; and
- Ovarian tissue cryopreservation, 19-32 percent.

State Employee Health Plan

For state employees who participate in the state employee benefit program, the Department of Management Services (DMS) through the Division of State Group Insurance (DSGI) administers the state group health insurance program (Program).¹⁵ The Program is a cafeteria plan managed consistent with section 125 of the Internal Revenue Service Code.¹⁶ The program is an optional benefit for most state employees employed by state agencies, state universities, the court system, and the Legislature. The program provides health, life, dental, vision, disability, and other supplemental insurance benefits. To administer the program, the DSGI contracts with third party administrators for self-insured plans, a fully insured HMO, and a pharmacy benefits manager for the state employees' self-insured prescription drug program, pursuant to s. 110.12315, F.S. The DSGI, with prior approval by the Legislature, is responsible for determining the health benefits provided and the contributions to be required for the Program.¹⁷ To achieve the "prior approval" aspect, the Legislature directs the benefits to be offered each year in the general appropriations act. For example, in the Fiscal Year 2024-2025 General Appropriations Act, the Legislature directed:

For the period July 1, 2024, through June 30, 2025, the benefits provided under each of the plans shall be those benefits as provided in the current State Employees' PPO Plan Group Health Insurance Plan Booklet and Benefit Document, and current Health Maintenance Organization contracts and benefit documents, including any revisions to such health benefits approved by the Legislature.¹⁸

Coverage for Fertility Treatments¹⁹

Currently, the Program only provides coverage for tests to determine the cause of infertility and the treatment of medical conditions resulting in infertility, excluding fertility tests and treatments considered experimental or investigational. The Program does not provide coverage for fertility testing and treatment for the specific purpose to assist in achieving pregnancy, including IVF, artificial insemination, follicle puncture for retrieval of oocyte, abdominal or endoscopic aspiration of eggs from ovaries, all other procedures related to the retrieval and/or placement and/or storage of oocyte, eggs, embryos, ovum or embryo placement or transfer, gamete

¹⁵ Section 110.123, F.S.; Department of Management Services, Division of State Group Insurance, *Legislative and Policy Resources*, https://www.dms.myflorida.com/workforce_operations/state_group_insurance/legislative_and_policy_resources (last visited Mar. 7, 2025).

¹⁶ A section 125 cafeteria plan is a type of employer offered, flexible health insurance plan that provides employees a menu of pre-tax and taxable qualified benefits to choose from, but employees must be offered at least one taxable benefit such as cash, and one qualified benefit, such as a Health Savings Account.

¹⁷ Section 110.123(5)(a), F.S.

¹⁸ Chapter 2024-231, s. 8(3)(c)2, Laws of Fla.

¹⁹ Department of Management Services, *Analysis of CS/SB 924* (Mar. 28, 2025) (on file with the Florida Senate Committee on Banking and Insurance).

intrafallopian transfer, cryogenic and/or other preservation techniques used in such and/or similar procedures.

Health Insurance Premiums and Revenues

The health insurance benefit for active employees has premium rates for single, spouse program,²⁰ or family coverage regardless of plan selection. These premiums cover both medical and pharmacy claims. Over 193,000 active and retired state employees and officers are expected to participate in the health insurance program during Fiscal Year 2025-2026.²¹ The estimated total revenues expected for Fiscal Year 2024-2025 is over \$3.75 billion with an over \$4.1 billion expected cash balance. Total expenses expected for Fiscal Year 2024-25 is \$3.9 billion.²²

III. Effect of Proposed Changes:

Section 1 amends 110.12303, F.S., to expand coverage under the state employee health insurance plan for policies or contracts issued on or after January 1, 2026, to include coverage for standard fertility preservation services, consistent with the laws of this state, when cancer treatments may cause directly or indirectly iatrogenic infertility.

Iatrogenic infertility is defined as the impairment of fertility directly or indirectly caused by surgery, chemotherapy, radiation, or other medical necessary treatment with a potential side effect of impaired fertility as established by the American Society for Clinical Oncology.

The term, “standard fertility retrieval and preservation services,” is defined as oocyte and sperm retrieval and preservation procedures, including ovarian tissue, sperm, and oocyte cryopreservation, which are consistent with nationally recognized clinical practice guidelines and definitions. Such coverage includes the cost of retrieval and storage of such material for up to three years from the date of the procedures presenting a risk of iatrogenic infertility or when the individual is no longer covered under the state group health insurance plan, whichever occurs first.

The bill prohibits state group health insurance plans from requiring preauthorization for coverage of standard fertility preservation procedures. The coverage, however, may still be limited by provisions relating to maximum benefits, deductibles, copayments, and coinsurance.

Section 2 provides that the bill takes effect July 1, 2025.

²⁰ The Spouse Program provides discounted rates for family coverage when both spouses work for the state.

²¹ Florida Legislature, Office of Economic and Demographic Research, State Employees’ Group Health Self-Insurance Trust Fund: Exhibit I Enrollment Outlook by Fiscal Year, *in* JULY AND AUGUST 2024 SELF-INSURANCE ESTIMATING CONFERENCE PUBLICATIONS (published by Florida Legislature, Office of Economic and Demographic Research), 2, available at <https://edr.state.fl.us/content/conferences/healthinsurance/archives/240807healthins.pdf> (last visited Mar. 7, 2024).

²² Florida Dept. of Management Services, Division of State Group Insurance, State Employees’ Group Health Self-Insurance Trust Fund Report on Financial Outlook for the Fiscal Years Ending June 30, 3034 through June 30, 3029 (Aug. 7, 2024), *in* JULY AND AUGUST 2024 SELF-INSURANCE ESTIMATING CONFERENCE PUBLICATIONS (published by Florida Legislature, Office of Economic and Demographic Research), 8, available at <https://edr.state.fl.us/content/conferences/healthinsurance/archives/240807healthins.pdf> (last visited Mar. 7, 2024) (beginning on page 48 of collection).

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

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

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

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

None identified.

B. Private Sector Impact:

The coverage of fertility preservation services will allow eligible individuals covered by the Program to obtain fertility preservation services without incurring significant out-of-pocket costs that may exceed \$15,000 or more per fertility preservation cycle.

The inclusion of coverage for fertility preservation services with cost sharing restrictions may positively impact physicians who will likely see an increased demand for their services as well as collateral and ancillary medical supports such as medical facilities that would store oocytes and sperm.

Most of the plans can implement this legislation without issue as they currently offer standard fertility preservation options for other entities. One contracted group indicated that this would be a new benefit that could require system coding.²³

²³ Department of Management Services, *Senate Bill 924 Analysis* (Mar. 7, 2025) (on file with the Senate Committee on Government Oversight and Accountability).

C. Government Sector Impact:

The bill has a negative impact on state expenditures. The DSGI within the DMS administers the Program. The DMS estimates the total annual fiscal impact as \$813,000.²⁴ Actual costs could, however, vary widely based on actual member utilization and the necessary level of utilization. The bill does not provide guidance regarding what age groups, such as children or adults, would be eligible for such coverage under the bill.

The bill prohibits the plans from imposing any preauthorization for these services, therefore, the ability for plans to verify a member's eligibility, including diagnosis and treatment, may be limited.

VI. Technical Deficiencies:

The bill does not define what age groups, children or adults, would be eligible for such coverage. The comprehensive list of services, procedures, medications, or diagnostic tests are intended to be covered by the bill is unknown. There are multiple procedure codes associated with fertility preservation.²⁵

The definition of the term, "iatrogenic fertility," means an impairment of fertility caused by specified treatments or procedures or "other associated medically necessary treatment with a potential side effect of impaired fertility as established by the American Society for Clinical Oncology." However, coverage of standard fertility preservation services under s. 110.12303(7)(b), F.S., must be consistent with "nationally recognized clinical practice guidelines and definitions." Section 110.12303(7)(d)3., F.S., creates a definition of the term, "standard fertility retrieval and preservation services," and provides that the services must be consistent with "nationally recognized clinical guidelines and definitions." To provide consistency and greater specificity in the bill, the undesignated guidelines and definitions could be replaced with guidelines established by the American Society for Clinical Oncology.

The bill replaces the defined term, "standard fertility preservation services," with the defined term, "standard fertility retrieval and preservation services;" however, the term, "standard fertility preservation services," is still used in the bill at lines 24-25 and 27.

VII. Related Issues:

The prohibition on the use of prior authorization by insurers or HMOs may result in an insurer or HMO subsequently denying some claims or portions of claims due to a lack of medical necessity, use of medications not covered by a plan, or use of an out-of-network provider or facility, which may result in the insured being held liable for the costs of any denied claims for services rendered by a provider.

²⁴ *Id.*

²⁵ University of California, San Diego Health and Alliance for Fertility Preservation, *Using Insurance for Fertility Preservation: A Patient's Guide* (Jul. 15, 2024), <https://health.ucsd.edu/globalassets/content/primary-specialty-care/fertility-care/patient-insurance-guide-7.2024.pdf> (last visited Apr. 1, 2025). The guide identifies 23 CPT Codes (Current Procedure Terminology codes) associated with fertility preservation services and procedures.

VIII. Statutes Affected:

This bill substantially amends section 110.12303 of the Florida Statutes.

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

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

CS/CS by Banking and Insurance on March 31, 2025:

- Clarifies that coverage for standard fertility preservation services must be consistent with the laws of this state;
- Revises coverage of medically necessary expenses related to standard fertility preservation service to apply when cancer treatments may cause iatrogenic infertility;
- Revises definition of the term, “iatrogenic infertility,” by revising treatment guidelines referenced in the definition of the term; and
- Eliminates the definition of the term, “standard fertility preservation services,” and creates a definition of the term, “standard fertility retrieval and preservation services” to clarify coverage.

CS by Governmental Oversight and Accountability on March 11, 2025:

- Clarifies that coverage for fertility preservation services for an individual under the state group health insurance plan facing iatrogenic is not limited to those diagnosed with cancer;
- Deletes references to reproductive age and the American Society of Clinical Oncology;
- Provides for the expiration of coverage of the cost of storage when an individual is no longer covered under the state health insurance plan;
- Conforms standards of procedures and storage to nationally recognized clinical practice guidelines and definitions; and
- Defines nationally recognized clinical practice guidelines and definitions.

B. Amendments:

None.

By the Committees on Banking and Insurance; and Governmental Oversight and Accountability; and Senators Calatayud and Sharief

597-03072-25

2025924c2

A bill to be entitled

An act relating to coverage for fertility preservation services; amending s. 110.12303, F.S.; requiring the Department of Management Services to provide coverage of certain fertility retrieval and preservation services for state group health insurance plan policies issued on or after a specified date; specifying requirements and limitations regarding such coverage; prohibiting a state group health insurance plan from requiring preauthorization for certain covered services; authorizing health benefit plans to contain certain provisions under specified conditions; defining terms; providing an effective date.

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

Section 1. Subsection (7) is added to section 110.12303, Florida Statutes, to read:

110.12303 State group insurance program; additional benefits; price transparency program; reporting.—

(7) (a) For state group health insurance plan policies issued on or after January 1, 2026, the department shall provide, consistent with the laws of this state, coverage of medically necessary expenses relating to standard fertility preservation services when cancer treatments may directly or indirectly cause iatrogenic infertility.

(b) Coverage of standard fertility preservation services under this subsection includes the costs associated with retrieving and preserving sperm and oocyte materials which are

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consistent with nationally recognized clinical practice guidelines and definitions. Coverage of retrieval and storage expires after a period of 3 years from the date of the procedures presenting a risk of iatrogenic infertility or when the individual is no longer covered under the state group health insurance plan, whichever occurs first.

(c) A state group health insurance plan may not require preauthorization for coverage of standard fertility retrieval and preservation services; however, a health benefit plan may contain provisions for maximum benefits and may subject the covered service to the same deductible, copayment, and coinsurance.

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

1. "Iatrogenic infertility" means an impairment of fertility caused directly or indirectly by surgery, chemotherapy, radiation, or other associated medically necessary treatment with a potential side effect of impaired fertility as established by the American Society for Clinical Oncology.

2. "Nationally recognized clinical practice guidelines and definitions" mean evidence-based clinical practice guidelines developed by independent organizations or medical professional societies using a transparent methodology and reporting structure and with a conflict-of-interest policy, and definitions used or established in said guidelines. Guidelines developed by such organizations or societies must establish standards of care informed by a systematic review of evidence and an assessment of the benefits and costs of alternative care options and include recommendations intended to optimize patient care.

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59 3. "Standard fertility retrieval and preservation services"
60 means oocyte and sperm retrieval and preservation procedures and
61 storage, including ovarian tissue, sperm, and oocyte
62 cryopreservation, which are consistent with nationally
63 recognized clinical practice guidelines and definitions.

64 Section 2. 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 Committee on Appropriations

BILL: CS/SB 1122

INTRODUCER: Education Pre-K - 12 Committee and Senator Burton

SUBJECT: Florida Virtual School

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------------------|
| 1. Palazes | Bouck | ED | Fav/CS |
| 2. Gray | Elwell | AED | Favorable |
| 3. Gray | Sadberry | AP | Pre-meeting |

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1122 makes both technical and substantive changes related to the Florida Virtual School (FLVS). These changes impact its governance, funding, reporting, and assessment requirements.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Virtual School

Founded in 1997¹, the Florida Virtual School (FLVS) was established for the development and delivery of online and distance learning education. The mission of FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and gain the necessary skills to succeed. The FLVS is required to prioritize students:

- Who need expanded access to courses to meet their educational goals.
- Who are seeking accelerated access to graduate at least one semester early.

¹ Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited March 20, 2025).

- Who are children of an active-duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

To ensure students are informed of opportunities offered by FLVS, the Commissioner of Education is required to provide the FLVS Board of Trustees with access to records of public school students.²

In the 2024-2025 school year, 9,035 students are enrolled in FLVS full-time in grades kindergarten through grade 12 and taught by 2,517 teachers.³ Additionally, school districts may contract with FLVS to offer an approved FLVS school district franchise for part-time or full-time students.

FLVS Governance

The FLVS is governed by a Board of Trustees (board) comprised of seven members appointed by the Governor to four-year staggered terms. Board members are public officers who bear fiduciary responsibility for the FLVS. The board is required to meet at least four times a year, upon the call of the chair or at the request of the majority of the board.

The board oversees the development of FLVS' technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program. The board is also tasked with seeking avenues to generate revenue to support its future programs and any funds that are generated from patents, copyrights, trademarks, or licenses are considered internal funds. Additionally, the board may receive supplemental revenue from support organizations such as alumni associations, foundations, parent-teacher associations, and booster clubs. These organizations can recommend expenditures for FLVS, subject to review by the executive director, who has the authority to reject any spending that violates Florida law or sound educational management.

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all FLVS employees. All employees of FLVS, except for temporary, seasonal, and student employees may be state employees eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, are subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.⁴

FLVS Required Annual Report

The board is required to annually submit to the Governor, the Legislature, the Commissioner of Education and the State Board of Education the results from their financial audit and the following:

- The operations and accomplishments of the FLVS within the state and those occurring outside the state as FLVS Global.

² Section 1002.37(1), F.S.

³ Florida Department of Education, *Know Your Schools Portal – Population and Enrollment, Overview*, <https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=71>, (last visited March 20, 2025).

⁴ Section 1002.37(2), F.S.

- The marketing and operational plan for the FLVS and FLVS Global including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.
- The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.⁵

Assessment Requirements for FLVS Students

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all required statewide assessments and participate in the coordinated screening and progress monitoring system. Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students. If the FLVS and a school district have not agreed upon an alternative testing site, the FLVS student may take the assessments at the school to which the student would be assigned according to district school board attendance areas. A school district is required to provide the student with access to the school's testing facilities and the date and time of the administration of progress monitoring and each examination or assessment.⁶

III. Effect of Proposed Changes:

This bill amends s. 1002.37, F.S., to make several technical and substantive changes. Specifically, the bill does the following:

- For Florida Virtual School (FLVS) governance, the bill:
 - Removes FLVS requirements to give priority to students who need expanded access to courses, students seeking accelerated access in order to earn a high school diploma a semester early, and student who are children of an active-duty member of the United States Armed Forces.
 - Authorizes the FLVS president and chief executive officer to request a meeting of the FLVS Board of Trustees (Board) and authorizes the board to enter into contract with other educational institutions and government agencies.
 - Aligns the definition of educational support employees at FLVS with current law.
 - Clarifies that FLVS employees, except for temporary, seasonal, and student employees, are state employees for the purpose of being eligible to participate in the Florida Retirement System.
- For FLVS funding, the bill authorizes the FLVS to approve and accrue supplemental revenue from a direct support organization and that expenditures from all supplemental funds be contingent upon review and approval of the FLVS president and chief executive officer.
- For the FLVS annual report to the Governor, the Legislature, the Commissioner of Education and the State Board of Education, the bill requires the FLVS to only report on the operations and accomplishments of the FLVS and deletes the reporting requirements related to:
 - The marketing and operational plan for the FLVS and FLVS Global.
 - The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.

⁵ Section 1002.37(7), F.S.

⁶ Section 1002.37(10), F.S.

- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.
- For assessment requirements, the bill clarifies that students at FLVS are eligible to participate in international assessments if they are administered at the school district. Additionally, the bill requires a school district to provide a test administrator when a student from FLVS is participating in required statewide assessments, the coordinated screening and progress monitoring system, industry certification examinations, and national assessments.

The bill takes effect on 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:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.37 of the Florida Statutes.

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

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

CS by Education PreK-12 on March 17, 2025:

The committee substitute amends the bill to remove the authority of the Florida Virtual School to offer voluntary prekindergarten (VPK) programs and to receive a proportional share of the Safe Schools allocation.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Burton

581-02511-25

20251122c1

1 A bill to be entitled
 2 An act relating to the Florida Virtual School;
 3 amending s. 1002.37, F.S.; deleting provisions
 4 requiring the Florida Virtual School to give priority
 5 to certain students; requiring the Florida Virtual
 6 School to ensure that parents, in addition to
 7 students, are informed of specified information;
 8 providing that officers and employees are granted
 9 sovereign immunity in addition to the board of
 10 trustees; providing that the Florida Virtual School
 11 president and chief executive officer may call a
 12 meeting of the board of trustees; providing that the
 13 board of trustees may fund the education delivery
 14 system through supplemental funding in addition to the
 15 Florida Education Finance Program; requiring that
 16 certain funds be used to support the school's mission;
 17 authorizing the Florida Virtual School to accrue
 18 supplemental revenue from direct-support
 19 organizations; providing that certain expenditures are
 20 contingent upon review and approval by the Florida
 21 Virtual School president and chief executive officer
 22 or authorized designees, rather than the executive
 23 director; removing the executive director's
 24 authorization to override certain proposed
 25 expenditures; requiring, rather than authorizing,
 26 specified employees to be state employees for the
 27 purpose of being eligible to participate in the
 28 Florida Retirement System and to receive benefits;
 29 deleting a requirement for the board of trustees to

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30 establish priorities for the admission of students;
 31 authorizing the board of trustees to enter into
 32 contracts with other educational institutions and
 33 government agencies; deleting requirements for the
 34 board of trustees to establish performance and
 35 accountability measures and report performance of
 36 school district franchises to the Commissioner of
 37 Education; deleting certain requirements relating to
 38 an audit report submitted annually by the board of
 39 trustees to specified entities; requiring that
 40 international assessments offered by the school
 41 district be made available to all Florida Virtual
 42 School students; requiring that students have access
 43 to a test administrator; making technical changes;
 44 providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Paragraphs (b) and (c) of subsection (1),
 49 subsection (2), paragraph (f) of subsection (3), subsections (4)
 50 and (7), paragraph (b) of subsection (9), and paragraphs (c) and
 51 (d) of subsection (10) of section 1002.37, Florida Statutes, are
 52 amended to read:

53 1002.37 The Florida Virtual School.—

54 (1)

55 (b) The mission of the Florida Virtual School is to
 56 provide students with technology-based educational opportunities
 57 to gain the knowledge and skills necessary to succeed. The
 58 school shall serve all students ~~any student in the state~~ who

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59 ~~meet~~ meets the profile for success in this educational delivery
 60 context and shall give priority to:

61 1. ~~Students who need expanded access to courses in order to~~
 62 ~~meet their educational goals, such as home education students~~
 63 ~~and students in inner-city and rural high schools who do not~~
 64 ~~have access to higher-level courses.~~

65 2. ~~Students seeking accelerated access in order to obtain a~~
 66 ~~high school diploma at least one semester early.~~

67 3. ~~Students who are children of an active-duty member of~~
 68 ~~the United States Armed Forces who is not stationed in this~~
 69 ~~state whose home of record or state of legal residence is~~
 70 ~~Florida.~~

71 (c) To ensure parents and students are informed of the
 72 opportunities offered by the Florida Virtual School, the
 73 commissioner shall provide the board of trustees of the Florida
 74 Virtual School access to the records of public school students
 75 in a format prescribed by the board of trustees.

76
 77 The board of trustees of the Florida Virtual School shall
 78 identify appropriate performance measures and standards based on
 79 student achievement that reflect the school's statutory mission
 80 and priorities, and shall implement an accountability system for
 81 the school that includes assessment of its effectiveness and
 82 efficiency in providing quality services that encourage high
 83 student achievement, seamless articulation, and maximum access.

84 (2) The Florida Virtual School shall be governed by a board
 85 of trustees composed ~~comprised~~ of seven members appointed by the
 86 Governor to 4-year staggered terms. The board of trustees shall
 87 be a public agency entitled to sovereign immunity pursuant to s.

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88 768.28, and board members shall be public officers who shall
 89 bear fiduciary responsibility for the Florida Virtual School.
 90 The board of trustees shall have the following powers and
 91 duties:

92 (a)1. The board of trustees shall meet at least 4 times
 93 each year, upon the call of the board chair, ~~or~~ at the request
 94 of a majority of the membership, or at the request of the
 95 Florida Virtual School president and chief executive officer.

96 2. The fiscal year for the Florida Virtual School is ~~shall~~
 97 ~~be~~ the state fiscal year as provided in s. 216.011(1)(q).

98 (b) The board of trustees shall be responsible for the
 99 Florida Virtual School's development of a state-of-the-art
 100 technology-based education delivery system that is cost-
 101 effective, educationally sound, marketable, and capable of
 102 sustaining a self-sufficient delivery system through the Florida
 103 Education Finance Program and other supplemental funding
 104 sources.

105 (c) The board of trustees shall aggressively seek avenues
 106 to generate revenue to support its future endeavors, and shall
 107 enter into agreements with distance learning providers. The
 108 board of trustees may acquire, enjoy, use, and dispose of
 109 patents, copyrights, and trademarks and any licenses and other
 110 rights or interests thereunder or therein. Ownership of all such
 111 patents, copyrights, trademarks, licenses, and rights or
 112 interests thereunder or therein vests ~~shall vest~~ in the state,
 113 with the board of trustees having full right of use and full
 114 right to retain the revenues derived therefrom. Any funds
 115 realized from patents, copyrights, trademarks, or licenses are
 116 ~~shall be~~ considered internal funds ~~as provided in s. 1011.07.~~

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Such funds ~~must shall~~ be used to support the school's mission,
marketing, ~~and~~ research, and development activities in order to
improve courseware and services to its students.

(d) The board of trustees shall be responsible for the
administration and control of all local school funds derived
from all activities or sources and shall prescribe the
principles and procedures to be followed in administering these
funds.

(e) The Florida Virtual School may accrue supplemental
revenue from direct-support organizations and supplemental
support organizations, which include, but are not limited to,
alumni associations, foundations, parent-teacher associations,
and booster associations. The governing body of each direct-
support and supplemental support organization shall recommend
the expenditure of moneys collected by the organization for the
benefit of the school. Such expenditures are ~~shall be~~ contingent
upon the review and approval of the Florida Virtual School
president and chief executive officer or authorized designees
~~executive director. The executive director may override any~~
~~proposed expenditure of the organization that would violate~~
~~Florida law or breach sound educational management.~~

(f) In accordance with law and rules of the State Board of
Education, the board of trustees shall administer and maintain
personnel programs for all employees of the board of trustees
and the Florida Virtual School. The board of trustees may adopt
~~rules, policies, and procedures~~ related to the appointment,
employment, and removal of personnel.

1. The board of trustees shall determine the compensation,
including salaries and fringe benefits, and other conditions of

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employment for such personnel.

2. The board of trustees may establish and maintain a
personnel loan or exchange program by which persons employed by
the board of trustees for the Florida Virtual School as ~~academic~~
administrative and instructional staff may be loaned to, or
exchanged with persons employed in like capacities by, public
agencies either within or without this state, or by private
industry. With respect to public agency employees, the program
authorized by this subparagraph must ~~shall~~ be consistent with
the requirements of part II of chapter 112. The salary and
benefits of board of trustees personnel participating in the
loan or exchange program must ~~shall~~ be continued during the
period of time they participate in a loan or exchange program,
and such personnel are ~~shall be~~ deemed to have no break in
creditable or continuous service or employment during such time.
The salary and benefits of persons participating in the
personnel loan or exchange program who are employed by public
agencies or private industry must ~~shall~~ be paid by the
originating employers of those participants, and such personnel
are ~~shall be~~ deemed to have no break in creditable or continuous
service or employment during such time.

3. The employment of all Florida Virtual School ~~academic~~
administrative and instructional personnel or educational
support employees as those terms are defined in s. 1012.01(3),
(2), or (6), respectively, is ~~shall be subject to rejection for~~
~~cause by the board of trustees, and shall be~~ subject to policies
of the board of trustees relative to certification, tenure,
leaves of absence, sabbaticals, remuneration, and such other
conditions of employment as the board of trustees deems

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necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School ~~is shall be~~ entitled to a contract as provided by policies ~~rules~~ of the board of trustees.

5. All employees except temporary, seasonal, and student employees shall ~~may~~ be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, are ~~shall be~~ subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.

(g) ~~The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).~~

~~(h)~~ The board of trustees shall establish and distribute to all school districts and high schools in this ~~the~~ state procedures for enrollment of students in courses offered by the Florida Virtual School.

(h) ~~(i)~~ The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into contracts and franchise agreements with Florida district school boards or other educational institutions and government agencies and may establish the terms and conditions governing such agreements. ~~The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.~~

(i) ~~(j)~~ The board of trustees shall submit to the State

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Board of Education both forecasted and actual enrollments and credit completions for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served by program and by county of residence.

(j) ~~(k)~~ The board of trustees shall provide for the content and custody of student and employee personnel records. Student records are ~~shall be~~ subject to ~~the provisions of~~ s. 1002.22. Employee records are ~~shall be~~ subject to ~~the provisions of~~ s. 1012.31.

(k) ~~(i)~~ The financial records and accounts of the Florida Virtual School must ~~shall~~ be maintained under the direction of the board of trustees and under rules adopted by the State Board of Education for the uniform system of financial records and accounts for the schools of this ~~the~~ state.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt ~~rules, policies, and procedures,~~ consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students,

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contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees is ~~shall be~~ subject to ~~the provisions of~~ chapter 273.

(3) Funding for the Florida Virtual School shall be provided as follows:

(f) The Florida Virtual School shall receive state funds for operating purposes as provided in the General Appropriations Act. The calculation to determine the amount of state funds includes: the sum of the basic amount for current operations established in s. 1011.62(1)(s), the discretionary millage compression supplement established in s. 1011.62(5), the state-funded discretionary contribution established in s. 1011.62(6), a per-full-time equivalent share of the exceptional student education guaranteed allocation established in s. 1011.62(8), and the mental health assistance allocation established in s. 1011.62(13).

(4) School districts operating a virtual school that is an approved franchise of the Florida Virtual School may count full-time equivalent students, as provided in paragraph (3)(a), if such school has been certified as an approved franchise by the Commissioner of Education based on criteria established by the board of trustees pursuant to paragraph (2)(h) ~~(2)(i)~~.

(7) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

~~(a)~~ the operations and accomplishments of the Florida

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Virtual School ~~within the state and those occurring outside the state as Florida Virtual School Global.~~

~~(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.~~

~~(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.~~

~~(d) Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.~~

~~(e) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.~~

(9)

(b) For students receiving full-time or part-time instruction in kindergarten through grade 12 ~~5~~ and ~~students receiving full-time instruction in kindergarten through grade 12~~ from the Florida Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(4).

(10)

(c) Industry certification examinations, national

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assessments, ~~and~~ statewide assessments, and international
assessments offered by the school district ~~must~~ shall be
available to all Florida Virtual School students.

(d) Unless an alternative testing site is mutually agreed
to by the Florida Virtual School and the school district or as
contracted under s. 1008.24, all industry certification
examinations, national assessments, progress monitoring under s.
1008.25(9), ~~and~~ statewide assessments, and international
assessments must be taken at the school to which the student
would be assigned according to district school board attendance
areas. A school district shall ~~must~~ provide the student with
access to the school's testing facilities, a test administrator,
and the date and time of the administration of progress
monitoring and each examination or assessment.

Section 2. 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 Committee on Appropriations

BILL: CS/SB 1160

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Leek

SUBJECT: Benefits for Certain Officers Injured in the Line of Duty

DATE: April 16, 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>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1160 expands the circumstances in which a law enforcement, correction, or correctional probation officer and his or her spouse and dependent children may become eligible for the payment of employer health insurance premium payments to include coverage where the officer suffers a catastrophic injury during any in the line of duty work and during official training. Under current law, an officer and the family are eligible for coverage only if the officer suffers a catastrophic injury as the result of the officer's response to a fresh pursuit, what he or she reasonably believes is an emergency, or an unlawful act.

The bill may result in a negative fiscal impact on state and local governments. The state and local governments will likely have to spend money to meet the new benefits established in this bill. The magnitude of this impact has not been determined at this time. See Section V., Fiscal Impact Statement.

The act takes effect on July 1, 2025

II. Present Situation:

State Personnel Management System

The state personnel management system provides means to recruit, select, train, develop, and maintain an effective and responsible workforce. The statutes include policies and procedures for employee hiring and advancement, training and career development, position classification,

salary administration, benefits, discipline, discharge, employee performance evaluations, affirmative action, and other related activities.¹

The Department of Management Services is charged with establishing and maintaining a classification and compensation program addressing Career Service, Selected Exempt Service, and Senior Management Service positions.² The classification of a position determines the types of benefits assigned and its compensation and collective bargaining. A position must be classified as Career Service unless specifically exempted by statute.³

Law Enforcement

A “law enforcement agency” means an agency that has a primary mission of preventing and detecting crime and enforcing the penal, criminal, traffic, and motor vehicle laws of the state and in furtherance of that primary mission employs law enforcement officers.⁴ A “law enforcement or correctional officer” means a law enforcement officer, special agent, correctional officer, correctional probation officer, or institutional security specialist certified under ch. 943, F.S.⁵

The table below shows the number of certified law enforcement and correctional officers employed by each state agency.^{6,7}

| Agency | Number of Officers |
|---|--------------------|
| Agriculture and Consumer Services | 197 |
| Attorney General Medicaid Fraud Control | 53 |
| Business and Professional Regulation | 101 |
| Environmental Protection | 16 |
| Financial Services | 269 |
| Gaming Control Commission | 14 |
| Highway Safety and Motor Vehicles | 2,045 |
| Law Enforcement | 543 |
| Office of the Attorney General, Medicaid Fraud Control Unit | 53 |
| Lottery | 24 |
| Fish and Wildlife Conservation Commission | 821 |
| State Attorney’s Office | 250 |
| State Court System | 75 |
| State University & Colleges Police Departments | 614 |
| Florida School For Deaf and Blind Campus Police Security Services | 10 |

¹ Section 110.105(1), F.S. Chapter 110, F.S., establishes the state’s personnel management system.

² Section 110.2035(1), F.S.

³ Section 110.205(1), F.S.

⁴ Section 943.1718, F.S.

⁵ Section 110.107(14), F.S.

⁶ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2022, State Agencies*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Apr. 11, 2025).

⁷ Florida Department of Law Enforcement, *Criminal Justice Agency Profile Report 2021, Schools and Ports*, available at <https://www.fdle.state.fl.us/CJSTC/Publications/CJAP/CJAP.aspx> (last visited Apr. 11, 2025).

| Agency | Number of Officers |
|--|--------------------|
| Florida Department of Corrections | 17,630 |
| Florida Department of Corrections, Office of Inspector General | 181 |
| Florida State Hospital | 75 |
| Florida State Hospital/Agency for Persons with Disabilities | 57 |
| North Florida Evaluation and Treatment Center | 48 |
| Wellpath Treasure Coast Forensic Treatment Center | 68 |
| Total Number of Officers | 23,144 |

Injury and Death Benefits for Officers

State law provides a variety of death benefits for public employees. The current statutory benefits may be associated with supplemental benefits provided under chapter 112, F.S., death benefits provided under state and local government retirement systems, emergency responder death benefits administered by the Department of Legal Affairs, and workers compensation.

Under both the State Constitution and state law, law enforcement officers and their spouses and dependent children receive additional benefits when the officer is injured or dies in the line of duty.

Constitutional Requirements

Article X, s. 31 of the State Constitution requires a death benefit to be paid by the employing agency and the state to waive certain education expenses when a law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, emergency medical technician or a member of the Florida National Guard, while engaged in the performance of official duties, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

To be eligible for the benefits under the State Constitution, the law enforcement officer, correctional officer, correctional probation officer, firefighter, paramedic, and emergency medical technician must be employed by the state or any of its subdivisions at the time of death.

In addition, the State Constitution requires a death benefit to be paid from the General Revenue Fund and the state to waive certain education expenses when a member of the United States Armed Forces, including a Florida National Guard member on federal active duty, is killed accidentally, unlawfully and intentionally, or during active duty. The surviving child or children and spouse are eligible to benefit from the waiver of educational expenses while obtaining a career certificate, an undergraduate education, or a postgraduate education.

For a member of the military to be eligible, the member must have been a resident of the state or his or her duty post must have been within the state, at the time of death.

Section 112.19, F.S., Statutory Benefits

Section 112.19, F.S., provides additional benefits, including a monetary payment, waiver of educational costs, and health insurance premiums, to the families of officers killed or injured in certain circumstances, as well as benefits for the surviving officer, if applicable. For these purposes, the term “officer” includes members of bomb disposal units; certain circuit and county court bailiffs; and individuals whose duties require him or her to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and are employed or appointed as a full-time, part-time, or auxiliary by the state or political subdivision thereof as a:

- Law enforcement officer;
- Correctional officer;
- Correctional probation officer;
- State attorney investigator;
- Public defender investigator; or
- Criminal conflict and civil regional counsel investigator.⁸

Any employer who employs a full-time officer who suffers a catastrophic injury in the line of duty must cover the employee and his or her spouse and dependent child’s premium for the health insurance plan⁹ if the injury occurred while the officer was responding to a fresh pursuit, what the officer reasonably believed to be an emergency, or perceived unlawful act.¹⁰

For purposes of this benefit, the employer is required to provide the basic group health insurance plan. Additionally, the employer must cover the dependent child’s health insurance premium until the individual becomes a student or reaches the age of 25.¹¹ A catastrophic injury is a permanent impairment constituted by:

- Spinal cord injury involving severe paralysis of an arm, a leg, or the trunk;
- Amputation of an arm, a hand, a foot, or a leg involving the effective loss of use of that appendage;
- Severe brain or closed-head injury as evidenced by:
 - Severe sensory or motor disturbances;
 - Severe communication disturbances;
 - Severe complex integrated disturbances of cerebral function;
 - Severe episodic neurological disorders; or
 - Other severe brain and closed-head injury conditions at least as severe in nature as any condition provided above;
- Second-degree or third-degree burns of 25 percent or more of the total body surface or third-degree burns of five percent or more to the face and hands;
- Total or industrial blindness; or
- Any other injury that would otherwise qualify under this chapter [Title II or supplemental security income benefits under Title XVI of the federal Social Security Act as the Social

⁸ Section 112.19(1)(d), F.S.; *see* s. 943.10(14), F.S. (cited by s. 112.19(1)(d), F.S.).

⁹ Section 112.19(2)(h)1., F.S.

¹⁰ Section 112.19(2)(h)2., F.S.

¹¹ Section 112.19(2)(h)1., F.S.

Security Act existed on July 1, 1992] of a nature and severity that would qualify an employee to receive disability income benefits or supplemental security income benefits.¹²

These payments to the spouse and dependent child continue if the officer subsequently dies.

III. Effect of Proposed Changes:

Section 1 amends 112.19, F.S., to expand the manner in which a law enforcement, correction, or correctional probation officer, and his or her spouse and dependent children can become eligible for the payment of employer health insurance premium payments, to include coverage where the officer suffers a catastrophic injury during any in-the-line of duty work, and during official training.

The bill contains no indication that it is intended to be retroactive in effect. Thus, the bill will have prospective application and should apply only to those injured on or after July 1, 2025.

Section 2 provides that the Legislature determines and declares that the Act fulfills an important state interest.

Section 3 provides the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides, in relevant part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments may be required to pay for additional health insurance premiums. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

The bill may be excepted from the mandates provision because the expenditure is required to comply with a law that applies to “all persons similarly situated” including state, counties, municipalities, and fire control districts. However, the bill applies only to public employers and excludes private employers. This is therefore unlikely to be found to affect all persons similarly situated. If it were, such exception would require a finding of important state interest on behalf of the legislature.

¹² See s. 440.02, F.S. (2002 version)(cited by s. 112.19(2)(h)).

The mandate requirements do not apply to laws that have an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{13, 14, 15} The estimated costs for the bill are unknown at this time. If the costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest; such a finding is included in section 2 of the bill. Additionally, the bill must be approved by a two-thirds vote of the membership of each house.

This bill currently does not contain a finding of important state interest.

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:

A greater number of law enforcement officers, correctional officers, and correctional probation officers and their families may be eligible for coverage of health insurance premiums.

C. Government Sector Impact:

The bill may result in a negative fiscal impact on the state and local governments. There may be state and local additional costs for employers of officers newly required to cover health insurance premiums; however, it depends on the number of full-time law

¹³ FLA. CONST. art. VII, s. 18(d).

¹⁴ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 16, 2025).

¹⁵ Based on the Florida Demographic Estimating Conference's February 4, 2025, population forecast for 2025 of 23,332,606. https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 16, 2025).

enforcement, correctional, and correctional probation officers that sustain a catastrophic injury during an official training exercise or in the line of duty. The scope of this impact has not been fully studied at this time.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 112.19 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:

Adds a legislative determination and declaration that the act fulfills an important state interest, to comply with the requirements of Article VII, section 18 of the State Constitution.

B. Amendments:

None.

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

585-03153-25

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A bill to be entitled

An act relating to benefits for certain officers injured in the line of duty; amending s. 112.19, F.S.; revising eligibility criteria for health insurance coverage provided to law enforcement, correctional, and correctional probation officers injured in the line of duty and to their spouses and dependent children; providing a declaration of an important state interest; providing an effective date.

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

Section 1. Paragraph (h) of subsection (2) of section 112.19, Florida Statutes, is amended to read:

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

(2)

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are

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

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not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer ~~must~~ shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source ~~shall~~ reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph forfeits ~~shall~~ ~~forfeit~~ the right to receive such health insurance benefits, and must ~~shall~~ reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred while the officer was in the line of duty or in an

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59 ~~official training as the result of the officer's response to~~
60 ~~fresh pursuit, the officer's response to what is reasonably~~
61 ~~believed to be an emergency, or an unlawful act perpetrated by~~
62 ~~another.~~ Except as otherwise provided herein, this paragraph may
63 not be construed to limit health insurance coverage for which
64 the officer, spouse, or dependent children may otherwise be
65 eligible, except that a person who qualifies under this section
66 is not eligible for the health insurance subsidy provided under
67 chapter 121, chapter 175, or chapter 185.

68 Section 2. The Legislature determines and declares that
69 this act fulfills an important state interest.

70 Section 3. 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 Committee on Appropriations

BILL: CS/CS/SB 1290

INTRODUCER: Finance and Tax Committee; Transportation Committee; and Senator Collins

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 16, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|-----------------|-----------|--------------------|
| 1. | <u>Shutes</u> | <u>Vickers</u> | <u>TR</u> | <u>Fav/CS</u> |
| 2. | <u>Khan</u> | <u>Khan</u> | <u>FT</u> | <u>Fav/CS</u> |
| 3. | <u>Khan</u> | <u>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1290 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including motor vehicle registration, licensing, and tax-related requirements. Specifically, the bill:

- Revises the short title of s. 207.001, F.S., to the “Florida Motor Fuel Use Tax Act.”
- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor carriers and fuel taxes.
- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Increases the amount of estimated damage resulting from a crash that is required to be reported to law enforcement from \$500 to \$2,000.
- Provides a definition for the term “economically disadvantaged area” in relation to motor vehicle dealer and manufacturer licensing and driving under the influence schools.
- Amends requirements related to the application process for motor vehicle registrations.

- Expands the types of transactions and circumstances in which DHSMV may use email in lieu of the United States Postal Service to communicate with customers.
- Updates the definition of a “tank vehicle” to place Florida in compliance with the Federal Motor Carrier Safety Regulations.
- Allows non-profit organizations to enter into a Memorandum of Understanding (MOU) with the DHSMV to carry out Vehicle Identification Number (VIN) inspections for Florida titles.
- Allows a disabled veteran who meets certain requirements to be issued a specialty license plate embossed with the initials “DV” in the top left-hand corner of the plate.

The bill may have an indeterminate positive fiscal impact on the DHSMV’s expenditures through the use of electronic mail. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981

In 1981, the Florida Legislature passed Chapter 207, F.S., as the “Florida Diesel and Fuel Motor Use Tax Act of 1981,” which levied taxes for the privilege of operating any commercial motor vehicle upon the public highways of this state. In 1987, responsibility was moved from the Department of Revenue to the Department of Highway Safety and Motor Vehicles (DHSMV) and authority to enter into a cooperative reciprocal agreement with other states was enacted. In 1991, the International Fuel Tax Agreement (IFTA) was formed.

In 1992, Florida joined IFTA, and in 1996, Congress enacted 49 USC 31701-31707, requiring all states (except Alaska and Hawaii) to join IFTA. The legislation provided authority to each state to establish, maintain, or enforce a law or regulation requirement, including any tax reporting form, only if the requirement conforms with IFTA. It also detailed how payment, collection, and proportional sharing of fuel use taxes would work among member states. Chapter 207, F.S., contains language that no longer conforms with the federal IFTA Articles of Agreement.¹

International Fuel Tax Agreement (IFTA)

The IFTA simplifies fuel tax reporting for interstate carriers, such as commercial motor vehicles. Commercial motor vehicles qualify for IFTA if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds; or
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.²

¹ DHSMV, *2025 Legislative Bill Analysis: SB 1290* (February 26, 2025) at p. 2 (on file with the Senate Transportation Committee).

² Department of Highway Safety and Motor Vehicles, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited March 13, 2025).

The IFTA is a reciprocal agreement, meaning that an IFTA license issued by the jurisdiction where the motor carrier is based, is valid in all the other IFTA member jurisdictions. Additionally, the licensee reports and pays all motor fuel taxes to the base jurisdiction, which handles distribution to all the other member jurisdictions in which the licensee travelled and incurred motor fuel use tax liability. The IFTA member jurisdictions are the lower 48 states and the 10 Canadian provinces.³

IFTA Credentials

Each calendar year, Florida will issue an IFTA license and a set of two IFTA decals per each qualified vehicle. The original IFTA license is kept with the carrier's records, and copies of the original must be kept in each vehicle, and IFTA decals must be affixed to the outside of each of those vehicles. By having copies of the licenses, and the decals affixed to the outside of the vehicles, it qualifies them to be operational in all other IFTA jurisdictions without the need for obtaining additional licenses from those jurisdictions.⁴ The IFTA licenses and decals are valid for one calendar year (January 1 – December 31), and reporting for motor fuel taxes is divided into four reporting periods. There is no annual fee associated with the IFTA license, and IFTA decals are \$4.00 per set.⁵

Crash Reporting – Damage Thresholds

A driver of a vehicle involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$500, must give immediate notification to local law enforcement whether a municipality, county, or Florida Highway Patrol. A violation of this provision is a noncriminal traffic infraction, punishable as a nonmoving violation. The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.⁶

In 1989, the amount of property damage necessary to require notification to law enforcement was increased from \$100 to \$500.⁷ Currently, the normal amount for a deductible for vehicle insurance contracts within the insurance industry is between \$500 and \$1,500.⁸ From 2021 to the present, the typical vehicle crash damage repair cost ranged between \$1,000 to \$1,499. The second highest percentage was \$2,000 to \$2,499. Within the same period 60 percent of the vehicle crashes resulted in more than \$2,500 in damage.⁹

³ *Id* at 2.

⁴ *Id.*

⁵ *Id.*

⁶ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited March 14, 2025).

⁷ Section 1, Chapter 89-271, Laws of Florida.

⁸ Insurance, L. M. (n.d.). Car Insurance Deductibles: Frequently Asked Questions, *Liberty Mutual*.

<https://www.libertymutual.com/insurance-resources/auto/car-insurance-deductibles-faqs> (last visited March 14, 2025).

⁹ *Id* at 2.

Application and Issuance for Certificate of Title

If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided, must be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the state or county from which the motor vehicle or mobile home was brought into this state.¹⁰ The application must also be accompanied by:

- A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or
- An appropriate DHSMV form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, F.S., or a notary public commissioned by this state, and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and
- If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of certain federal regulations.

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.¹¹

Vehicle Registration Requirements – Permanent Address

With limited exceptions, every owner or person in charge of a motor vehicle that is operated or driven on the roads must register the vehicle in this state. The owner or person in charge must apply to the DHSMV or to its authorized agent for registration of each vehicle on a form prescribed by the DHSMV. A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.¹²

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by Florida or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.¹³

If the owner does not have a permanent residence or permanent place of business, or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application must include:

¹⁰ Section 319.23(3), F.S.

¹¹ *Id.*

¹² Section 320.02(1), F.S.

¹³ Section 320.02(2)(a), F.S.

- If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.
- If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.¹⁴

If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.¹⁵

Disabled Veteran (“DV”) License Plate

Section 320.084(1), F.S., requires one free “DV” motor vehicle license number plate to be issued by DHSMV for use on any motor vehicle owned or leased by any disabled veteran who has been a Florida resident continuously for the preceding five years or has established a domicile in this state, and who has been honorably discharged from the United States Armed Forces.¹⁶

Additionally, a disabled veteran who meets these requirements may be issued, in lieu of the “DV” license plate, a military license plate for which he or she is eligible, or a specialty license plate. A disabled veteran who elects a military license plate or specialty license plate, must pay all applicable fees related to such license plate, except for fees otherwise waived.¹⁷

Regulation of Motor Vehicle Dealers and Manufacturers - Minority Participation

Section 320.605, F.S., provides that it is the intent of the Legislature to protect the public health, safety, and welfare of the citizens of the state by regulating the licensing of motor vehicle dealers and manufacturers, maintaining competition, providing consumer protection and fair trade, and providing minorities with opportunities for full participation as motor vehicle dealers.

The DHSMV licenses motor vehicle dealers and manufacturers pursuant to ss. 320.60-320.70, F.S. Licensees are required to annually report to the DHSMV on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70, F.S. The term “minority” has the same meaning as that given it in the definition of “minority person” in s. 288.703, F.S.¹⁸

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 320.084(1), F.S.

¹⁷ Section 320.084(6)(a), F.S.

¹⁸ Section 288.703, F.S., provides a “minority business enterprise” is defined as any small business which is organized to engage in commercial transactions, is domiciled in Florida, and is at least 51-percent-owned by minority persons who are members of an insular group that is of particular racial, ethnic, or gender makeup or national origin which has been subject historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group’s control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million.

Driving Under the Influence (DUI) Program Supervision – Application Criteria

The DHSMV is responsible for licensing and regulating all DUI programs, including the certification of instructors, evaluators, clinical supervisors, and special supervision services evaluators. The DHSMV must, after consultation with the chief judge of the affected judicial circuit, establish requirements regarding the number of programs to be offered within a judicial circuit.¹⁹ In evaluating an application for approval of a DUI program, the DHSMV is required to utilize specified criteria, including whether the new program would provide improved services to minority and special needs clients.²⁰

Electronic Notification to Customers – Use of Email

Notices related to the cancellation, suspension, revocation, or disqualification issued under the provisions of chs. 318, 320, 322, 324, or ss. 627.732-627.734, F.S.,²¹ must be given via personal delivery to the customer via the United States Postal Service at which it is placed in an envelope, first class, postage prepaid and addressed to the customer at his or her last known mailing address that has been furnished to the DHSMV.

Currently, the DHSMV is authorized to collect and utilize email addresses for the limited purpose of providing certain motor vehicle registration and driver's license renewal notices.

Definition of Tank Vehicles

Section 322.01(44), F.S. defines a “tank vehicle” as a vehicle that is designed to transport any liquid or any liquid gaseous material within a tank either permanently or temporarily attached to the vehicle, if such tank has a designed capacity of 1,000 gallons or more.

According to the DHSMV, this definition is not currently aligned with the Federal Motor Carrier Safety Administration (FMSCA) definition.²² The FMSCA has the power to withhold federal funding from the state should they find that the DHSMV is not in compliance with the applicable federal legal requirements.²³

¹⁹ Section 322.292(1), F.S.

²⁰ Section 322.292(2), F.S.

²¹ These chapters govern the disposition of traffic infractions, motor vehicle registration, driver licensing, financial responsibility, and motor vehicle insurance.

²² 49 CFR 383.5, provides that a “tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

²³ DHSMV, *2025 Legislative Bill Analysis: SB 1290* (February 26, 2025) at p. 5 (on file with the Senate Transportation Committee).

III. Effect of Proposed Changes:

International Fuel Tax Agreement

The bill amends various sections of ch. 207, F.S., to update Florida law to reflect the changes in federal regulations pertaining to IFTA so that Florida remains compliant with those federal regulations. For example, the bill:

- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Establishes a licensing system for motor carriers in lieu of registration and mandates electronic submission for tax and licensing documents.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor vehicles and fuel taxes.
- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Incorporates numerous conforming provisions throughout ch. 207, F.S.

Crash Reporting – Damage Thresholds

The bill amends s. 316.065, F.S., to require the driver of a vehicle that is involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$2,000 (currently \$500), must give immediate notification to local law enforcement or the Florida Highway Patrol.

Application and Issuance for Certificate of Title

The bill amends s. 319.23(3), F.S., to allow non-profit organizations established to detect and deter insurance fraud and crime to enter into a Memorandum of Understanding (MOU) with the DHSMV to carry out Vehicle Identification Number (VIN) inspections for Florida titles.

Motor Vehicle Registration – Permanent Address

The bill amends s. 320.02, F.S., to provide that an application for registration of a motor vehicle must include the street address of the owner's Florida residence or the address of his or her permanent place of business in Florida and be accompanied by specified personal or business identification. The bill repeals the current authorization for a vehicle owner who does not have a permanent address or place of business in Florida to register a vehicle under certain conditions.

Specifically, the bill provides that an applicant for a motor vehicle registration is required to have a valid, REAL ID compliant driver's license or identification card issued by Florida or another state, a valid unexpired United States passport, or a valid, unexpired passport issued by another country and an unexpired Form I-94 issued by the United States Bureau of Customs and Border

Protection. According to the DHSMV, there are currently 262,167 driver licenses in Florida that are not yet REAL-ID compliant, and the federal REAL-ID deadline is May 7, 2025.²⁴

The bill also stipulates that if a vehicle is registered to an active-duty member of the U.S. Armed Forces, who is a Florida resident, the registrant is exempt from the requirement to provide a street address for a permanent Florida residence.

Disabled Veteran (“DV”) License Plate

The bill amends s. 320.084(1), F.S., to allow a disabled veteran who meets certain requirements to be issued a specialty license plate embossed with the initials “DV” in the top left-hand corner.

Definition and Use of Economically Disadvantaged Area

The bill amends ss. 320.605, and 320.63, F.S., (motor vehicle dealers and manufacturers) and s. 322.292, F.S., (DUI programs) to replace the term “minority” with the term “economically disadvantaged area”. The term “economically disadvantaged area” is defined to mean a defined geographic area within this state in which at least one of the following conditions exist:

- The per capita income for residents within the area is less than 80 percent of the per capita income in this state;
- The unemployment rate within the area was more than 1 percent over the unemployment rate for this state over the previous 24 months.

Electronic Notification of Customers Via Email

The bill amends ss. 320.95, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.64, 324.091, and 328.30, F.S., to expand the types of transactions and circumstances in which DHSMV may use email in lieu of the United States Postal Service to communicate with customers. Specifically, the bill authorizes email to be used as a method of general notification for various notices and orders issued by DHSMV, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance, and vessel registrations.

SB 1292, which is linked to this bill, expands provisions related to current public record exemptions for email addresses held by the DHSMV used in connection with:

- Motor vehicle title transactions.
- Motor vehicle registration renewal notices.
- Driver license renewal notices.
- Vessel title transactions and liens.

Definition of Tank Vehicles

The bill amends s. 322.01(44), F.S., to change the definition of a “tank vehicle” to a vehicle designed to transport any liquid or gaseous material within one or more tanks, each with a capacity above 119 gallons and an aggregate rated capacity of 1,000 gallons or more. A

²⁴ *Id* at p. 6

commercial motor vehicle transporting an empty storage container that is not designed for transportation but that is temporarily attached to a flatbed trailer is not a tank vehicle. This change places Florida in substantial compliance with Parts 383 and 384 of the FMCSA.

The bill includes various conforming provisions and corrects several cross-references.

This 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 action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities. Therefore, the bill may not be subject to Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee nor repeal a state credit or exemption. There, this bill may not be subject to Article VII, s. 19 of the Florida Constitution.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state government as the DHSMV's expenditures could decrease as a result of notices and orders being provided via electronic mail and not through the United States Postal Service.

According to the DHSMV, FHP and tax collector training will be required to implement several provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 207.001, 207.002, 207.003, 207.004, 207.005, 207.007, 207.008, 207.011, 207.013, 207.014, 207.019, 207.023, 207.0281, 212.08, 316.065, 318.15, 319.23, 320.02, 320.084, 320.605, 320.63, 320.95, 320.95, 322.01, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.292, 322.324.091, 328.30, and 627.7415.

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

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

CS/CS by Finance and Tax on March 26, 2025:

The committee substitute:

- Allows non-profit organizations to enter into a Memorandum of Understanding (MOU) with the DHSMV to carry out Vehicle Identification Number (VIN) inspections for Florida titles.
- Allows a disabled veteran who meets certain requirements to be issued a specialty license plate embossed with the initials "DV" in the top left-hand corner of the plate.

CS by Transportation on March 18, 2025:

The committee substitute:

- Amends the requirements and dates for the annual, semiannual, and quarterly reporting of the motor fuel use tax.
- Increases the amount of estimated damage resulting from a crash that is required to be reported to law enforcement from \$1,500 to \$2,000.
- Makes technical changes related to registration requirements, and the definition of a "tank vehicle."
- Makes other drafting changes to conform to the House version of the bill.

B. Amendments:

None.

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

By the Committees on Finance and Tax; and Transportation; and
Senator Collins

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 207.001, F.S.;
4 revising a short title; reordering and amending s.
5 207.002, F.S.; defining terms and revising
6 definitions; amending s. 207.003, F.S.; conforming
7 provisions to changes made by the act; amending s.
8 207.004, F.S.; requiring licensure in lieu of
9 registration of motor carriers operating certain
10 qualified motor vehicles; requiring motor carriers to
11 obtain fuel use decals in lieu of identifying devices;
12 requiring that qualified motor vehicles carry a copy
13 of the license or make the license available
14 electronically; requiring that fuel tax decals be
15 conspicuously displayed on qualified motor vehicles
16 while the vehicles are operated on public highways;
17 requiring the department or its authorized agent to
18 issue licenses and fuel tax decals; requiring that
19 fuel tax decal renewal orders be submitted
20 electronically through an online system beginning on a
21 certain date; providing an exception; revising
22 required contents of temporary fuel-use permits;
23 deleting provisions for driveaway permits; amending s.
24 207.005, F.S.; revising due dates for motor fuel use
25 tax returns submitted by licensed motor carriers;
26 requiring that tax returns be submitted electronically
27 through an online system beginning on a certain date;
28 providing an exception; amending s. 207.007, F.S.;
29 revising the method of calculating interest due for

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30 certain delinquent taxes; prohibiting a person from
31 knowingly making, or assisting any other person in
32 making, a false statement in connection with an audit;
33 prohibiting a person from counterfeiting, altering,
34 manufacturing, or selling fuel tax licenses, fuel tax
35 decals, or temporary fuel-use permits except under
36 certain circumstances; providing penalties; amending
37 s. 207.008, F.S.; conforming provisions to changes
38 made by the act; amending s. 207.011, F.S.;
39 authorizing the department to inspect the records of
40 motor carriers, motor fuel retail dealers, and
41 wholesale distributors which are necessary to verify
42 tax returns; amending ss. 207.013 and 207.014, F.S.;
43 conforming provisions to changes made by the act;
44 amending s. 207.019, F.S.; requiring motor carriers to
45 destroy fuel tax decals and notify the department upon
46 the discontinuance, sale, or transfer of the business;
47 amending ss. 207.023, 207.0281, and 212.08, F.S.;
48 conforming provisions to changes made by the act;
49 amending s. 316.065, F.S.; revising the apparent
50 amount of property damage that requires the driver of
51 a vehicle involved in a crash to notify law
52 enforcement of the crash; amending s. 318.15, F.S.;
53 conforming provisions to changes made by the act;
54 amending s. 319.23, F.S.; including certain nonprofit
55 organizations in the list of entities authorized to
56 perform a certain physical examination of a motor
57 vehicle for the purpose of an owner applying for a
58 certificate of title; amending s. 320.02, F.S.;

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59 requiring vehicle registration applicants to provide a
 60 Florida address; providing an exception; requiring an
 61 applicant to provide satisfactory proof of address and
 62 certain documentation; defining the term "REAL ID
 63 driver's license or identification card"; amending s.
 64 320.084, F.S.; providing for disabled veteran motor
 65 vehicle license plates in lieu of "DV" motor vehicle
 66 license plates; revising construction; amending s.
 67 320.605, F.S.; revising legislative intent; amending
 68 s. 320.63, F.S.; revising information that an
 69 applicant or licensee must annually report to the
 70 department; defining the term "economically
 71 disadvantaged area"; amending s. 320.95, F.S.;
 72 revising the purpose for which the department may use
 73 e-mail; amending s. 322.01, F.S.; revising the
 74 definition of the term "tank vehicle"; amending s.
 75 322.08, F.S.; revising the purpose for which the
 76 department may use e-mail; amending ss. 322.18,
 77 322.21, and 322.251, F.S.; authorizing the department
 78 to provide certain orders and notices by e-mail
 79 notification; amending s. 322.2616, F.S.; conforming
 80 provisions to changes made by the act; amending s.
 81 322.292, F.S.; revising criteria the department must
 82 apply in considering an application for approval of a
 83 DUI program; amending ss. 322.64, 324.091, and
 84 324.171, F.S.; conforming provisions to changes made
 85 by the act; amending s. 328.30, F.S.; revising the
 86 purpose for which the department may use e-mail;
 87 amending s. 627.7415, F.S.; conforming a provision to

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88 changes made by the act; amending ss. 316.545 and
 89 319.35, F.S.; conforming cross-references; providing
 90 an effective date.
 91

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

93
 94 Section 1. Section 207.001, Florida Statutes, is amended to
 95 read:

96 207.001 Short title.—This chapter shall be known as the
 97 "Florida ~~Diesel Fuel and~~ Motor Fuel Use Tax Act ~~of 1981~~," and
 98 the taxes levied under this chapter shall be in addition to all
 99 other taxes imposed by law.

100 Section 2. Section 207.002, Florida Statutes, is reordered
 101 and amended to read:

102 207.002 Definitions.—As used in this chapter, the term:

103 (1)(1) "Qualified Commercial motor vehicle" means any
 104 vehicle not owned or operated by a governmental entity which
 105 uses ~~diesel fuel or~~ motor fuel on the public highways; and which
 106 has two axles and a gross vehicle weight or registered gross
 107 vehicle weight in excess of 26,000 pounds, or has three or more
 108 axles regardless of weight, or is used in combination when the
 109 weight of such combination exceeds 26,000 pounds gross vehicle
 110 weight or registered gross vehicle weight. The term excludes any
 111 recreational vehicle or vehicle owned or operated by a community
 112 transportation coordinator as defined in s. 427.011 or by a
 113 private operator that provides public transit services under
 114 contract with such a provider.

115 (1)(2) "Department" means the Department of Highway Safety
 116 and Motor Vehicles.

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(2) "International Fuel Tax Agreement" means a reciprocal agreement among states of the United States, provinces of Canada, and other such member jurisdictions to provide for the administration, collection, and enforcement of taxes on the basis of fuel consumed, distance accrued, or both, in member jurisdictions.

~~(3) "Diesel fuel" means any liquid product or gas product or combination thereof, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, butane gas, or propane gas and all other forms of liquefied petroleum gases, except those defined as "motor fuel," used to propel a motor vehicle.~~

~~(4) "International Registration Plan" means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees or license taxes on the basis of fleet miles operated in various jurisdictions.~~

~~(3)(5)~~ "Interstate" means vehicle movement between or through two or more member jurisdictions states.

~~(4)(6)~~ "Intrastate" means vehicle movement from one point within a member jurisdiction state to another point within the same member jurisdiction state.

(5) "Member jurisdiction" means a state of the United States, province of Canada, or other such jurisdiction that is a member of the International Fuel Tax Agreement.

~~(6)(7)~~ "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle used to transport persons or property over any public highway.

~~(7)(8)~~ "Motor fuel" means any fuel placed in the fuel

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supply storage unit of a qualified motor vehicle, including an alternative fuel, such as pure methanol, ethanol, or other alcohol; a blend of 85 percent or more alcohol with gasoline; natural gas and liquified fuel produced from natural gas; propane; coal-derived liquified fuel; hydrogen; electricity; pure biodiesel (B100) fuel, other than alcohol, derived from biological materials; P-series fuel; or any other type of fuel or energy used to propel a qualified motor vehicle ~~what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products.~~

~~(8)(9)~~ "Operate," "operated," "operation," or "operating" means and includes the utilization in any form of any qualified commercial motor vehicle, whether loaded or empty, whether utilized for compensation or not for compensation, and whether owned by or leased to the motor carrier who uses it or causes it to be used.

~~(9)(10)~~ "Person" means and includes natural persons, corporations, copartnerships, firms, companies, agencies, or associations, singular or plural.

~~(10)(11)~~ "Public highway" means any public street, road, or highway in this state.

~~(12) "Registrant" means a person in whose name or names a vehicle is properly registered.~~

~~(12)(13)~~ "Use," "uses," or "used" means the consumption of diesel fuel or motor fuel in a qualified commercial motor vehicle for the propulsion thereof.

Section 3. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of

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operating any qualified commercial motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the minimum rates provided in parts I, II, and IV of chapter 206 on each gallon of ~~diesel fuel or~~ motor fuel used for the propulsion of a qualified commercial motor vehicle by such motor carrier within this the state.

Section 4. Section 207.004, Florida Statutes, is amended to read:

207.004 Licensing Registration of motor carriers; fuel tax decals identifying devices; fees; renewals; temporary fuel-use permits and driveaway permits.—

(1) (a) A ~~No~~ motor carrier may not ~~shall~~ operate or cause to be operated in this state any qualified commercial motor vehicle, other than a Florida-based qualified commercial motor vehicle that travels Florida intrastate mileage only, which that uses ~~diesel fuel or~~ motor fuel until such carrier is licensed under the International Fuel Tax Agreement and issued fuel tax decals ~~has registered with the department or has registered under a cooperative reciprocal agreement as described in s. 207.0281, after such time as this state enters into such agreement, and has been issued an identifying device or such carrier is~~ has been issued a temporary fuel-use permit as authorized under subsection (5), subsections (4) and (5) for each vehicle operated. The fee for each set of fuel tax decals is ~~There shall be a fee of \$4 per year or any fraction thereof. A copy of the license must be carried in each vehicle or made available electronically. The fuel tax decals for each such identifying device issued. The identifying device shall be provided by the department and must be conspicuously displayed~~

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on the qualified commercial motor vehicle as prescribed by the instructions on the reverse side of the decal ~~department~~ while the vehicle ~~it~~ is being operated on the public highways of this state. The transfer of fuel tax decals ~~an identifying device~~ from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The department or its authorized agent shall issue the licenses and fuel tax decals.

(b) The motor carrier to whom fuel tax decals have been issued ~~is an identifying device has been issued shall~~ be solely responsible for the proper use of the fuel tax decals ~~identifying device~~ by its employees, consignees, or lessees.

(2) Fuel tax decals ~~identifying devices~~ shall be issued each year for the period January 1 through December 31, or any portion thereof, if tax returns and tax payments, when applicable, have been submitted to the department for all prior reporting periods. Fuel tax decals ~~identifying devices~~ may be displayed for the next succeeding indicia period beginning December 1 of each year. Beginning October 1, 2025, except as otherwise authorized by the department, all fuel tax decal renewal orders must be electronically submitted through an online system prescribed by the department.

(3) If a motor carrier licensed in this state no longer operates or causes to be operated in this state a qualified commercial motor vehicle, the fuel tax decals ~~must~~ identifying device ~~shall~~ be destroyed and the motor carrier to whom the fuel tax decals were ~~device was~~ issued must ~~shall~~ notify the department immediately by letter of such removal and of the number of fuel tax decals ~~the identifying device that has been~~ destroyed.

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(4) A motor carrier must, before operating a qualified commercial motor vehicle on the public highways of this state, ~~must display fuel tax decals an identifying device as required under subsections (1) and (2) or must obtain a temporary fuel-use permit for that vehicle as provided in subsection (5). A temporary fuel-use permit shall expire within 10 days after date of issuance. The cost of a temporary fuel-use permit is \$45, and the permit exempts the vehicle from the payment of the motor fuel or diesel fuel tax imposed under this chapter during the term for which the permit is valid. However, the vehicle is not exempt from paying the fuel tax at the pump.~~

(5) (a) A registered motor carrier holding a valid certificate of registration may, upon payment of the \$45 fee per permit, secure from the department, or any wire service authorized by the department, a temporary fuel-use permit.

(b) The fee for a temporary fuel-use permit is \$45. A temporary fuel-use permit expires 10 days after the date of issuance and exempts the vehicle from payment of the motor fuel tax imposed under this chapter during the period for which the permit is valid. However, this paragraph does not exempt the vehicle from payment at the pump of the fuel tax imposed under chapter 206.

(c) A blank temporary fuel-use permit must, before its use, ~~must be executed by the motor carrier, in ink or type, so as to identify the carrier, the vehicle to which the permit is assigned, and the permit's effective date and expiration date that the vehicle is placed in and removed from service. The temporary fuel-use permit shall also show a complete identification of the vehicle on which the permit is to be used,~~

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~~together with the name and address of the owner or lessee of the vehicle. The endorsed temporary fuel-use permit must shall then be carried on the vehicle that it identifies and must shall be exhibited on demand to any authorized personnel. Temporary fuel-use permits may be transmitted to the motor carrier by electronic means and shall be completed as outlined by department personnel prior to transmittal.~~

(d) The motor carrier to whom a temporary fuel-use permit is issued is ~~shall be~~ solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit renders ~~shall render~~ it invalid and of no effect. A motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person ~~or organization.~~

~~(b) An unregistered motor carrier may, upon payment of the \$45 fee, secure from any wire service authorized by the department, by electronic means, a temporary fuel-use permit that shall be valid for a period of 10 days. Such permit must show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The temporary fuel-use permit shall then be carried on the vehicle that it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom a temporary fuel-use permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure,~~

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alteration, or unauthorized use of a temporary fuel-use permit shall render it invalid and of no effect. The unregistered motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.

(e) A registered motor carrier engaged in driveway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the \$4 fee, secure from the department a driveway permit. The driveway permits shall be issued for the period January 1 through December 31. An original permit must be in the possession of the operator of each vehicle and shall be exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this state during the reporting period. All other provisions of this chapter shall apply to the holder of a driveway permit.

Section 5. Section 207.005, Florida Statutes, is amended to read:

207.005 Returns and payment of tax; delinquencies; calculation of fuel used during operations in the state; credit; bond.—

(1) The taxes levied under this chapter ~~are shall be~~ due and payable on the first day of the month following the last month of the reporting period. The department may adopt ~~promulgate~~ rules for requiring and establishing procedures for annual, semiannual, or quarterly filing. The reporting period is ~~shall be~~ the 12 months beginning January 1 ~~July 1~~ and ending

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~~December 31~~ June 30. It shall be the duty of Each motor carrier licensed ~~registered or required to be registered~~ under the provisions of this chapter must ~~to~~ submit a return by the following due dates, except that each due date is extended until the last day of the month of the due date, and, if the last day of the month falls on a Saturday, Sunday, or legal holiday, the due date is further extended until the next day that is not a Saturday, Sunday, or legal holiday ~~within 30 days after the due date~~. The due date shall be as follows:

(a) If annual filing, the due date is January 31. ~~shall be July 1;~~

(b) If semiannual filing, the due dates are ~~shall be~~ January 31 ~~1~~ and July 31. ~~1; or~~

(c) If quarterly filing, the due dates are ~~shall be~~ January 31 ~~1~~, April 30 ~~1~~, July 31 ~~1~~, and October 31 ~~1~~.

(2) The amount of fuel used in the propulsion of any qualified commercial motor vehicle within this state may be calculated, if the motor carrier maintains adequate records, by applying total interstate vehicular consumption of all ~~diesel~~ ~~fuel and~~ motor fuel used as related to total miles traveled and applying such rate to total miles traveled within this state. In the absence of adequate documentation by the motor carrier, the department may adopt ~~is authorized to promulgate~~ rules converting miles driven to gallons used.

(3) For the purpose of computing the carrier's liability for the fuel ~~road privilege~~ tax, the total gallons of fuel used in the propulsion of any qualified commercial motor vehicle in this state shall be multiplied by the rates provided in parts I, II, and IV of chapter 206. From the sum determined by this

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calculation, there shall be allowed a credit equal to the amount of the tax per gallon under parts I, II, and IV of chapter 206 for each gallon of fuel purchased in this state during the reporting period when the diesel fuel or motor fuel tax was paid at the time of purchase. If the tax paid under parts I, II, and IV of chapter 206 exceeds the total tax due under this chapter, the excess may be allowed as a credit against future tax payments, until the credit is fully offset or until eight calendar quarters ~~shall~~ have passed since the end of the calendar quarter in which the credit accrued, whichever occurs first. A refund may be made for this credit provided it exceeds \$10.

(4) The department may adopt ~~is authorized to promulgate~~ the necessary rules to provide for an adequate bond from each motor carrier to ensure payment of taxes required under this chapter.

(5) Beginning October 1, 2025, except as otherwise authorized by the department, all returns must be submitted electronically through an online system prescribed by the department.

Section 6. Section 207.007, Florida Statutes, is amended to read:

207.007 Offenses; penalties and interest.—

(1) If any motor carrier licensed ~~registered~~ under this chapter fails to file a return or ~~and~~ pay any tax liability under this chapter within the time required hereunder, the department may impose a delinquency penalty of \$50 or 10 percent of the delinquent taxes due, whichever is greater, if the failure is for not more than 30 days, with an additional 10

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percent penalty for each additional 30 days, or fraction thereof, during the time which the failure continues, not to exceed a total penalty of 100 percent in the aggregate. However, the penalty may not be less than \$50.

(2) In addition to any other penalties, any delinquent tax shall bear interest in accordance with the International Fuel Tax Agreement ~~at the rate of 1 percent per month, or fraction thereof, calculated from the date the tax was due. If the department enters into a cooperative reciprocal agreement under the provisions of s. 207.0281, the department shall collect and distribute all interest due to other jurisdictions at the same rate as if such interest were due to the state.~~

(3) Any person who:

(a) Willfully refuses or neglects to make any statement, report, or return required by ~~the provisions of~~ this chapter;

(b) Knowingly makes, or assists any other person in making, a false statement in a return or report, ~~or~~ in connection with an application for licensure ~~registration~~ under this chapter, or in connection with an audit; ~~or~~

(c) Counterfeits, alters, manufactures, or sells fuel tax licenses, fuel tax decals, or temporary fuel-use permits without first having obtained the department's permission in writing; or

(d) Violates any of the provisions of this chapter, a penalty for which is not otherwise provided,

~~commits is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the department may revoke or suspend the licensure and registration privileges under ss. 207.004 and 320.02 of the

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407 violator. Each day or part thereof during which a person
 408 operates or causes to be operated a qualified commercial motor
 409 vehicle without being the holder of fuel tax decals ~~an~~
 410 ~~identifying device~~ or having a valid temporary fuel-use ~~or~~
 411 ~~driveaway~~ permit as required by this chapter constitutes a
 412 separate offense within the meaning of this section. In addition
 413 to the penalty imposed by this section, the defendant is shall
 414 ~~be~~ required to pay all taxes, interest, and penalties due to the
 415 state.

416 Section 7. Section 207.008, Florida Statutes, is amended to
 417 read:

418 207.008 Retention of records by motor carrier.—Each
 419 licensed ~~registered~~ motor carrier shall maintain and keep
 420 pertinent records and papers as may be required by the
 421 department for the reasonable administration of this chapter and
 422 shall preserve the records upon which each quarterly tax return
 423 is based for 4 years following the due date or filing date of
 424 the return, whichever is later.

425 Section 8. Subsection (3) of section 207.011, Florida
 426 Statutes, is amended to read:

427 207.011 Inspection of records; hearings; forms; rules.—

428 (3) The department, or any authorized agent thereof, is
 429 authorized to examine the records, books, papers, and equipment
 430 of any motor carrier, any retail dealer of motor diesel fuels,
 431 and any wholesale distributor of ~~diesel fuels~~ or motor fuels
 432 which that are deemed necessary to verify the truth and accuracy
 433 of any statement, ~~or~~ report, or return and ascertain whether the
 434 tax imposed by this chapter has been paid.

435 Section 9. Section 207.013, Florida Statutes, is amended to

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436 read:

437 207.013 Suits for collection of unpaid taxes, penalties,
 438 and interest.—Upon demand of the department, the Department of
 439 Legal Affairs or the state attorney for a judicial circuit shall
 440 bring appropriate actions, in the name of the state or in the
 441 name of the Department of Highway Safety and Motor Vehicles in
 442 the capacity of its office, for the recovery of taxes,
 443 penalties, and interest due under this chapter; and judgment
 444 shall be rendered for the amount so found to be due together
 445 with costs. However, if it is shall be found as a fact that such
 446 claim for, or grant of, an exemption or credit was willful on
 447 the part of any motor carrier, retail dealer, or distributor of
 448 ~~diesel fuel or~~ motor fuel, judgment must shall be rendered for
 449 double the amount of the tax found to be due with costs. The
 450 department may employ an attorney at law to institute and
 451 prosecute proper proceedings to enforce payment of the taxes,
 452 penalties, and interest provided for by this chapter and may fix
 453 the compensation for the services of such attorney at law.

454 Section 10. Subsection (3) of section 207.014, Florida
 455 Statutes, is amended to read:

456 207.014 Departmental warrant for collection of unpaid
 457 taxes.—

458 (3) In the event there is a contest or claim of any kind
 459 with reference to the property levied upon or the amount of
 460 taxes, costs, or penalties due, such contest or claim must shall
 461 be tried in the circuit court in and for the county in which the
 462 warrant was executed, as nearly as may be in the same manner and
 463 means as such contest or claim would have been tried in such
 464 court had the warrant originally issued upon a judgment rendered

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by such court. The warrant issued as provided in this section constitutes ~~shall constitute~~ prima facie evidence of the amount of taxes, interest, and penalties due to the state by the motor carrier; and the burden of proof ~~is shall be~~ upon the motor carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor fuel to show that the amounts or penalties were incorrect.

Section 11. Subsection (1) of section 207.019, Florida Statutes, is amended to read:

207.019 Discontinuance or transfer of business; change of address.—

(1) Whenever a person ceases to engage in business as a motor carrier within this ~~the~~ state by reason of the discontinuance, sale, or transfer of the business of such person, he or she shall notify the department in writing at least 10 days before ~~prior to~~ the time the discontinuance, sale, or transfer takes effect. Such notice must ~~shall~~ give the date of discontinuance and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee. All ~~diesel fuel or~~ motor fuel use taxes ~~shall~~ become due and payable concurrently with such discontinuance, sale, or transfer; and any such person shall, concurrently with such discontinuance, sale, or transfer, make a report and, pay all such taxes, interest, and penalties. The person shall immediately destroy the fuel tax decals and notify the department by letter of such destruction and of the number of the fuel tax decals that have been destroyed, and surrender to the department the registration issued to such person.

Section 12. Subsections (1) and (3) of section 207.023, Florida Statutes, are amended to read:

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207.023 Authority to inspect vehicles, make arrests, seize property, and execute warrants.—

(1) As a part of their responsibility when inspecting qualified motor ~~commercial~~ vehicles, the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, and the Department of Transportation shall ensure that all vehicles are properly qualified under ~~the provisions of~~ this chapter.

(3) Qualified ~~Commercial~~ motor vehicles owned or operated by any motor carrier who refuses to comply with this chapter may be seized by authorized agents or employees of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, or the Department of Transportation; or authorized agents and employees of any of these departments also may seize property as set out in ss. 206.205, 206.21, and 206.215. Upon such seizure, the property must ~~shall~~ be surrendered without delay to the sheriff of the county where the property was seized for further proceedings.

Section 13. Subsections (1) and (6) of section 207.0281, Florida Statutes, are amended to read:

207.0281 Registration; cooperative reciprocal agreements between states.—

(1) The Department of Highway Safety and Motor Vehicles may enter into a cooperative reciprocal agreement, including, but not limited to, the International Fuel Tax ~~fuel-tax~~ Agreement, with another state or group of states for the administration of the tax imposed by this chapter. An agreement arrangement, declaration, or amendment is not effective until stated in writing and filed with the Department of Highway Safety and

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Motor Vehicles.

(6) This section and the contents of any reciprocal agreement entered into under this section supersede all other fuel-tax requirements of this chapter for qualified commercial motor vehicles.

Section 14. Paragraph (aa) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and

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shall pay the tax. The department may adopt rules to administer this subsection.

(aa) *Certain commercial vehicles.*—Also exempt is the sale, lease, or rental of a qualified commercial motor vehicle as defined in s. 207.002, when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

Section 15. Subsection (1) of section 316.065, Florida Statutes, is amended to read:

316.065 Crashes; reports; penalties.—

(1) The driver of a vehicle involved in a crash resulting in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least \$2,000 ~~\$500~~ shall immediately by the quickest means of communication give notice of the crash to the local police department, if such crash occurs within a municipality; otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 16. Paragraph (a) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties

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provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court must notify the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department must immediately issue an order suspending the driver license and privilege to drive of such person effective 20 days after the date the order of suspension is provided ~~mailed~~ in accordance with s. 322.251(1), (2), and (6). The order also must inform the person that he or she may contact the clerk of the court to establish a payment plan pursuant to s. 28.246(4) to make partial payments for court-related fines, fees, service charges, and court costs. Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside of this state, must remain on the records of the department for a period of 7 years from the date imposed and must be removed from the records after the expiration of 7 years from the date it is imposed. The department may not accept the resubmission of such suspension.

Section 17. Subsection (3) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, must

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~~shall~~ be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application must ~~shall~~ also be accompanied by:

(a)1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, ~~or~~ a notary public commissioned by this state, or a nonprofit organization established to detect and deter insurance fraud and crime which has entered into an agreement with the department through a memorandum of understanding and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in this state for the first time.

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(c) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application ~~must~~ shall be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

Section 18. Subsection (2) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration must include the street address of the owner's permanent Florida residence or the address of his or her permanent place of business in this state and be accompanied by personal or business identification information. If the vehicle is registered to an active duty member of the United States Armed Forces who is a Florida resident, the active duty member is not required to provide the street address of a permanent Florida residence.

(b) An individual applicant must provide proof of address satisfactory to the department and:

1. A valid REAL ID driver's ~~driver~~ license or

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identification card issued by this state or another state; ~~or~~

2. A valid, unexpired United States passport; or

3. A valid, unexpired passport issued by another country and an unexpired Form I-94 issued by the United States Bureau of Customs and Border Protection.

For purposes of this paragraph, the term "REAL ID driver's license or identification card" has the same meaning as provided in 6 C.F.R. s. 37.3.

(c) A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in this ~~the~~ state, or a Florida municipal or county business license or number.

1. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application must include:

a. If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

b. If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

2. If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.

(d)(b) The department shall prescribe a form upon which

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697 motor vehicle owners may record odometer readings when
698 registering their motor vehicles.

699 Section 19. Subsections (1) and (3), paragraph (a) of
700 subsection (4), and subsection (6) of section 320.084, Florida
701 Statutes, are amended to read:

702 320.084 Free motor vehicle license plate to certain
703 disabled veterans.—

704 (1) One free disabled veteran ~~“DV”~~ motor vehicle license
705 number plate shall be issued by the department for use on any
706 motor vehicle owned or leased by any disabled veteran who has
707 been a resident of this state continuously for the preceding 5
708 years or has established a domicile in this state as provided by
709 s. 222.17(1), (2), or (3), and who has been honorably discharged
710 from the United States Armed Forces, upon application,
711 accompanied by proof that:

712 (a) A vehicle was initially acquired through financial
713 assistance by the United States Department of Veterans Affairs
714 or its predecessor specifically for the purchase of an
715 automobile;

716 (b) The applicant has been determined by the United States
717 Department of Veterans Affairs or its predecessor to have a
718 service-connected 100-percent disability rating for
719 compensation; or

720 (c) The applicant has been determined to have a service-
721 connected disability rating of 100 percent and is in receipt of
722 disability retirement pay from any branch of the United States
723 Armed Services.

724 (3) The department shall, as it deems necessary, require
725 each person to whom a motor vehicle license plate has been

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726 issued pursuant to subsection (1) to apply to the department for
727 reissuance of his or her registration license plate. Upon
728 receipt of the application and proof of the applicant's
729 continued eligibility, the department shall issue a new
730 permanent disabled veteran ~~“DV” numerical~~ motor vehicle license
731 plate which shall be of the colors red, white, and blue similar
732 to the colors of the United States flag. The operation of a
733 motor vehicle displaying a disabled veteran ~~“DV”~~ license plate
734 from a previous issue period or a noncurrent validation sticker
735 after the date specified by the department shall subject the
736 owner if he or she is present, otherwise the operator, to the
737 penalty provided in s. 318.18(2). Such permanent license plate
738 shall be removed upon sale of the vehicle, but may be
739 transferred to another vehicle owned by such veteran in the
740 manner prescribed by law. ~~The license number of each plate~~
741 ~~issued under this section shall be identified by the letter~~
742 ~~designation “DV.”~~ Upon request of any such veteran, the
743 department is authorized to issue a designation plate containing
744 only the letters “DV,” to be displayed on the front of the
745 vehicle.

746 (4) (a) With the issuance of each new permanent disabled
747 veteran ~~“DV” numerical~~ motor vehicle license plate, the
748 department shall initially issue, without cost to the applicant,
749 a validation sticker reflecting the owner's birth month and a
750 serially numbered validation sticker reflecting the year of
751 expiration. The initial sticker reflecting the year of
752 expiration may not exceed 27 months.

753 (6) (a) A disabled veteran who meets the requirements of
754 subsection (1) may be issued, in lieu of the disabled veteran

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"DV" license plate, a military license plate for which he or she is eligible or a specialty license plate embossed with the initials "DV" in the top left-hand corner. A disabled veteran electing a military license plate or specialty license plate under this subsection must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

1. ~~Does not provide the protections or rights afforded by ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

2. is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 20. Section 320.605, Florida Statutes, is amended to read:

320.605 Legislative intent.—It is the intent of the Legislature to protect the public health, safety, and welfare of the citizens of the state by regulating the licensing of motor vehicle dealers and manufacturers, maintaining competition, providing consumer protection and fair trade, and providing those residing in economically disadvantaged areas ~~minorities~~ with opportunities for full participation as motor vehicle dealers. Sections 320.61-320.70 are intended to apply solely to the licensing of manufacturers, factory branches, distributors, and importers and do not apply to non-motor-vehicle-related businesses.

Section 21. Subsection (3) of section 320.63, Florida Statutes, is amended to read:

320.63 Application for license; contents.—Any person

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desiring to be licensed pursuant to ss. 320.60-320.70 shall make application therefor to the department upon a form containing such information as the department requires. The department shall require, with such application or otherwise and from time to time, all of the following, which information may be considered by the department in determining the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3)(a) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points in economically disadvantaged areas, including difficulties encountered under ss. 320.61-320.70. ~~For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 288.703.~~ Not later than 60 days before the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or

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supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to ~~the provisions contained in ss.~~ 320.60-320.70. Any franchise agreement offered to a motor vehicle dealer in this state ~~must shall~~ provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

(b) For purposes of this subsection, the term "economically disadvantaged area" means a defined geographic area within this state in which at least one of the following conditions exists:

1. The per capita income for residents within the area is less than 80 percent of the per capita income in this state.

2. The unemployment rate within the area was more than 1 percent over the unemployment rate for this state over the previous 24 months.

Section 22. Subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department may collect ~~e-mail electronic mail~~ addresses and use ~~e-mail electronic mail~~ in lieu of the United States Postal Service as a method of notification for the purpose of providing renewal notices.

Section 23. Subsection (44) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(44) "Tank vehicle" means a vehicle ~~that is~~ designed to transport any liquid or gaseous material within one or more

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tanks that have an individual rated capacity that exceeds 119 gallons and an aggregate rated capacity of 1,000 gallons or more and that are a tank either permanently or temporarily attached to the vehicle or chassis. A commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, but that is temporarily attached to a flatbed trailer, is not a tank vehicle, if such tank has a designed capacity of 1,000 gallons or more.

Section 24. Subsection (10) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(10) The department may collect ~~e-mail electronic mail~~ addresses and use ~~e-mail electronic mail~~ in lieu of the United States Postal Service as a method of notification for the purpose of providing renewal notices.

Section 25. Paragraph (a) of subsection (8) of section 322.18, Florida Statutes, is amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(8) The department shall issue 8-year renewals using a convenience service without reexamination to drivers who have not attained 80 years of age. The department shall issue 6-year renewals using a convenience service when the applicant has satisfied the requirements of subsection (5).

(a) If the department determines from its records that the holder of a license about to expire is eligible for renewal, the department ~~must shall~~ mail a renewal notice to the licensee at his or her last known address or provide a renewal notice to the

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871 licensee by e-mail notification, not less than 30 days before
 872 ~~prior~~ to the licensee's birthday. The renewal notice ~~must shall~~
 873 direct the licensee to appear at a driver license office for in-
 874 person renewal or to transmit the completed renewal notice and
 875 the fees required by s. 322.21 to the department using a
 876 convenience service.

877 Section 26. Subsection (4) of section 322.21, Florida
 878 Statutes, is amended to read:

879 322.21 License fees; procedure for handling and collecting
 880 fees.—

881 (4) If the department determines from its records or is
 882 otherwise satisfied that the holder of a license about to expire
 883 is entitled to have it renewed, the department ~~must shall~~ mail a
 884 renewal notice to the licensee at his or her last known address
 885 or provide a renewal notice to the licensee by e-mail
 886 notification, within 30 days before the licensee's birthday. The
 887 licensee ~~must shall~~ be issued a renewal license, after
 888 reexamination, if required, during the 30 days immediately
 889 preceding his or her birthday upon presenting a renewal notice,
 890 his or her current license, and the fee for renewal to the
 891 department at any driver license examining office.

892 Section 27. Subsections (1), (2), (3), and (6) of section
 893 322.251, Florida Statutes, are amended to read:

894 322.251 Notice of cancellation, suspension, revocation, or
 895 disqualification of license.—

896 (1) All orders of cancellation, suspension, revocation, or
 897 disqualification issued under the provisions of this chapter,
 898 chapter 318, chapter 324, or ss. 627.732-627.734 ~~must shall~~ be
 899 given ~~either~~ by personal delivery thereof to the licensee whose

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900 license is being canceled, suspended, revoked, or disqualified;
 901 ~~or~~ by deposit in the United States mail in an envelope, first
 902 class, postage prepaid, addressed to the licensee at his or her
 903 last known mailing address furnished to the department; or by e-
 904 mail notification authorized by the licensee. Such methods of
 905 notification ~~mailing~~ by the department constitute notice
 906 ~~constitutes notification~~, and any failure by the person to
 907 receive the ~~mailed~~ order does will not affect or stay the
 908 effective date or term of the cancellation, suspension,
 909 revocation, or disqualification of the licensee's driving
 910 privilege.

911 (2) The giving of notice and an order of cancellation,
 912 suspension, revocation, or disqualification ~~by mail~~ is complete
 913 upon expiration of 20 days after e-mail notification or, if
 914 mailed, 20 days after deposit in the United States mail for all
 915 notices except those issued under chapter 324 or ss. 627.732-
 916 627.734, which are complete 15 days after e-mail notification
 917 or, if mailed, 15 days after deposit in the United States mail.
 918 Proof of the giving of notice and an order of cancellation,
 919 suspension, revocation, or disqualification in such either
 920 manner ~~must shall~~ be made by entry in the records of the
 921 department that such notice was given. The entry is admissible
 922 in the courts of this state and constitutes sufficient proof
 923 that such notice was given.

924 (3) Whenever the driving privilege is suspended, revoked,
 925 or disqualified under ~~the provisions of~~ this chapter, the period
 926 of such suspension, revocation, or disqualification ~~must shall~~
 927 be indicated on the order of suspension, revocation, or
 928 disqualification, and the department shall require the licensee

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whose driving privilege is suspended, revoked, or disqualified to surrender all licenses then held by him or her to the department. However, ~~if should~~ the person ~~fails fail~~ to surrender such licenses, the suspension, revocation, or disqualification period ~~does shall~~ not expire until a period identical to the period for which the driving privilege was suspended, revoked, or disqualified has expired after the date of surrender of the licenses, or the date an affidavit swearing such licenses are lost has been filed with the department. In any instance where notice of the suspension, revocation, or disqualification order is given ~~mailed~~ as provided herein, and the license is not surrendered to the department, and such license thereafter expires, the department ~~may shall~~ not renew that license until a period of time identical to the period of such suspension, revocation, or disqualification imposed has expired.

(6) Whenever a cancellation, suspension, revocation, or disqualification occurs, the department shall enter the cancellation, suspension, revocation, or disqualification order on the licensee's driver file 20 days after e-mail notification ~~or, if mailed, 20 days after~~ the notice was actually placed in the mail. Any inquiry into the file after the 20-day period shall reveal that the license is canceled, suspended, revoked, or disqualified and whether the license has been received by the department.

Section 28. Subsection (4) of section 322.2616, Florida Statutes, is amended to read:

322.2616 Suspension of license; persons under 21 years of age; right to review.—

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(4) If the department finds that the license of the person should be suspended under this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (2), the department ~~must shall~~ issue a notice of suspension and, unless the notice is provided ~~mailed~~ under s. 322.251, a temporary driving permit that expires 10 days after the date of issuance if the driver is otherwise eligible.

Section 29. Paragraph (c) of subsection (2) of section 322.292, Florida Statutes, is amended to read:

322.292 DUI programs supervision; powers and duties of the department.—

(2) The department shall adopt rules to implement its supervisory authority over DUI programs in accordance with the procedures of chapter 120, including the establishment of uniform standards of operation for DUI programs and the method for setting and approving fees, as follows:

(c) Implement procedures for the granting and revoking of licenses for DUI programs, including:

1. A uniform application fee not to exceed \$1,000 but in an amount sufficient to cover the department's administrative costs in processing and evaluating DUI program license applications. The application fee ~~does shall~~ not apply to programs that apply for licensure to serve a county that does not have a currently licensed DUI program or where the currently licensed program has relinquished its license.

2. In considering an application for approval of a DUI program, the department shall determine whether improvements in service may be derived from the operation of the DUI program and

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the number of clients currently served in the circuit. The department shall apply the following criteria:

- a. The increased frequency of classes and availability of locations of services offered by the applicant DUI program.
 - b. Services and fees offered by the applicant DUI program and any existing DUI program.
 - c. The number of DUI clients currently served and historical trends in the number of clients served in the circuit.
 - d. The availability, accessibility, and service history of any existing DUI program services.
 - e. The applicant DUI program's service history.
 - f. The availability of resources, including personnel, demonstrated management capability, and capital and operating expenditures of the applicant DUI program.
 - g. Improved services to minority and special needs clients and those residing in economically disadvantaged areas.
3. Authority for competing applicants and currently licensed DUI programs serving the same geographic area to request an administrative hearing under chapter 120 to contest the department's determination of need for an additional licensed DUI program in that area.
4. A requirement that the department revoke the license of any DUI program that does not provide the services specified in its application within 45 days after licensure and notify the chief judge of that circuit of such revocation.
5. A requirement that all applicants for initial licensure as a DUI program in a particular circuit on and after the effective date of this act must, at a minimum, satisfy each of

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the following criteria:

- a. Maintain a primary business office in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. The primary business office must be adequately staffed and equipped to provide all DUI program support services, including registration and a file for each person who registers for the program.
- b. Have a satellite office for registration of DUI offenders in each county in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. A satellite office is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 200.
- c. Have a classroom in each county in the circuit which is located in a permanent structure that is readily accessible by public transportation, if public transportation is available. A classroom is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 100. A classroom may not be located within 250 feet of any business that sells alcoholic beverages. However, a classroom ~~may shall~~ not be required to be relocated when a business selling alcoholic beverages locates to within 250 feet of the classroom.
- d. Have a plan for conducting all DUI education courses, evaluation services, and other services required by the department. The level I DUI education course must be taught in four segments, with no more than 6 hours of classroom

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instruction provided to any offender each day.

e. Employ at least 1 full-time certified addiction professional for the program at all times.

f. Document support from community agencies involved in DUI education and substance abuse treatment in the circuit.

g. Have a volunteer board of directors and advisory committee made up of citizens who reside in the circuit in which licensure is sought.

h. Submit documentation of compliance with all applicable federal, state, and local laws, including, but not limited to, the Americans with Disabilities Act.

Section 30. Subsection (3) of section 322.64, Florida Statutes, is amended to read:

322.64 Holder of commercial driver license; persons operating a commercial motor vehicle; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department must ~~shall~~ issue a notice of disqualification and, unless the notice is provided ~~mailed~~ pursuant to s. 322.251, a temporary permit which expires 10 days after the date of issuance if the driver is otherwise eligible.

Section 31. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

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(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance or motor vehicle liability insurance within 14 days after the date of providing ~~the mailing of~~ notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy or motor vehicle liability policy was in effect at the time of the crash or conviction case, the department shall forward to the insurer such information for verification in a method as determined by the department. The insurer shall respond to the department within 20 days after the notice whether or not such information is valid. If the department determines that an automobile liability policy or motor vehicle liability policy was not in effect and did not provide coverage for both the owner and the operator, it must ~~shall~~ take action as it is authorized to do under this chapter.

Section 32. Paragraph (c) of subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion and upon application of such a person, issue said certificate of self-insurance when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(c) The owner of a commercial motor vehicle, as defined in ~~s. 207.002 or~~ s. 320.01, or a qualified motor vehicle, as defined in s. 207.002, may qualify as a self-insurer subject to the standards provided for in subparagraph (b)2.

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Section 33. Subsection (3) of section 328.30, Florida Statutes, is amended to read:

328.30 Transactions by electronic or telephonic means.—

(3) The department may collect ~~e-mail~~ electronic mail addresses and use ~~e-mail~~ electronic mail in lieu of the United States Postal Service as a method of notification for the purpose of providing renewal notices.

Section 34. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial or qualified motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in ~~s. 207.002 or~~ s. 320.01, and qualified motor vehicles, as defined in s. 207.002, operated upon the roads and highways of this state must ~~shall~~ be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Fifty thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles and qualified motor vehicles subject to regulations of the United States Department

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of Transportation, 49 C.F.R. part 387, subparts A and B, and as may be hereinafter amended, must ~~shall~~ be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 35. Paragraph (b) of subsection (4) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(4)

(b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to s. 207.004. Any officer of the Florida Highway Patrol or agent of the Department of Transportation may issue a temporary fuel use permit and collect the appropriate fee as provided for in s. 207.004(5) ~~or 207.004(4)~~. Notwithstanding the provisions of subsection (6), all permit fees collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

Section 36. Paragraph (b) of subsection (1) of section 319.35, Florida Statutes, is amended to read:

319.35 Unlawful acts in connection with motor vehicle odometer readings; penalties.—

(1)

(b) It is unlawful for any person to knowingly provide

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1161 false information on the odometer readings required pursuant to
1162 ss. 319.23(3) and 320.02(2)(d) ~~ss. 319.23(3) and 320.02(2)(b)~~.
1163 Section 37. 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 Committee on Appropriations

BILL: SB 1292

INTRODUCER: Senator Collins

SUBJECT: Public Records/E-mail Addresses/DHSMV

DATE: April 16, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Shutes | Vickers | TR | Favorable |
| 2. | Khan | Khan | FT | Favorable |
| 3. | Khan | Sadberry | AP | Pre-meeting |

I. Summary:

SB 1292 expands the exemption from public records for email addresses collected by the Department of Highway Safety and Motor Vehicles (DHSMV) for certain renewal notices to include email addresses to be used as a method of general notification to customers. The bill also creates a public record exemption for email addresses collected by the DHSMV and used for purposes of renewal notices for vessel titles and liens.

A public necessity statement is included in the bill as required by the Florida Constitution.

The bill is subject to the Open Government Sunset Review Act and the new exemptions will be repealed on October 2, 2030, unless reviewed and reenacted by the Legislature.

Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill takes effect on the same date that SB 1290 or similar legislation takes effect (July 1, 2025), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each chamber of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate* (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives* (2020-2022)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Existing Public Record Exemptions for DHSMV-Related Email Addresses

Section 119.0712(2)(c), F.S., provides that email addresses collected by DHSMV pursuant to specified provisions of law are exempt from public disclosure. Specifically, the following types of transactions are exempt:

- Motor vehicle title notifications.²⁷
- Motor vehicle registration renewals.²⁸
- Driver license renewal notices.²⁹

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 319.40(3), F.S.

²⁸ Section 320.95(2), F.S.

²⁹ Section 322.08(10), F.S.

SB 1290 – Department of Highways Safety and Motor Vehicles

SB 1290 expands the circumstances in which email may be used in lieu of the United States Postal Service by authorizing email to be used as method of notification for various notices and orders issued by DHSMV, including but not limited to, notices and orders related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance and vessel titles.

III. Effect of Proposed Changes:

The bill amends s. 119.0712, F.S., to expand the exemption from public records for email addresses collected by DHSMV for providing renewal notices to include email addresses to be used as a method of general notification, and not just renewal notices. The bill also creates a public records exemption for email addresses collected by DHSMV and used for the purpose of providing renewal notices for vessel titles.

The bill is subject to the Open Government Sunset Review Act and the exemptions will be repealed on October 2, 2030, unless reviewed and reenacted by the Legislature. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill contains a public necessity statement as required by the Florida Constitution. It provides that the Legislature finds that:

- It is a public necessity that e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for the use of e-mail in lieu of the United States Postal Service as a method of notification be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Sections 320.95(2) and 322.08(10), Florida Statutes, authorize the department to collect e-mail addresses and use e-mail in lieu of the United States Postal Service to provide renewal notices related to motor vehicle license plates, driver licenses, and identification cards. The department is also authorized to collect e-mail addresses and use e-mail to provide renewal notices related to vessel registrations pursuant to s. 328.30(3), Florida Statutes.
- SB 1290 expands the circumstances in which e-mail may be used in lieu of the United States Postal Service by authorizing e-mail to be used as a method of general notification for various notices and orders issued by the department in addition to renewal notices, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, vessel registrations, and orders to revoke, cancel, or suspend driver licenses.
- The department's use of e-mail as a method for corresponding with customers has steadily increased in recent decades. E-mail addresses are unique to each individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams, unwanted solicitations, or other invasive contacts. The public availability of personal e-mail addresses puts the department's customers at increased risk of these problems. Such risks may be significantly limited by permitting the department to keep customer e-mail addresses exempt. The Legislature finds that these risks to consumers outweigh the state's public policy favoring open government.

The bill is effective on the same date that SB 1290 or similar legislation takes effect (July 1, 2025), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities. Therefore, the bill may not be subject to Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands the exemption from public records for email addresses collected by DHSMV for providing renewal notices to include email addresses to be used as a method of general notification. The bill also creates a public records exemption for email addresses collected by DHSMV and used for the purpose of providing renewal notices for vessel titles. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

The purpose of the law is to protect email addresses held by the DHSMV for purposes of providing various general notifications, notices, orders and instructions to customers. This bill exempts only that specific information. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee nor repeal a state tax credit or exemption. Therefore, this bill may not be a subject to Article VII, s. 19 of the Florida Constitution.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0712 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 Collins

14-00458-25

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; expanding an exemption from public
 4 records requirements for e-mail addresses collected by
 5 the Department of Highway Safety and Motor Vehicles
 6 for providing renewal notices to include e-mail
 7 addresses collected for use as a method of
 8 notification generally and not only for the purpose of
 9 providing renewal notices; expanding the exemption to
 10 include e-mail addresses collected for use as a method
 11 of notification related to vessel registrations;
 12 providing retroactive applicability; providing for
 13 future legislative review and repeal of the exemption;
 14 providing a statement of public necessity; providing a
 15 contingent effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Paragraph (c) of subsection (2) of section
 20 119.0712, Florida Statutes, is amended to read:
 21 119.0712 Executive branch agency-specific exemptions from
 22 inspection or copying of public records.—
 23 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—
 24 (c) E-mail addresses collected by the Department of Highway
 25 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
 26 320.95(2), ~~s. 322.08(10)~~, or s. 328.30 are exempt from s.
 27 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 28 exemption applies retroactively. This paragraph is subject to
 29 the Open Government Sunset Review Act in accordance with s.

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30 119.15 and shall stand repealed on October 2, 2030, unless
 31 reviewed and saved from repeal through reenactment by the
 32 Legislature.
 33 Section 2. The Legislature finds that it is a public
 34 necessity that e-mail addresses collected by the Department of
 35 Highway Safety and Motor Vehicles for the use of e-mail in lieu
 36 of the United States Postal Service as a method of notification
 37 be made exempt from s. 119.07(1), Florida Statutes, and s.
 38 24(a), Article I of the State Constitution. Sections 320.95(2)
 39 and 322.08(10), Florida Statutes, authorize the department to
 40 collect e-mail addresses and use e-mail in lieu of the United
 41 States Postal Service to provide renewal notices related to
 42 motor vehicle license plates, driver licenses, and
 43 identification cards. The department is also authorized to
 44 collect e-mail addresses and use e-mail to provide renewal
 45 notices related to vessel registrations pursuant to s.
 46 328.30(3), Florida Statutes. SB 1290 expands the circumstances
 47 in which e-mail may be used in lieu of the United States Postal
 48 Service by authorizing e-mail to be used as a method of
 49 notification for various notices and orders issued by the
 50 department in addition to renewal notices, including, but not
 51 limited to, notices related to driver licenses, identification
 52 cards, motor vehicle registrations, vessel registrations, and
 53 orders to revoke, cancel, or suspend driver licenses. The
 54 department's use of e-mail as a method for corresponding with
 55 customers has steadily increased in recent decades. E-mail
 56 addresses are unique to each individual and, when combined with
 57 other personal identifying information, can be used for identity
 58 theft, consumer scams, unwanted solicitations, or other invasive

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59 contacts. The public availability of personal e-mail addresses
60 puts the department's customers at increased risk of these
61 problems. Such risks may be significantly limited by permitting
62 the department to keep customer e-mail addresses exempt. The
63 Legislature finds that these risks to consumers outweigh the
64 state's public policy favoring open government.

65 Section 3. This act shall take effect on the same date that
66 SB 1290 or similar legislation takes effect, if such legislation
67 is adopted in the same legislative session or an extension
68 thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff Committee on Appropriations

BILL: CS/CS/SB 1662

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development,
Transportation Committee and Senator Collins

SUBJECT: Transportation

DATE: April 16, 2025

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|-----------------|------------|--------------------|
| 1. | <u>Johnson</u> | <u>Vickers</u> | <u>TR</u> | <u>Fav/CS</u> |
| 2. | <u>Griffin</u> | <u>Nortelus</u> | <u>ATD</u> | <u>Fav/CS</u> |
| 3. | <u>Griffin</u> | <u>Sadberry</u> | <u>AP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1662 addresses various provisions relating to transportation. Specifically, the bill:

- Provides position titles for the assistant secretaries of the Florida Department of Transportation (FDOT) and authorizes the Secretary of Transportation to appoint an Executive Director of Transportation Technology.
- Revises provisions regarding the qualifications of Florida Transportation Commission (FTC) members.
- Requires the FTC to monitor any transit entity receiving public transit block grant funding.
- Creates the Florida Transportation Research Institute.
- Authorizes certain space-related and commercial shipbuilding projects to receive Florida Seaport Transportation and Economic Development funding.
- Requires seaports to submit semiannual reports to the FDOT regarding their operations.
- Prohibits state funding to seaports near spaceport territory unless such seaports agree to specified land use requirements.
- Authorizes the FDOT to issue blanket permits allowing the movement of certain large cranes, including movement at night.
- Repeals provisions regarding high-occupancy vehicle lanes, including a related toll exemption.
- Authorizes the withholding of state transportation funds to local jurisdictions for traffic signals not in compliance with the FDOT's uniform system for traffic control devices.

- Requires the FDOT to inspect and certify private airports of public interest.
- Authorizes the FDOT to fund certain infrastructure projects associated with spaceports.
- Requires airports to provide the FDOT with the opportunity to use certain airport property as a staging area during declared states of emergency.
- Requires commercial service airports to establish comprehensive airport infrastructure programs with annual certifications to the FDOT regarding these programs.
- Authorizes the FDOT to fund additional aviation-related workforce development projects.
- Makes nonhub airports subject to commercial service airport transparency and accountability requirements and amends such requirements for all commercial service airports.
- Requires commercial service airports to notify the FDOT after receiving certain communications or directives from the federal government and following specified incidents of concern.
- Codifies advanced air mobility into Florida law.
- Revises the FDOT's authorization regarding public information and education campaigns.
- Authorizes the FDOT to adopt rules to comply with federal disadvantaged business enterprise rules.
- Authorizes parking authorities, pursuant to an interlocal agreement, to operate in jurisdictions contiguous with their chartered jurisdiction.
- Creates the Florida Transportation Academy, within the FDOT, to coordinate with certain entities regarding workforce development.
- Authorizes the FDOT to require the modification of an existing connection to a state road due to safety or operational concerns.
- Increases the size of a "small business" as it relates to the FDOT's business development program.
- Repeals the FDOT's disadvantaged business enterprise program.
- Authorizes the FDOT to require a surety bond in an amount less than the awarded contract price.
- Prohibits camping on right-of-way of the State Highway System, except on the Florida National Scenic Trail with the appropriate permit.
- Prohibits the FDOT from providing funds to transportation-related entities for projects or programs that are inconsistent with the energy policy of the state.
- Repeals an obsolete report requirement related to electric vehicle charging infrastructure.
- Revises and makes permanent the FDOT's Strategic Intermodal System supply chain demands program.
- Revises and makes permanent the allocation of unused New Starts Transit funds to the Strategic Intermodal System.
- Revises the membership of the Jacksonville Transportation Authority's governing body.

The bill has an indeterminate fiscal impact on state and local governments as well as the private sector. **See Section V. Fiscal Impact Statement.**

This bill takes effect July 1, 2025.

II. Present Situation:

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

III. Effect of Proposed Changes:

Florida Department of Transportation (Section 1)

Present Situation

The Florida Department of Transportation (FDOT) is a decentralized agency headed by the Secretary of Transportation.¹ The secretary may appoint up to three assistant secretaries who report to the secretary and perform such duties as the secretary assigns.² The FDOT employs the following assistant secretaries: Engineering and Operations, Finance and Administration, and Strategic Development.³

According to the FDOT, Transportation Technology prioritizes technology projects to ensure enterprise coordination and management of technology and technology resources to deliver the FDOT's core mission. Transportation Technology resources bolster safety and connectivity on Florida roadways by aligning technology and data; automating services; creating enterprise data and technology standards; and enhancing cybersecurity, mitigating risks resulting from emerging technologies.⁴

Effect of Proposed Changes

The bill authorizes the Secretary of Transportation to appoint three assistant secretaries: a Chief Operations Officer, a Chief Finance and Administration Officer, and a Chief Strategic Development Officer. The Secretary of Transportation may also appoint an Executive Director of Transportation Technology. These positions are included in Senior Management Service and are exempt from the Career Service System.⁵

Florida Transportation Commission (Section 1)

Present Situation

The Florida Transportation Commission (FTC) is a nine-member citizen's oversight board for the FDOT and expressway and regional transportation authorities. While the FTC is assigned to the FDOT for administrative and fiscal accountability purposes, it is independent of the FDOT. Each FTC member, who must have private sector business managerial experience, is appointed by the Governor, subject to Senate confirmation.⁶

¹ Section 20.23, F.S.

² Section 20.23(1)(d), F.S.

³ Florida Department of Transportation (FDOT) Organizational Chart, February 2025. Available at: <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/humanresources/documents/fdotorganizationchart.pdf> (last visited March 3, 2025).

⁴ FDOT, Office of Transportation Technology, <https://www.fdot.gov/technology/default.shtm> (last visited March 3, 2025).

⁵ This is pursuant to s. 110.205(2)(j), F.S.

⁶ Florida Transportation Commission (FTC), *Summary of Organization and Responsibilities*, <http://www.ftc.state.fl.us/aboutus.shtm> (last visited March 5, 2025). The FTC is codified in s. 20.23(2), F.S.

FTC commissioners are prohibited from, while serving on the FTC and for two years after leaving the FTC, having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by the FDOT.⁷

Among its statutorily required duties, the FTC must monitor the efficiency, productivity, and management of legislatively-created expressway and transit authorities, including, the Greater Miami-Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, the Jacksonville Transportation Authority, the Mid-Bay Bridge Authority, the South Florida Regional Transportation Authority, and the Central Florida Regional Transportation Authority. The FTC must also periodically review each of these entities' operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.⁸

For purposes of the Standards of Conduct for Public Officers, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.⁹ These standards of conduct include provisions relating to the solicitation or acceptance of gifts, doing business with one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, the disclosure or use of certain information, and postemployment restrictions.¹⁰

The FDOT administers a public transit block grant program, which provides grant funds to public transit providers¹¹ in urbanized areas. These public transit block grants may be used for capital projects, service development and transit corridor projects, and operations.¹²

Effect of Proposed Changes

The bill repeals the statutory requirement that each FTC member possess private-sector business experience. In its place, the bill requires at least three FTC members to be representatives of or possess expertise in the higher education, transportation, or workforce development industries.

The bill removes the prohibition of FTC commissioners, while serving on the FTC and for two years afterwards, from having any direct or indirect interest in any contract, franchise, privilege, or other benefit granted or awarded by the FDOT. In its place, the bill requires the FTC commissioners to follow the standards of conduct for public officers or employees.

The bill requires the FTC to monitor the efficiency, productivity, and management of any transit entity that receives public transit block grant funding.

⁷ Section 20.23(2)(g), F.S.

⁸ Section 20.23(2)(b)8., F.S. These are the agencies and authorities created in chs. 343, 348, and 349, F.S., and ch. 2000-411, Laws of Fla.

⁹ Section 112.313(1), F.S.

¹⁰ Section 112.313, F.S.

¹¹ Section 341.031(1), F.S., defines the term “public transit provider” to mean a public agency providing public transit service, including rail authorities created in ch. 343, F.S.

¹² Section 341.052(2), F.S.

Florida Transportation Research Institute (Section 1)

Present Situation

Florida's colleges and universities conduct various transportation-related research projects. Statutorily-created transportation research entities at Florida's public universities include the Center for Urban Transportation Research (CUTR)¹³ at the University of South Florida and the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab¹⁴ at the University of Florida.

Effect of Proposed Changes

The bill provides legislative findings that:

- The transportation industry is critical to Florida's economic future and the competitiveness of Florida's transportation industry depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation.
- Florida's transportation industry has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications.
- The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools to address alternative funding mechanisms.

The bill provides the Legislature's intent to support programs designed to address the workforce development needs of Florida's transportation industry.

The bill creates the Florida Transportation Research Institute (FTRI) as a consortium of higher education professionals. The FTRI's purpose is to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions to support workforce development efforts that contribute to Florida's transportation industry.

The bill provides that it is the FTRI's mission to advance Florida's transportation infrastructure and systems through research, education and engagement for a safer, more efficient, resilient, and innovative movement of people and goods throughout the state.

The FTRI reports to the FDOT and is composed of members from the University of Florida, Indian River State College, the University of Central Florida, the University of South Florida, and Florida International University. The FDOT must select a member to serve as the institute's administrative lead. The FDOT must periodically assess the administrative lead's performance to ensure accountability and assess the attainment of performance goals.

The Secretary of Transportation must appoint a representative from the FDOT to serve as the FTRI's executive director. The FDOT must coordinate with the FTRI's members to adopt policies establishing its executive committee and mission statement.

¹³ The Center for Urban Transportation Research is codified in s. 334.065, F.S.

¹⁴ Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab is codified in s. 334.066, F.S.

The FTRI may award grants that align with its purpose. Such grants may be directed to member and nonmember institutions with proven expertise relevant to the grant, including not-for-profit organization and institutes of higher education. The FDOT may allocate funds to the FTRI from the State Transportation Trust Fund (STTF). The FTRI may expend such funds for its operations and programs to support research and innovation projects that provide solutions to Florida's transportation needs.

The FTRI must submit an annual report to the Secretary of Transportation and the FTC on its performance metrics. The report must include, but is not limited to, the expenditure of its allocated funds, ongoing and proposed research efforts, and the application and success of past research efforts.

FDOT's Areas of Program Responsibility (Section 1)

Present Situation

The FDOT's areas of program responsibility are administration, planning, modal development, design, highway operations, right-of-way, transportation technology, information technology, motor carrier weight inspection, work program and budget, comptroller, statewide corridors, maintenance, forecasting and performance, emergency management, safety materials, infrastructure and innovation, permitting, and traffic operations.¹⁵

Effect of Proposed Changes

The bill adds "operational technology" to the FDOT's areas of program responsibility. The bill also changes "modal development" to "supply chain and modal development" and "information systems" to "information technology."

Seaport Transportation and Economic Development (Sections 2 and 3)

Present Situation

Florida's seaports include Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.¹⁶

The FDOT's Florida Seaport Transportation and Economic Development (FSTED) Council consists of the director, or the director's designee of each seaport, the Secretary of Transportation or his or her designee; and the Secretary of the Commerce or his or her designee.¹⁷

The FSTED Council annually prepares its five-year Florida Seaport Mission Plan, providing its goals and objectives regarding the development of port facilities and an intermodal transportation system. The plan must include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective

¹⁵ Section 20.23(3)(b), F.S.

¹⁶ Section 311.09(1), F.S.

¹⁷ Section 311.09(1), F.S.

development of transportation facilities or port facilities for the purpose of enhancing trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits.^{18, 19}

The FDOT's FSTED Program finances port transportation or seaport facilities projects to improve the movement and intermodal transportation of cargo or passengers and support the interests, purposes, and requirements of the ports.²⁰ The FDOT must annually provide a minimum of \$25 million from the STTF to fund this program.²¹

Projects eligible for the FSTED Program funding include:

- Transportation facilities within the port.
- The dredging or deepening of channels, turning basins, or harbors.
- The construction or rehabilitation of certain port facilities.
- The acquisition of equipment used in the movement of cargo or passengers.
- The acquisition of land for port purposes.
- The acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects meeting specified requirements.
- Transportation facilities not otherwise included in the FDOT's work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities in small ports under certain conditions.
- Seaport master plan or strategic plan development or updates.²²

Effect of Proposed Changes

The bill provides that the purpose of the FSTED Council is to support the growth of Florida's seaports through review, development, and financing of port transportation and port facilities.

The bill makes the following additional project types eligible for the FSTED Program funding:

- Spaceport or space industry-related planning or construction of facilities on seaport property which are necessary or useful for advancing Florida's space industry and provide an economic benefit to this state.
- Commercial shipbuilding and manufacturing facilities on seaport property, if such projects provide an economic benefit to the community where the seaport is located.

The bill requires that the Florida Seaport Mission Plan include specific recommendations regarding the construction of transportation facilities connecting any port to the space or aerospace industries.

The bill requires each port member of the FSTED Council to submit a semiannual report to the FDOT related to his or her port's operations and support of Florida's economic competitiveness and supply chain. Each report must include any information required by the FDOT in

¹⁸ Section 311.09(3), F.S.

¹⁹ Section 311.09(3), F.S. A copy of the 2023-2024 Seaport Mission Plan is available at: <https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf> (last visited March 7, 2025).

²⁰ Section 311.07(1), F.S.

²¹ Section 311.07(2), F.S.

²² Section 311.07(3)(b), F.S.

consultation with the Department of Commerce. Reports must include, but are not limited to, the following:

- Bulk break capacity;
- Liquid storage and capacity;
- Fuel storage and capacity;
- Container capacity; and
- A description of any supply chain disruption.

Seaport Funding (Section 4)

Present Situation

In addition to the FSTED Program, ch. 311, F.S., relating to seaports, authorizes the following seaport-related funding programs:

- The Strategic Port Investment Initiative to fund port-related strategic investments.²³
- The Seaport Employment Training Grant Program to provide grants to stimulate and support seaport training and employment programs.²⁴
- The Seaport Security Grant Program to assist seaports in implementing security plans and security measures.²⁵

Section 215.31, F.S., describes the term “state funds” as revenue, including licenses, fees, imposts, or exactions collected or received under Florida law by each and every state official, office, employee, bureau, division, board, commission, institution, agency, or undertaking of the state or the judicial branch.

In Brevard County, spaceport territory includes: Patrick Space Force Base, Cape Canaveral Space Force Station, John F. Kennedy Space Center, Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.²⁶

In Bay County, spaceport territory includes Tyndall Air Force Base.²⁷

Effect of Proposed Changes

The bill provides that as a condition of receiving a project grant under any seaport program and as a condition of receiving state funds, a seaport located in a county identified in the description of spaceport territory, must include in any agreement with the FDOT that the seaport may not convert any planned or existing land, facility, or infrastructure designated for cargo purposes to any alternative purposes unless the conversion is approved by the seaport at a publicly noticed meeting as a separate line item on the agenda and with a reasonable opportunity for public comment. If the seaport approves the conversion, express approval must be obtained by the FSTED Council and the FTC upon recommendation by the funding agency.

²³ Section 311.10, F.S.

²⁴ Section 311.11, F.S.

²⁵ Section 311.12(6), F.S.

²⁶ Section 331.304(1) and (5), F.S.

²⁷ Section 331.304(7), F.S.

The bill defines the term “cargo purposes” to include, but is not limited to, a facility, activity, property, energy source, or infrastructure asset that support spaceport activities.

Special Mobile Equipment (Sections 5 and 8)

Present Situation

Special Mobile Equipment

Florida law defines the term “special mobile equipment” to mean any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway.²⁸

Special mobile equipment includes, but is not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment.²⁹

Special Permits for Oversize or Overweight Vehicles

Florida law prohibits oversize or overweight vehicles or loads from entering onto or operating on a public road unless the vehicle’s owner or operator has first obtained a special permit for such movement from the appropriate governing jurisdiction.³⁰

Florida’s statutory limits for the width, height, length, and weight of vehicle, including the load, on its roadways are:

- Width - 102 inches; however, the use of certain roads may be restricted due to safety concerns.³¹
- Height - 13 feet six inches.³²
- Length – 40 feet for a straight truck, 48 feet for a semi-trailer, and 28 feet for tandem trailer trucks.³³
- Weight – 80,000, including enforcement tolerances.³⁴

The FDOT or a local authority may, with respect to highways under their respective jurisdictions, issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of an excess size or weight upon any highway under its jurisdiction.³⁵ The permit must describe the vehicle or vehicles and load to be operated or moved and the highways for which the permit is requested. The FDOT or local authority may at its discretion,

²⁸ Section 316.003(83), F.S.

²⁹ *Id.*

³⁰ Section 316.550(1), F.S.

³¹ Section 316.515(1), F.S.

³² Section 316.515(2), F.S.

³³ Section 316.515(3), F.S.

³⁴ Section 316.515, F.S., maximum weight limits are set by formula, but the vehicle’s overall gross vehicle weight may not exceed 80,000 points, including enforcement tolerances.

³⁵ Section 316.550(2), F.S.

issue or withhold a permit. If a permit is issued, FDOT or local authority, may limit or prescribe the conditions of operation of such vehicle or vehicles.³⁶

Such a permit may authorize a self-propelled truck crane operating off the Interstate Highway System to tow a motor vehicle which does not weigh more than 5,000 pounds, if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds.³⁷

FDOT Permit Rules – Overweight and Overdimensional Vehicles

Pursuant to its overweight and overdimensional permit rules,³⁸ FDOT, when evaluating permit requests and prescribing permit conditions, must consider items including whether the load can be reasonably dismantled or disassembled, traffic flow and safety issues, and any assistance that may be needed.³⁹

For nighttime movement, when FDOT's criteria for issuing a permit are met, FDOT must issue a permit provided that:

- Nighttime travel is recommended by the appropriate FDOT District Traffic Engineering Offices or determined to be a permit requirement. Law enforcement escorts are used.
- Warning lights delineate the load's shape and size.
- The sides and rear of trailers and loads are as prescribed in state law and federal regulations.⁴⁰

For self-propelled equipment,⁴¹ including cranes, the FDOT requires a trip or multi-trip permit to be issued when specified criteria is met. For all self-propelled equipment, the boom must be fully retracted. For nighttime movement, front overhang must have a minimum of 80 inches clearance above the roadway. In addition, the following restrictions apply:

- Total length up to 80 feet.
 - Front overhang over six feet up to nine feet. Movement is permitted on all days, all hours. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
 - Front overhang over nine feet. Movement is permitted on all days, during daytime hours only. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.
- Total Length over 80 feet. Movement is permitted daytime hours only, excluding holidays. Flags and warning signs are required. A warning light is required to be mounted at the extreme end of the protrusion in such a way as to be seen by all approaching traffic.⁴²

³⁶ *Id.*

³⁷ Section 316.550(3), F.S.

³⁸ Rule 14-26, F.A.C.

³⁹ Rule 14-26.00425, F.A.C.

⁴⁰ Rule 14-26.012(5)(f), F.A.C.

⁴¹ Rule 14-26.0041(27), F.A.C., defines the term "self-propelled equipment" to mean a single rigid frame unit propelled with its own power source which does not transport a divisible load, and includes equipment such as earth handling equipment, cranes (which may include a dolly attachment), derricks and fire trucks.

⁴² Rule 14-26.012(9)(c), F.A.C.

Effect of Proposed Changes

The bill amends the statutory definition of “special mobile equipment” changing the term “self-propelled cranes” to “mobile cranes and accessory support vehicles.” The bill also removes “cranes or shovels” from the list of items that the term “special mobile equipment” does not include.

The bill authorizes the FDOT to issue a mobile crane special blanket permit for any of the following purposes:

- To authorize a mobile crane to operate on and off the Interstate Highway System while towing a motor vehicle that does not weigh more than 5,000 pounds of the combined weight of the motor vehicle does not exceed 95,000 pounds;
- To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet six inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew; or
- To authorize a mobile crane and accessory support vehicle which, due to their design for special use, exceed the statutory weight limits⁴³ to operate on and off the Interstate Highway System.

High-Occupancy Vehicle (HOV) Lanes (Section 6 and 42)

Present Situation

Florida law defines the term “high-occupancy-vehicle lane” or “HOV lane” to mean a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.⁴⁴

Florida law authorizes hybrid and low-emission vehicles that federal minimum fuel economy standards to drive in the HOV lane at any time.⁴⁵

The Department of Highway Safety and Motor Vehicles (DHSMV) issues annual decals and registration certificates, reflecting the HOV lane designation, on vehicles authorized to drive in an HOV lane at any time. The DHSMV may charge up to \$5 per decal but may not exceed its costs. This fee is deposited in the Highway Safety Operating Trust Fund.⁴⁶ According to the DHSMV, as of March 7, 2025, there were 25,428 active HOV decals.⁴⁷

Florida law provides a toll exemption for the use of HOV toll lanes or express lanes by vehicles issued HOV decals and are registered to use HOV toll lanes or express lanes and issued HOV decals.⁴⁸ The FDOT rules provide such a toll exemption for the I-95 Express lanes in Miami-Dade, Broward, and Palm Beach counties.⁴⁹

⁴³ These weight limits are established in s. 316.535, F.S.

⁴⁴ Section 316.0741(1)(a), F.S.

⁴⁵ Section 316.0741(4), F.S. The federal minimum fuel economy standards are in 23 U.S.C. s. 166(f)(3)(B),

⁴⁶ Section 316.0741(5), F.S.

⁴⁷ Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, Re: SB 1662 HOV Lanes, March 11, 2025. (On file with Senate Committee on Transportation).

⁴⁸ Section 316.714(6), F.S.

⁴⁹ Rule 14-100.004, F.A.C.

Unlawfully driving in an HOV lane is punishable as a moving violation;⁵⁰ however, points are not assessed against a driver license for this violation.⁵¹

Effect of Proposed Changes

The bill repeal s. 316.0741, F.S., repealing HOV lanes. This includes the DHSMV's authority to issue HOV decals and authorization for FDOT to provide toll exemption for HOV toll lanes or express lanes for specified vehicles.

The bill removes a reference to HOV lanes in s. 322.27(3)(d), F.S., that provides that no points are assessed on a driver license for an HOV lane violation.

Uniform Signals and Devices (Section 7)

Present Situation

The FDOT is required to adopt a uniform system of traffic control devices that must be used on Florida's streets and highways.⁵² All official traffic control signals or official traffic control devices purchased and installed by any public body or official must conform to the FDOT's specifications.⁵³ However, upon a showing of good cause, the FDOT is authorized to permit traffic control devices not in conformity with its uniform system.⁵⁴

The FDOT may, upon receiving and investigating a report of noncompliance and after a hearing, direct the removal of any traffic control device not meeting the uniform system. The public agency with authority over the traffic control device must immediately bring the device into compliance or remove the device. An additional violation of this provision is cause for withholding state funds for traffic control purposes until the public body or official demonstrates to the FDOT that it is in compliance.⁵⁵

Effect of Proposed Changes

The bill authorizes the withholding of state funds deposited into the State Transportation Trust Fund for additional violations associated with uniform system for signals and devices. This withholding of funds is until the public body or official demonstrates to the FDOT that it is in compliance with the uniform system.

Florida Airport Licensing Law (Sections 9 and 10)

Present Situation

The Florida Airport Licensing Law,⁵⁶ includes definitions for following terms:

⁵⁰ Section 316.0741(3), F.S.

⁵¹ Section 322.27(3)(d)8., F.S.

⁵² Section 316.0745(1), F.S. Rule 14-15.010, F.A.C., incorporates, by reference, the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* into the Florida Administrative Code.

⁵³ Section 316.0745(3), F.S.

⁵⁴ Section 316.0745(8), F.S.

⁵⁵ Section 316.0745(7), F.S.

⁵⁶ Sections 330.27-330.39, F.S.

- Aircraft - a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.⁵⁷
- Airport - an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use.⁵⁸
- Ultralight aircraft - any aircraft meeting the criteria established by part 103 of Federal Aviation Administration (FAA) regulations.⁵⁹

Under Florida law, a proposed airport's owner or lessee must obtain site approval from the FDOT. The FDOT must grant site approval if it is satisfied that specific conditions are met related to safety, local land development or zoning regulations, and notification of affected entities.⁶⁰ The FDOT may grant site approval for a public airport⁶¹ only after its favorable inspection of the proposed site.⁶² For a private airport,⁶³ the FDOT grants site approval after it receives documentation that the airport has satisfied the conditions required for site approval.⁶⁴ The FDOT may subject its site approval to reasonable conditions necessary to protect public health, safety, or welfare.⁶⁵

Under Florida law, before operating aircraft to or from the airport, the airport's owner or lessee must receive, from the FDOT, a public airport license or a private airport registration.⁶⁶ For a public airport, upon granting site approval, the FDOT must issue the airport's license after its final inspection finds that the airport complies with all license requirements. A public-airport license may be subject to reasonable conditions necessary to protect public health, safety, or welfare.⁶⁷ For a private airport, upon the FDOT granting site approval, it must provide the applicant with access to the state aviation facility data system to permit the applicant to complete the registration process. Registration is completed upon the registrant's self-certification of the FDOT-required data.⁶⁸

Florida law does not currently address private airports of public interest.

Effect of Proposed Changes

The bill amends various provisions of the Florida Airport Licensing Law. It amends various the definitions, including:

⁵⁷ Section 330.27(1), F.S.

⁵⁸ Section 330.27(2), F.S.

⁵⁹ Section 330.27(8), F.S. 14 C.F.R., part 103 relates to ultralight vehicles.

⁶⁰ Section 330.30(1)(a), F.S.

⁶¹ Section 330.27(6), F.S., defines the term "public airport" means an airport, publicly or privately owned, which is open for use by the public.

⁶² Section 334.30(1)(b), F.S.

⁶³ Section 330.27(5), F.S., defines the term "private airport" to mean an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

⁶⁴ Section 334.30(1)(c), F.S.

⁶⁵ Section 330.30(1)(f), F.S.

⁶⁶ Section 330.30(2)(a), F.S.

⁶⁷ Section 330.30(2)(a)1., F.S.

⁶⁸ Section 330.30(2)(a)2., F.S.

- “Aircraft” to provide that the term includes, but is not limited to, an airplane, an autogiro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust.
- “Airport” to provide a specific area of land or water or a structure used for aircraft operations. The term includes, but is not limited to, airparks, airports, gliderports, heliports, helistops, seaplane bases, ultralight flight parks, vertiports, and vertistops.

The bill defines the term “private airport of public interest” to mean a private airport engaged in air ambulance operations, commercial air tour operations, on-demand operations, public charter operations, scheduled operations, or supplemental operations.

The bill defines the following terms referred to in the definition of private airport of public interest:

- Air ambulance operations – a flight with a patient or medical personnel on board for the purpose of medical transportation.
- Commercial air tour operation – a flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.
- Commuter operation – any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.
- On-demand operation – any scheduled passenger carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.
- Public charter operation – a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.
- Scheduled operation – any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificate holder or its representative offers in advance the departure location, departure time, and arrival location.
- Supplemental operation – any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer’s representative.

The bill repeals the definition of the “ultralight aircraft” since that term is described in FAA regulations.

The bill requires a private airport of public interest, before allowing aircraft operations, to obtain a certificate from the FDOT. The FDOT must issue a certificate after a final inspection finds the airport complies with all certificate requirements. The certificate is subject to any reasonable conditions the FDOT deems necessary to protect the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, must obtain a certificate by July 1, 2030.

The bill authorizes the FDOT, after an initial registration, to issue a certificate to a private airport of public interest if the airport is found, after physical inspection, to comply with all certificate

requirements. The certificate is subject to any reasonable condition that the FDOT deems necessary to protect the public health, safety, or welfare. A private airport of public interest's certificate expires five years after its effective date.

FDOT Funding of Space-Related Infrastructure Projects (Section 11)

Present Situation

Under Florida law, the following specified properties constitute spaceport territory:

- Certain real property in Brevard County within Patrick Space Force Base, Cape Canaveral Space Force Station, or John F. Kennedy Space Center.
- Certain real property in Santa Rosa, Okaloosa, Gulf, and Walton Counties within Eglin Air Force Base.
- Certain real property in Duval County within the Cecil Airport and Cecil Commerce Center.
- Real property which is a FAA-licensed spaceport, as designated by Space Florida's board of directors.
- Certain real property in Brevard County within Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.
- Certain real property in Miami-Dade County which was formerly included in Homestead Air Force Base and is included within Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead.
- Certain real property in Bay County is within Tyndall Air Force Base.⁶⁹

Florida law defines the term "critical infrastructure facility" to mean a chemical manufacturing facility, a refinery, an electrical power plant, a water treatment facility or wastewater treatment plant, a liquid natural gas terminal, a telecommunications central switching office, a gas processing plant, a seaport, a spaceport territory, or an airport.⁷⁰

Effect of Proposed Changes

The bill authorizes the FDOT to fund infrastructure projects, and projects associated with critical infrastructure facilities within or outside a spaceport territory as long as the project supports aerospace⁷¹ or launch support facilities⁷² within an adjacent spaceport territory. The FDOT must consult with the Department of Commerce and the Department of Environmental Protection in funding these projects. These three agencies must coordinate in funding these projects in order to optimize the use of available funds.

⁶⁹ Section 334.304, F.S.

⁷⁰ Section 692.201(2), F.S. This is if the facility employs measures to exclude unauthorized persons.

⁷¹ Section 331.303(1), F.S., defines the term "aerospace" to mean the technology and industry related to the design, manufacture, maintenance, repair, and operation of aircraft or any other device intended to be used or designed for flight or reentry, including rockets, missiles, spacecraft, satellites, space vehicles, space stations, space and aircraft facilities or components thereof, and related equipment, systems, facilities, simulators, programs, and activities, including, but not limited to, the application of aerospace and aviation technologies in air-based, land-based, space-based, and sea-based platforms for commercial, civil, and defense purposes.

⁷² Section 338.301(11), F.S., defines the term "launch support facilities" to mean facilities that are located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, and flight safety functions, as well as payload operations, control, and processing.

Florida Airport Development and Assistance Act (Sections 12-15)

The Florida Airport Development and Assistance Act⁷³ generally prohibits the FDOT from participating in or exercising control in the management and operation of a sponsor's⁷⁴ airport.⁷⁵

The FDOT has statutory duties and responsibilities related to aviation development and assistance, including duty to develop, promote, and distribute supporting information and educational services.⁷⁶

The FDOT must prepare and continuously update its aviation and airport work program based on local sponsors' proposed aviation projects. The FDOT's airport work program must separately identify development projects⁷⁷ and discretionary capacity improvement projects.^{78, 79}

To be eligible to receive state funds, aviation projects must contribute to implementing the statewide aviation system plan,⁸⁰ be consistent with and will contribute to the implementation of any airport master plan or layout plan, and be consistent with, to the maximum extent feasible, the appropriate approved local government comprehensive plans.⁸¹

Subject to the availability of appropriated funds in addition to aviation fuel tax revenues,⁸² the FDOT may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The FDOT must prioritize its aviation funding to support:

- Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.
- Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.
- Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.
- International terminal projects that increase international gate capacity.⁸³

The FDOT may also fund eligible projects performed by not-for-profit organizations representing a majority of Florida's public airports. Eligible projects include aviation master planning, professional education, safety and security planning, enhancing economic development

⁷³ Sections 332.003-332.007, F.S.

⁷⁴ Section 332.004(15), F.S., defines the term "sponsor" to mean any eligible agency which, either individually or jointly with one or more eligible agencies, submits to FDOT an application for financial assistance for an airport development project in accordance with this act.

⁷⁵ Section 332.005, F.S. There are some exceptions associated with requests from the airport's sponsor.

⁷⁶ Section 332.006(7), F.S.

⁷⁷ Section 332.004(4), F.S., defines the term "airport or aviation development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, etc.

⁷⁸ Section 332.004(5), F.S., defines the term "airport or aviation discretionary capacity improvement projects" or to mean capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which meet certain requirements.

⁷⁹ Section 332.007(2)(a), F.S.

⁸⁰ FDOT is required to develop and periodically update the statewide aviation system plan pursuant to s. 332.006(1), F.S.

⁸¹ Section 332.007(5), F.S.

⁸² Section 332.007(7), F.S. Aviation fuel tax is authorized and collected pursuant to part III of ch. 216, F.S.

⁸³ Section 332.007(7)(a), F.S.

and efficiency at airports, or other planning efforts to improve the viability of Florida's airports.⁸⁴

Under the State Emergency Management Act,⁸⁵ the Governor must declare a state of emergency if an emergency⁸⁶ has occurred or there is an imminent threat of an emergency. A state of emergency may last up to 60 days and may be renewed by the Governor.⁸⁷

Effect of Proposed Changes

The bill changes the short title of the “Florida Airport Development and Assistance Act” to the “Florida Airport Development and Accountability Act.”

The bill requires airports⁸⁸ to, upon the Governor's issuance a state of emergency in preparation for or in response to a natural disaster, at no cost to the state, provide the FDOT with the opportunity to use any airport property that is not within an air navigation facility,⁸⁹ to stage equipment and personnel to support emergency preparedness or operations. The bill provides that after 60 days of use as a staging area, the FDOT's further use of airport property must be pursuant to a written agreement between the airport and the FDOT.

The bill amends the FDOT's duty to develop, promote and distribute supporting information and educational services, to include, but not limit it to, educational services with a focus on retention and growth of the aviation industry workforce.

The bill requires each commercial service airport to establish and maintain an airport infrastructure program to ensure the ongoing preservation of airport infrastructure facilities in safe and serviceable condition.

The bill defines the term “airport infrastructure” to mean the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods.

Beginning November 1, 2025, and annually thereafter, each commercial service airport must certify to the FDOT, in a manner prescribed by the FDOT, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the FDOT and must be

⁸⁴ Section 332.007(8), F.S.

⁸⁵ Chapter 252, F.S.

⁸⁶ Section 252.34(4), F.S., defines the term “emergency” to mean any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

⁸⁷ Section 252.36(2), F.S.

⁸⁸ Section 332.004(1), F.S., defines the term “airport” to mean any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

⁸⁹ Section 332.01(4), F.S., defines the term “air navigation facility” to mean any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities.

maintained by the airport for at least five years. At a minimum: the airport comprehensive airport infrastructure program must include:

- Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to uninterrupted commercial or cargo operations.
- A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.
- A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.
- A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons that any inspection, preventative maintenance, or repair or rehabilitation did not take place.

The bill requires the FDOT-funded aviation projects to be consistent with the energy policy of the state.

The bill requires the FDOT to provide priority aviation funding in support of:

- Terminal and parking expansion projects that increase capacity at airports providing commercial service in counties with a population of 500,000 or less.
- Projects that improve safety and efficiency of airport operations.
- Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

The bill authorizes the FDOT to fund eligible projects performed by not-for-profit organizations and postsecondary institutions⁹⁰ to support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel. The bill also authorizes the FDOT to fund planning efforts to improve safety at airports. The FDOT may also fund programs that support the transition of honorably discharged military personnel to employment in the aviation industry. The FDOT's funds may provide matching funds for eligible projects funded by the Department of Commerce.

The bill authorizes the FDOT's strategic airport investment initiative to fund up to 100 percent the project's costs for capital improvements to strategically position the state to maximize opportunities in tourism.

⁹⁰ Section 1008.47(1), F.S., defines the term "postsecondary education institution" to mean a Florida College System institution, state university, or nonpublic postsecondary education institution that receives state funds.

Commercial Service Airport Transparency and Accountability (Section 16)

Present Situation

FAA regulations define the term “commercial service airport” to mean a publicly owned airport with at least 2,500 annual enplanements and scheduled air carrier service.⁹¹ Commercial service airports are categorized as follows:

- Large Hub Airports each receive one percent or more of the annual U.S. commercial enplanements. Florida’s large hub airports are Orlando International, Miami International, Ft. Lauderdale International, and Tampa International.
- Medium Hub Airports each receive 0.25 to 1.0 percent of the annual U.S. commercial enplanements. Florida’s medium hub airports are Southwest Florida International, Palm Beach International, and Jacksonville International.
- Small Hub airports each receives 0.05 to 0.25 percent of the annual U.S. commercial enplanements. Florida’s small hub airports are Sarasota/Bradenton International, Orlando Sanford International, St. Pete-Clearwater International, Destin-Ft. Walton Beach, Punta Gorda, Northwest Florida Beaches International, and Key West International.
- Nonhub airports each receives less than 0.05 percent but more than 10,000 of the annual U.S. commercial enplanements. Florida’s nonhub airports are Tallahassee International, Melbourne Orlando International, Daytona Beach International, Gainesville Regional, Vero Beach Regional, and Ft. Lauderdale Executive.⁹²

Florida law contains provisions regarding the transparency and accountability of commercial service airports. For this purpose, the following terms are defined to mean:

- Commercial service airport - a primary airport, as defined by federal law,⁹³ which is classified by the FAA as a large, medium, or small hub airport.⁹⁴
- Consent agenda - an agenda which consists of items voted on as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.⁹⁵
- Governing body - the governing body of the county, municipality, or special district that operates a commercial service airport.⁹⁶

Each governing body of a commercial service airport must establish and maintain a website posting the following:

- All published notices of the governing body’s meetings and published meeting agendas.
- The official minutes of each meeting of the governing body.
- The airport’s approved budget for the current fiscal year.
- A link to the airport’s Airport Master Plan.

⁹¹ Federal Aviation Administration, *Airport Categories*, https://www.faa.gov/airports/planning_capacity/categories (last visited March 4, 2025).

⁹² FAA passenger statistics, October 2024, <https://www.faa.gov/sites/faa.gov/files/2024-10/cy23-all-enplanements.pdf> (last visited March 5, 2025).

⁹³ Federal law defines the term “primary airport” to mean a commercial service airport the Secretary of Transportation determines to have more than 10,000 passenger boardings each year. in 49 U.S.C. s. 47102.

⁹⁴ Section 332.0075(1)(a), F.S.

⁹⁵ Section 332.0075(1)(b), F.S.

⁹⁶ Section 332.0075(1)(d), F.S.

- A link to all of its financial and statistical reports on the FAA's website.
- Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of \$350,000.⁹⁷
- Position and rate information for each airport employee, which must be updated annually.⁹⁸

Each November 1, each commercial service airport's governing body must submit to FDOT:

- Its approved budget for the current fiscal year;
- Any financial reports submitted to the FAA during the previous calendar year;
- A link to its website;
- A verified statement that it has complied with ethics requirements, competitive procurement requirements, and statutes relating to commercial service airport accountability.⁹⁹

The FDOT may not expend any funds allocated to a commercial service airport, unless pledged for debt service, until the commercial service airport demonstrates compliance with Florida law.¹⁰⁰

Effect of Proposed Changes

The bill amends the definition of “commercial service airport” to include airports classified by the FAA as nonhub airports, requiring such airports to comply with these statutes.

The bill clarifies the definition of the term “consent agenda” to include agenda items voted on collectively.

The bill amends the definition of the term “governing body” to have it include an appointed board or oversight entity serving as the governing body of a commercial service airport on behalf of a county, municipality, or special district.

The bill requires that information required to be posted on the governing body's website to remain posted for the longer of five years or the entirety of the period during which airport actively uses the required information.

The bill requires that each commercial service airport's website have posted both its current airport master plan and immediately preceding airport master plan be posted. Airports must also update employee salary information quarterly, instead of annually.

The bill requires commercial service airports to annually submit to the FDOT:

- The most recent copies of its strategic plans; and
- Contracts related to any financial awards received through federally funded grant programs for the preceding fiscal years.

The bill requires commercial service airports to notify the FDOT:

⁹⁷ This is purchasing CATEGORY FIVE provided in s. 287.017, F.S.

⁹⁸ Section 332.0075(2), F.S.

⁹⁹ Section 332.0075(5)(a), F.S.

¹⁰⁰ Section 332.0075(6), F.S.

- Within 48 hours after receiving a communication or directive from a federal agency relating to public health testing or the transfer of unauthorized aliens into this state.
- As soon as reasonably possible, but no later than 48 hours, after the discovery of potential cybersecurity breach or other occurrence impacting the traveling public, a disruption on state aviation operations directly impacting multiple airports with this state, or an incident occurring on airport property which require coordination with multiple local, state, or federal agencies.

Advanced Air Mobility (Section 17)

Present Situation

The National Aeronautics and Space Administration (NASA) defines the term “advanced air mobility” (AAM) to mean “an air transportation system that moves people and cargo between places previously not served or underserved by aviation – local, regional, intraregional, urban – using revolutionary new aircraft that are only just now becoming possible.”¹⁰¹

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxi supports passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are all likely early use cases for electric vertical take-off and landing (eVTOL) aircraft.¹⁰²

In 2022, the FDOT established an AAM Working Group consisting of various stakeholders. The working group developed various recommendations regarding AAM, including:

- Designate an AAM subject matter expert within the FDOT.
- Review airport hazard regulations and update those regulations as appropriate.
- Incorporate AAM into state transportation planning documents.
- Lead a statewide education campaign for local decision makers and a public awareness campaign for the general public.¹⁰³

Currently, Florida law does not address advanced air mobility.

Effect of Proposed Changes

The bill codifies AAM into Florida law. The bill requires the FDOT to:

- Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan,¹⁰⁴ and, as appropriate, in the FDOT’s work program.

¹⁰¹ FDOT, *Advanced Air Mobility*, <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited March 3, 2025).

¹⁰² *Id.* at 2.

¹⁰³ FDOT AAM Report and Recommendations, August 2023. Available at: https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/aviation/pdfs/fdot-aamwg-final-report---august-10-2023.pdf?sfvrsn=56d82d5d_1 (last visited March 7, 2025).

¹⁰⁴ The statewide aviation system plan is required under s. 332.006(1), F.S.

- Designate, within the FDOT, a subject matter expert on AAM to serve as a resource for local jurisdictions navigating advances in aviation technology.
- Conduct a review of airport hazard zone regulations.¹⁰⁵
- In coordination with the Florida Department of Commerce, provide coordination and assistance for the development of a viable AAM system plan. The FDOT must incorporate this plan into its statewide aviation system plan to identify corridors of need and opportunities for industry growth.

FDOT's Purchase of Promotional Items (Section 18)

Present Situation

The FDOT may purchase promotional items as part of public information and education campaigns to promote scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, commercial motor vehicle safety, electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles.¹⁰⁶

Effect of Proposed Changes

The bill revises the FDOT's authorization to purchase promotional items. The bill authorizes the FDOT to purchase such items to promote environmental management and workforce development. The bill changes the design of electric vehicles and autonomous vehicles to the classification of those vehicles and removes authorization regarding alternatives to single-occupant vehicle travel.

FDOT's Purchase of Insurance (Section 18)

Present Situation

Except for title insurance and emergency purchases, the Department of Management Services (DMS) purchases insurance for all agencies.¹⁰⁷ While insurance is not a commodity, Florida law requires that the purchase of insurance, whether purchased by the DMS or another agency, be done using statutory procedures for the purchase of commodities.¹⁰⁸

Florida law prohibits a primary insurance contract from being purchased on any property or insurable subjects when it is loaned to, leased by, or intended to be leased by, the state or its departments, unless the lease agreement requires insurance coverage. In those cases, the DMS must approve, in writing, the insurance coverage required by the lease.¹⁰⁹

¹⁰⁵ Chapter 333, F.S., relates to airport zoning.

¹⁰⁶ Section 334.044(5), F.S.

¹⁰⁷ Section 287.012(1), F.S., defines the term "agency" to mean any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government.

¹⁰⁸ Section 287.022(1), F.S. The purchase of commodities is pursuant to s. 287.057, F.S.

¹⁰⁹ Section 287.025(4), F.S.

Effect of Proposed Changes

The bill authorizes the FDOT, notwithstanding statutory provisions relating to the state's purchase of insurance, to directly enter into insurance contracts with local, national, or international insurance companies to purchase insurance coverage that the FDOT is contractually and legally required to provide.

FDOT's Purchase of Motor Vehicles and Heavy Equipment (Section 18)***Present Situation***

Any executive or judicial branch officer or employee may not authorize the purchase or continuous lease of any motor vehicle which is to be paid for from state or department funds unless the Legislature has appropriated funds for the motor vehicle. This does not apply to motor vehicles needed to meet unforeseen or emergency situations, which, after consultation with legislative appropriations committees, requires approval from the Executive Office of the Governor.¹¹⁰

State agencies are prohibited from retaining motor vehicles for which funds have been appropriated for a replacement, unless the agency requires such vehicles to be retained to meet emergency or major unforeseen needs. State agencies, in their budget requests, must report all retained vehicles to the Legislature and provide the specific justification for each vehicle it retained.¹¹¹

Effect of Proposed Changes

The bill authorizes the FDOT, notwithstanding statutory requirements relating to the purchase and retention of motor vehicles by state agencies, to purchase or acquire heavy equipment and motor vehicles for roadway operations and emergency response regardless of whether the FDOT exchanges or ceases to operate any of the FDOT-owned heavy equipment or motor vehicle.

Parking Authorities (Section 20)***Present Situation***

In most parts of Florida, parking enforcement is administered by the city or county and is administratively housed in a parking division within the local government, as in Jacksonville and Orlando. However, the Miami Parking Authority (MPA), a dependent special district, was created in 1955 by Special Act¹¹² and incorporated into the City of Miami's Charter in 1968. The MPA is governed by a volunteer five-member Board of Directors. The City of Miami Commission has final authority to confirm board appointments, approve MPA's budget, issue parking revenue bonds, and determine parking rates for MPA-managed facilities.¹¹³

This appears to be the only special district the purpose of which relates to parking.

¹¹⁰ Section 287.14(1) and(3), F.S.

¹¹¹ Section 287.14(4), F.S.

¹¹² Chapter 30997, Laws of Florida.

¹¹³ Miami Parking Authority, <https://www.miamiparking.com/the-mpa/> (last visited April 8, 2025).

Effect of Proposed Changes

The bill grants a parking authority established under Florida law or any of its counties, municipalities or political subdivisions to have full power to conduct business; to operate, manage, and control facilities; and to provide services in contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous, county, municipality, or political subdivisions.

Florida Transportation Academy (Section 21)***Present Situation***

The FDOT is authorized to provide, in consultation with affected stakeholders, a construction workforce development program to deliver projects in the FDOT's work program.¹¹⁴ The FDOT must annually allocate \$5 million from the STTF for this program.¹¹⁵

Effect of Proposed Changes

The bill creates the Florida Transportation Academy within the FDOT to prioritize the continued need for transportation industry workforce development programs. The bill provides a legislative finding that the growth and sustainability of the transportation industry workforce is vital to the continued success of Florida's supply chain and economic competitiveness. In order to support, promote, and sustain workforce development efforts in the transportation sector, the FDOT may:

- Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification process between the Department of Corrections and the FDOT for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.
- Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- Coordinate with the Department of Commerce, CareerSource Florida, Inc., and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across Florida's transportation industry.

¹¹⁴ Section 334.044(35), F.S. FDOT's work program is developed pursuant to s. 339.135, F.S.

¹¹⁵ Section 339.84, F.S., This is beginning in the 2023-2024 fiscal year and for five years thereafter.

Access Management (Sections 22-23)

Present Situation

Access management is the coordinated planning, regulation, and design of access between roadways and land development to reduce conflicts on the roadway system and at its interface with other modes of travel.¹¹⁶

The State Highway System Access Management Act¹¹⁷ defines the following terms to mean:

- Connection - driveways, streets, turnouts, or other means of providing for the right of reasonable access to or from the State Highway System.¹¹⁸
- Significant change- a change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation (either peak hour or daily) and exceeding 100 vehicles per day more than the existing use.¹¹⁹

In order to protect the public health, safety, and welfare, the FDOT is required to regulate vehicular access and connections to or from the State Highway System. The FDOT may issue access management permits, subject to reasonable conditions, and may revoke a permit if the applicant fails to comply with the permit conditions.¹²⁰ The FDOT may not deny a property owner a means of reasonable access to an abutting state highway, except for safety or operational concerns.¹²¹

Effect of Proposed Changes

The bill defines the term “modification of an existing connection” to mean the relocation, alteration, or closure of the connection. The bill amends the definition of the term “significant change” to include the development of land and expansion in the size of property.

The bill authorizes the FDOT to, for access management permits issued after July 1, 1988, require the modification of an existing connection to the State Highway System if the connection would jeopardize public safety or negatively impact highway’s operational characteristics.

FDOT’s Business Development Program (Section 24)

Present Situation

The FDOT is authorized to establish a business development program to assist small businesses. The program may include, but is not limited to, setting aside contracts, providing preference points for the use of small businesses, providing special assistance in bidding and contract

¹¹⁶ FDOT Access Management <https://www.fdot.gov/planning/systems/systems-management/access-management> (last visited March 20, 2025).

¹¹⁷ Sections 335.18-335.188, F.S.

¹¹⁸ Section 335.182(3)(a), F.S.

¹¹⁹ Section 335.182(3)(b), F.S.

¹²⁰ Section 335.185(1), F.S.

¹²¹ Section 335.187(5), F.S.

completion, waiving bond requirements, and implementing other strategies to increase competition.¹²²

For purposes of the FDOT's business development program, the term "small business" is defined to mean a business with yearly average gross receipts of less than \$15 million for road and bridge contracts and less than \$6.5 million for professional and nonprofessional services contracts. A business' average gross receipts are determined by averaging its annual gross receipts over the last three years, including the receipts of any affiliate.^{123, 124}

Effect of Proposed Changes

The bill amends the definition of a "small business" for purposes of the FDOT's business development program. The bill increases the maximum average yearly gross receipts to \$25 million for road and bridge contracts and \$10 million for professional and nonprofessional service contracts. The determination of average gross receipts remains unchanged.

FDOT Disadvantaged Business Enterprise (Sections 25, 26, 27 and 35)

Present Situation

Federal rules define the term "socially and economically disadvantaged individual" to mean any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The socially and economically disadvantaged include individuals from the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and Women.¹²⁵ Socially and economically disadvantaged individuals can also be determined on a case-by-case basis, and the Small Business Administration may designate additional groups as socially and economically disadvantaged.¹²⁶

Florida law requires the FDOT to institute procedures to encourage the awarding of professional services and contracts to disadvantaged business enterprises.¹²⁷ The FDOT must develop and implement activities to encourage the participation of disadvantaged business enterprises in its contracting process. Such efforts may include informing disadvantaged business enterprises of

¹²² Section 337.027(1), F.S.

¹²³ Section 337.165(1)(a), F.S., defines the term "affiliate" to mean a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliate" includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is an affiliate of another.

¹²⁴ Section 337.027(2), F.S.

¹²⁵ Members of these groups are rebuttably presumed to be socially and economically disadvantaged.

¹²⁶ 49 CFR part 26

¹²⁷ For the purposes of FDOT's disadvantaged business enterprise program, the term "disadvantaged business enterprise" means a small business concern certified by the Department of Transportation to be owned and controlled by socially and economically disadvantaged individuals as defined by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). See s. 337.139, F.S.

contracting opportunities and contracting requirements and breaking larger contracts into smaller contracts.¹²⁸

The FDOT's disadvantage business enterprise program requires:

- Prime contractors to submit information regarding the uses of disadvantaged business enterprises as subcontractors.¹²⁹
- The FDOT to provide a socially and economically disadvantaged business enterprise with reasonable advance notice prior to removing such enterprise as a certified socially and economically disadvantaged business enterprises.¹³⁰

The FDOT must expend federal-aid highway funds and state matching funds with small business concerns owned and controlled by socially and economically disadvantaged individuals.¹³¹

Upon the FDOT's determination of past and continuing discrimination in non-federally funded projects, the FDOT may implement a program tailored to address specific findings of disparity. The program may include establishing annual goals for expending a percentage of state-administered highway funds with small businesses. The FDOT may utilize set-asides for small business concerns to assist in achieving these goals. The head of the FDOT may elect to set goals only when a significant disparity is documented. The FDOT must consider the findings of a disparity study in determining the program goals for each group qualified to participate.¹³²

The FDOT must certify a socially and economically disadvantaged business enterprise as prescribed in federal rules. The FDOT's initial application for certification must require sufficient information to determine eligibility. For continuing eligibility, the FDOT may accept an affidavit certifying that the business remains qualified for certification. An applicant's application and required financial information are confidential and exempt from public records laws.¹³³

The head of the FDOT may expend up to six percent of the funds which are designated to be expended on small businesses owned and controlled by socially and economically disadvantaged individuals to conduct a construction management development program for such firms. The statute continues with the program's requirements.¹³⁴

The head of the FDOT may expend up to four percent of specified DBE funds on a bond guarantee program for DBEs and who meet other standards. The state guarantees up to 90 percent of a bond amount of \$250,000 or less, and 80 percent of a bond amount of greater than \$250,000. However, the FDOT retains five percent of the total contract amount designated for the DBE until its final acceptance of the project.¹³⁵

¹²⁸ Section 337.139, F.S.

¹²⁹ Section 337.125(1), F.S.

¹³⁰ Section 337.125(3), F.S.

¹³¹ Section 339.0805(1)(a), F.S.

¹³² Section 339.0805(1)(b), F.S. Public records law is provided in s. 119.07(1), F.S.

¹³³ Section 339.0805(1)(c), F.S.

¹³⁴ Section 339.0805(3), F.S.

¹³⁵ Section 339.0805(4), F.S. FDOT may not commit funds for this program in excess of those funds specifically appropriated for this purpose.

Any individual who fraudulently represents an entity as a socially and economically disadvantaged business enterprise under commits of a felony of the second degree. An individual found in violation may not create a new corporate structure for the purpose of circumventing this provision.¹³⁶

Effect of Proposed Changes

The bill repeals the FDOT's disadvantaged business enterprise program and related provisions.

Federal Rule Authorization (Section 18)

The bill authorizes the FDOT to adopt rules for the purpose of compliance with 49 C.F.R. part 26, relating to the United States Department of Transportation's Disadvantage Business Enterprise Program and any other applicable federal law.

Conforming Changes (Sections 3, 19, 25, 30, 33, 36, and 40)

The bill makes changes to the following to provide for small businesses:

- The FSTED Council's requirement to develop job training programs associated with the maritime industry (section 3).
- The FDOT's performance measures regarding this program to performance measures to the FDOT's business development program (section 19).
- The FDOT's consideration of small business participation related to certain contracts (section 25).
- The FDOT consideration of small business involvement in certain lease proposals (section 30).
- The FDOT and Department of Management Services outreach regarding participation in certain turnpike-related projects (section 33).
- Contractors for economic development transportation projects (section 36).
- The Central Florida Expressway Authority's¹³⁷ encouragement of the use of certain businesses in its procurement and contracting opportunities (section 40).

FDOT Surety Bonds (Section 96)

Present Situation

Florida law requires that the successful bidder on most the FDOT contracts provide a surety bond in the amount of the awarded contract price. However, for multiyear maintenance contracts, the FDOT may allow incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price. For phased design-build contracts,¹³⁸ The FDOT may also allow the issuance of multiple contract performance and payment bonds to align with each contract phase to meet the bonding requirements.¹³⁹

¹³⁶ Section 337.135, F.S.

¹³⁷ The Central Florida Expressway Authority is created in part III of ch. 348, F.S.

¹³⁸ Phased design-build contracts are authorized in s. 337.11(7)(b), F.S.

¹³⁹ Section 337.18(1)(a), F.S.

Effect of Proposed Changes

The bill authorizes the Secretary of Transportation to, at his or her discretion, require a surety bond in an amount less than the awarded contract price.

Sewer Line Installation (Section 31)***Present Situation***

Section 337.401, F.S., provides for the regulation and permitting of utilities in the right of way. Under that statute, the authority (the FDOT and local governmental entities) that have jurisdiction and control over public roads may prescribe and enforce reasonable rules and regulations regarding the placing and maintaining of utilities along its right-of-way. For purposes of that statute, the term “utility” includes sewers.¹⁴⁰

Under Florida law, the authority may grant the use of a right-of-way for utility in accordance with the authority’s rules or regulations as the authority. A utility may not be installed, located, or relocated unless the authority issues a written permit. However, for public roads under the FDOT’s jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69, F.S., to enforce the permit.¹⁴¹

Effect of Proposed Changes

The bill provides that a municipality may not prohibit, or require a permit, for the installation of a public sewer transmission line placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion where the work is being performed under permits issued by the FDOT and the Department of Environmental Protection, or its delegate, pursuant to ch. 403, F.S., relating to environmental control.

Camping on the Right-of-Way (Section 32)***Present Situation***

Florida law prohibits camping on any portion of the State Highway System’s right-of-way within 100 feet of a bridge, causeway, overpass, or ramp.¹⁴²

The Florida National Scenic Trail is Florida's official statewide nonmotorized trail, running more than 1,400 miles from the Panhandle to the Everglades and the Florida Keys.¹⁴³

Effect of Proposed Changes

The bill prohibits camping on all portions of the State Highway System’s right-of-way. However, this prohibition does not apply to a person who is actively navigating the Florida National Scenic Trail and has acquired the appropriate permits.

¹⁴⁰ Section 337.401(1)(a), F.S.

¹⁴¹ Section 337.401(2), F.S.

¹⁴² Section 337.406(4), F.S.

¹⁴³ Section 260.012(6), F.S.

Energy Policy of The State/Use of State Funds (Section 34)

Present Situation

Florida law authorizes the FDOT to expend moneys in the STTF and restricts the use of such funds to the transportation-related purposes.¹⁴⁴ However, the FDOT may not expend any state funds to support a project or program of a public transit provider, an authority;¹⁴⁵ public-use airport; or a port, which is found in violation of s. 381.00316, F.S., relating to discrimination by governmental and business entities based on health care choices. The FDOT must withhold state funds until the entity is found in compliance with that statute.¹⁴⁶

Section 377.601(3), F.S., provides that it is Florida's energy policy to:

- Promote the cost-effective development and use of a diverse supply of domestic energy resources and discourage energy waste.
- Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the state's energy supply.
- Reduce reliance on foreign energy resources.
- Include energy reliability and security considerations in planning activities.
- Utilize and manage effectively energy resources used within state agencies.
- Encourage local governments to include energy considerations in planning activities and support the promotion of energy management programs.
- Include citizen participation in developing and implementing energy programs.
- Consider in its decisions the energy needs of each economic sector and, whenever possible, reduce those needs.
- Promote energy education and the public dissemination of information on energy and its impacts on Florida's energy goals.
- Encourage the research, development, demonstration, and application of domestic energy resources, including renewable energy resources.
- Consider the impacts of energy-related activities on the state's energy goals.
- Develop and maintain energy emergency preparedness plans.

Effect of Proposed Changes

The bill defines the term “energy policy of the state” to mean the energy policy described above and includes any intended or actual measure, obligation, target, or timeframe related to a reduction in carbon dioxide emissions.

The bill prohibits the FDOT from expending any state funds to support a project or program of any of the following entities: a public transit provider, an authority, a public-use airport, or a port if such entity adopts or promotes energy policy goals that are inconsistent with the energy policy of the state.

¹⁴⁴ Section 339.08(1), F.S.

¹⁴⁵ These are created pursuant to ch. 343, 348, or 349, F.S., and include, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Greater Miami Expressway Agency, the Tampa-Hillsborough County Expressway Authority, the Central Florida Expressway Authority, and the Jacksonville Transportation Authority.

¹⁴⁶ Section 339.08(5), F.S.

Electric Vehicle Charging Infrastructure Report (Section 37)

Present Situation

In 2020,¹⁴⁷ the Legislature required the FDOT, in coordination the Public Service Commission and the Office of Energy,¹⁴⁸ to develop and recommend a master plan for current and future plans for the development of EV charging station infrastructure along the State Highway System. The FDOT was required to develop the recommended master plan, and, by July 1, 2021, submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁴⁹

Effect of Proposed Changes

The bill repeals the EV charging infrastructure report that was due by July 1, 2021.

Strategic Intermodal System Supply Chain Demands (Section 38)

Present Situation

The FDOT's Strategic Intermodal System consists of appropriate components of highway corridors, the National Highway System, airports, seaports, and spaceports, rail lines and rail facilities, selected intermodal facilities, and other existing or planned corridors serving a statewide or interregional purpose.¹⁵⁰

For fiscal years 2023-2024 through 2027-2028, the FDOT must make up to \$20 million available each fiscal year from its existing work program revenues to fund projects to provide increased capacity and enhanced capabilities to move and store construction aggregates.¹⁵¹ Seaports, and rail lines, and rail facilities are eligible for project funding.¹⁵²

This program is scheduled for repeal on July 1, 2028.¹⁵³

Effect of Proposed Changes

The bill amends the FDOT's SIS supply chain program by making the FDOT's funding permissive, and removes specific dates, including the 2028 repeal date, making this program permanent.

¹⁴⁷ Chapter 2020-21, Laws of Florida.

¹⁴⁸ The Office of Energy is within the Department of Agriculture and Consumer Services.

¹⁴⁹ Section 339.287(2), F.S.

¹⁵⁰ Section 339.62, F.S.

¹⁵¹ Aggregates are raw materials that are produced from natural sources and extracted from pits and quarries, including gravel, crushed stone, and sand. When used with a binding medium, like water, cement, and asphalt, they are used to form compound materials, such as asphalt concrete and Portland cement concrete. <https://www.aem.org/news/construction-aggregates-101-what-they-are-and-why-they-matter#:~:text=Aggregates%20are%20raw%20materials%20that,concrete%20and%20Portland%20cement%20concrete>. (last visited March 9, 2025).

¹⁵² Section 339.651(3), F.S.

¹⁵³ Section 339.651(7), F.S.

New Starts Transit Funding (Section 39)

Present Situation

Federal law authorizes the Federal Transit Administration to issue certain transit capital investment grants and loans,¹⁵⁴ known as the New Starts Transit Program. The FDOT funds the New Starts Transit Program from 10 percent of the documentary stamp tax revenues distributed to the STTF¹⁵⁵ and 3.4 percent of the portion of the “new wheels on the road fee,” deposited into the STTF.¹⁵⁶

As of June 2024, the FDOT was required to reallocate unallocated New Starts Transit Program funds to the Strategic Intermodal System. This reallocation expires on June 30, 2026.¹⁵⁷

Effect of Proposed Changes

The bill makes permanent the reallocation of unused New Starts Transit Funds to the SIS. The bill also provides that if funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, the FDOT must reallocate those funds to the SIS for the next fiscal year.

Jacksonville Transportation Authority (Section 41)

Present Situation

The Jacksonville Transportation Authority (JTA) is an independent agency of the state in Duval County. JTA designs and constructs bridges and highways and provides varied mass transit services, including express and regular bus service, community shuttles for a neighborhood ride, a downtown Skyway monorail, the St. Johns River Ferry, and the Gameday Xpress. JTA also provides paratransit for the disabled and elderly, and ride request on-demand services.¹⁵⁸

JTA’s governing body consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville and confirmed by the Jacksonville City Council. The seventh member is the FDOT’s district secretary serving the district containing Jacksonville. Except for the FDOT’s district secretary, JTA members must be residents and qualified electors of Duval County.¹⁵⁹

Effect of Proposed Changes

The bill amends the makeup of the JTA’s governing body. Four members are appointed by the Governor, subject to Senate confirmation. One of the Governor’s appointees must be a resident of the City of Jacksonville, and the other three appointees must be residents of Clay County, St. Johns County or Nassau County. Three members are appointed by the mayor of Jacksonville,

¹⁵⁴ 49 U.S.C. s. 5309

¹⁵⁵ Section 201.15(4)(a)1., F.S.

¹⁵⁶ Section 320.072(4)(b), F.S.

¹⁵⁷ Section 341.051(6)(b), F.S.

¹⁵⁸ Jacksonville Transportation Authority (JTA), *JTA Goals*, available at: <https://www.jtafla.com/about-jta/about/> (last visited March 7, 2025).

¹⁵⁹ Section 349.03(2), F.S.

who must be residents of the City of Jacksonville. The bill removes the FDOT district secretary from the board.

Conforming Changes (Sections 41, 43-46)

The bill amends ss. 110.205, 365.175, 379.2293, 493.6101, and 493.6403, F.S., conforming cross references.

Effective Date (Section 47)

This bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill repeals the FDOT's disadvantaged business enterprise program, which contains an imbedded public records exemption relating to an applicant's application and financial information.¹⁶⁰ With the repeal of this exemption, this currently exempted information may become public.

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:

The bill repeals authorization for HOV lanes, including a \$5 fee paid to obtain an HOV decal, and a toll exemption for certain vehicles in HOV express lanes (section 6).

¹⁶⁰ Section 339.0805(2), F.S.

B. Private Sector Impact:

Motor vehicle owners who currently have an HOV decal would be subject to the payment of tolls (section 6).

Entities wishing to move mobile cranes and accessory support vehicles may experience a reduction in costs due to the ability to move them at all hours. (Section 8)

The FDOT's contractors may experience a reduction in surety bond costs due to the authorization of the Secretary of Transportation to waive certain surety bond requirements (section 29).

C. Government Sector Impact:

There will likely be an indeterminate negative fiscal impact on the Florida Transportation Commission in order to monitor and report on additional transit entities (Section 1).

The FDOT may experience an indeterminate negative fiscal impact associated with:

- Allocating funds to the Florida Transportation Research Institute (section 1).
- Certification of private airports of public interest, including site visits (section 10).
- Funding certain infrastructure projects near spaceports (section 11).
- Costs associated with the codification of advanced air mobility into Florida law, including the review of airport hazard zoning regulations (section 17).
- Costs incurred in establishing the Florida Transportation Academy (section 21).

The FDOT may experience an insignificant increase in toll revenues due to the repeal of HOV toll lanes (section 6).

The FDOT may see an increase in revenues from the issuance of mobile crane special blanket permits. The FDOT is authorized to charge permit fees for overweight and overdimensional vehicle permits.¹⁶¹ These fees vary based on the size of the vehicle and permit type (trip, multi-trip, or route-specific multi-trip). (Section 8)¹⁶²

The FDOT may experience cost savings associated with changes directly purchasing insurance and directly purchasing and retaining motor vehicle and heavy equipment (section 18).

The DHSMV will experience a reduction in revenues due to the repeal of HOV lanes, including the \$5 annual decal fee. However, the DSHMV should see a similar reduction to its costs (section 6).

The following provisions of the bill may have a negative fiscal impact on airports:

- Compliance with comprehensive airport infrastructure programs for commercial service airports (section 15); and

¹⁶¹ Section 316.550(6), F.S.

¹⁶² Rule 14-26.008, F.S., provides FDOT's fee schedule for these permits.

- Additional requirements regarding the transparency and accountability of commercial service airports (section 16).

VI. Technical Deficiencies:

The bill (section 20) authorizes parking authorities to operate outside of their existing jurisdiction pursuant to an interlocal agreement. The bill places this provision in s. 334.27, F.S., which provides a limitation of liability for groundwater contamination for governmental transportation entities.

VII. Related Issues:

The bill (section 6) repeals HOV lanes. Section 338.166, F.S., authorizes the FDOT to impose tolls on HOV lanes and to issue bonds secured by such toll revenues. Other statutes referring to HOV lanes may need to be amended to conform to the repeal of HOV lanes.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.23, 110.205, 311.07, 311.09, 311.10, 316.003, 316.0745, 316.550, 322.27, 330.27, 330.30, 331.371, 332.003, 332.005, 332.006, 332.007, 332.0075, 334.044, 334.045, 334.27, 335.182, 335.187, 337.027, 337.11, 337.18, 337.251, 337.401, 337.406, 338.227, 339.08, , 339.55, 339.651, 341.051, 348.754, 349.03, 365.172, 379.2293, 493.6101, and 493.6403.

This bill creates the following sections of the Florida Statutes: 332.15 and 334.62.

This bill repeals the following sections of the Florida Statutes: 316.0741, 337.125, 337.135, 337.139, 339.0805, and 339.287.

IX. Additional Information:

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

CS/CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 10, 2025:

The committee substitute:

- Provides a mission statement for the Florida Transportation Research Institute.
- Removes a provision from the bill requiring the FDOT to staff the FSTED Council.
- Requires seaports located near spaceports, in order to receive state funding, to obtain certain approvals before converting facilities currently used for cargo purposes to other purposes.
- Authorizes FDOT to issue permits authorizing the movement of certain large cranes, including movement at night.
- Removes a provision from the bill authorizing FDOT to conduct certain inspections of commercial airport facilities.
- Revises language in the bill regarding airport maintenance programs to require commercial service airports to adopt a comprehensive infrastructure program.

- Authorizes parking authorities to operate outside of their chartered boundaries in contiguous jurisdictions via interlocal agreements.
- Removes from the bill provisions removing the Legislative Budget Commission's oversight and approval of FDOT's budget roll-forward, FDOT work program amendments and emergency loans from the state-infrastructure bank.
- Removes from the bill specific business development and transparency requirements applicable to the Jacksonville Transportation Authority.

CS by Transportation on March 25, 2025:

- Adds the University of South Florida to the Florida Transportation Research Institute.
- Removes various provisions from the bill, including:
 - Changes relating to the independence of the Florida Transportation Commission;
 - Transfer of certain sales tax revenues to the State Transportation Trust Fund;
 - Revisions relating to the FDOT's expenditures on landscaping;
 - Additional funding for the Small County Road Assistance Program and the Small County Outreach Program.
- Makes numerous clarifying and conforming changes to the bill, including:
 - Revises the types of seaport projects that are eligible for funding;
 - Specifies that state *transportation* funds may be withheld for noncompliant traffic signals;
 - Stipulates that the FDOT may fund certain spaceport-related infrastructure projects; and
 - Revises the incidents that would require commercial service airports to provide certain notifications to the FDOT.
- Requires the FDOT's long-term use of airport property for emergency staging for longer than 60 days to be by written agreement.
- Prohibits municipalities from prohibiting or requiring a permit for the installation of a sewer transmission line for septic to sewer conversions being performed under certain state permits.
- Includes a representative from Nassau County on the governing body of the Jacksonville Transportation Authority.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 536 - 1571

and insert:

Section 5. Present subsection (8) of section 311.101, Florida Statutes, is redesignated as subsection (9), a new subsection (8) is added to that section, and subsection (2) of that section is amended, to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.—



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(2) For the purposes of this section, the term "intermodal logistics center," including, but not limited to, an "inland port," means a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09 or airports as defined in s. 330.27.

(8)(a) There is created within the Department of Transportation an intermodal logistics center working group. The purpose of the working group is to coordinate the planning and development of intermodal logistics centers across this state. The working group shall be composed of the following members:

1. The Secretary of Transportation, or his or her designee.
2. The Secretary of Commerce, or his or her designee.
3. The Commissioner of Agriculture, or his or her designee.
4. One member from a seaport listed in s. 311.09(1), appointed by the Secretary of Transportation.
5. One member from an airport, appointed by the Secretary of Transportation.
6. One member from an intermodal logistics center, appointed by the Secretary of Transportation.
7. One member from the agricultural industry, appointed by the Commissioner of Agriculture.
8. One member from the trucking industry, appointed by the Secretary of Transportation.
9. One member from the freight rail industry, appointed by



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the Secretary of Transportation.

10. One member from the passenger rail industry, appointed by the Secretary of Transportation.

11. One member from a business located within an intermodal logistics center, appointed by the Secretary of Commerce.

12. One member from a local workforce development board created pursuant to chapter 445, appointed by the president of CareerSource Florida, Inc.

(b) The Secretary of Transportation, or his or her designee, shall serve as the chair of the working group. The Secretary of Commerce, or his or her designee, shall serve as vice chair of the working group.

(c) Members of the working group shall serve without compensation but are eligible for per diem and travel expenses pursuant to s. 112.061.

(d) The working group is responsible for all of the following:

1. Conducting a study of regional needs regarding intermodal logistics centers, including a breakdown of urban versus rural locations for intermodal logistics centers.

2. Determining the statewide benefits of intermodal logistics centers.

3. Evaluating the impact of existing and proposed freight and passenger rail service on existing rail corridors and the need for any additional rail capacity.

4. Evaluating key criteria used by the state to expand and develop the intermodal logistics center network through the use of the Strategic Intermodal System created pursuant to ss. 339.61-339.651, including any recommended changes to state law.



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5. Evaluating the readiness of existing and proposed locations for intermodal logistics centers and developing a list of improvements that may be necessary to attract businesses to those centers.

6. Evaluating and recommending potential state policies that would enhance the development of a long-term statewide strategy regarding intermodal logistics centers.

7. Evaluating the operations of freight logistics zones as defined in s. 311.103(1), including the processes for their designation and funding.

(e) On or before January 1, 2027, the working group shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing the working group's findings and recommendations regarding the responsibilities listed in paragraph (d).

(f) This subsection is repealed on June 30, 2027.

Section 6. Subsection (83) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders,



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finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, mobile and self-propelled cranes and accessory support vehicles, and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, ~~cranes or shovels,~~ or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Section 7. Section 316.0741, Florida Statutes, is repealed.

Section 8. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

316.0745 Uniform signals and devices.—

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and after hearing pursuant to 14 days' notice, direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds deposited in the State Transportation Trust Fund ~~for traffic control purposes~~ until such public body or official demonstrates to the Department of Transportation that it is complying with this section.



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Section 9. Subsection (3) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(3) Notwithstanding subsection (2), the Department of Transportation may issue a mobile crane special blanket permit for any of the following purposes:

(a) To authorize a mobile crane to operate on and ~~A permit may authorize a self-propelled truck crane operating off the Interstate Highway System while towing to tow~~ a motor vehicle that ~~which~~ does not weigh more than 5,000 pounds if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), mobile truck ~~cranes~~ that tow another motor vehicle under ~~the provision of~~ this subsection shall be taxed under ~~the provisions of~~ s. 320.08(5) (b) .

(b) To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet 6 inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew.

(c) To authorize a mobile crane and accessory support vehicles that, due to their design for special use, exceed the weight limits established in s. 316.535 to operate on and off the Interstate Highway System.

Section 10. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(1) "Air ambulance operation" means a flight with a patient



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or medical personnel on board for the purpose of medical transportation.

(2) "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, an autogyro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

~~(3)(2)~~ "Airport" means a specific ~~an~~ area of land or water or a structure used for, or intended to be used for, aircraft operations, which may include landing and takeoff of aircraft, ~~including~~ appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, airparks, airports, gliderports, heliports, helistops, seaplane bases, ultralight flightparks, vertiports, and vertistops.

(4) "Commercial air tour operation" means a flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.

(5) "Commuter operation" means any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.

~~(6)(3)~~ "Department" means the Department of Transportation.

~~(7)(4)~~ "Limited airport" means any airport limited exclusively to the specific conditions stated on the site approval order or license.



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185 (8) "On-demand operation" means any scheduled passenger-
186 carrying operation for compensation or hire conducted by a
187 person operating an aircraft with a frequency of operations of
188 fewer than five round trips per week on at least one route
189 between two or more points according to the published flight
190 schedule.

191 ~~(9)-(5)~~ "Private airport" means an airport, publicly or
192 privately owned, which is not open or available for use by the
193 public, but may be made available to others by invitation of the
194 owner or manager.

195 (10) "Private airport of public interest" means a private
196 airport engaged in air ambulance operations, commercial air tour
197 operations, commuter operations, on-demand operations, public
198 charter operations, scheduled operations, or supplemental
199 operations.

200 ~~(11)-(6)~~ "Public airport" means an airport, publicly or
201 privately owned, which is open for use by the public.

202 (12) "Public charter operation" means a one-way or round-
203 trip charter flight performed by one or more direct air carriers
204 which is arranged and sponsored by a charter operator.

205 (13) "Scheduled operation" means any common carriage
206 passenger-carrying operation for compensation or hire conducted
207 by an air carrier or commercial operator for which the
208 certificateholder or its representative offers in advance the
209 departure location, departure time, and arrival location.

210 (14) "Supplemental operation" means any common carriage
211 operation for compensation or hire conducted with an aircraft
212 for which the departure time, departure location, and arrival
213 location are specifically negotiated with the customer or



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customer's representative.

~~(15)(7)~~ "Temporary airport" means an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 11. Subsections (2) and (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

(2) LICENSES, CERTIFICATIONS, AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an airport in this state shall have a public airport license, private airport registration, or temporary airport registration before the operation of aircraft to or from the airport. Application for a license or registration shall be made in a form and manner prescribed by the department.

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds the airport to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the



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state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

4. A private airport of public interest must obtain a certificate from the department before allowing aircraft operations. The department shall issue a certificate after a final inspection finds the airport to be in compliance with all certificate requirements. The certificate is subject to any reasonable conditions the department deems necessary to protect



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the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, must obtain a certificate from the department by July 1, 2030.

(b) The department may license a public airport that does not meet standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) A temporary airport license or registration shall be valid for less than 30 days and is not renewable. The department may not approve a subsequent temporary airport registration application for the same general location if the purpose or effect is to evade otherwise applicable airport permitting or licensure requirements.

(d)1. Each public airport license shall expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.

2. Registration for private airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been



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recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

3. The effective date and expiration date shall be shown on public airport licenses. Upon receiving an application for renewal of an airport license in a form and manner prescribed by the department and receiving a favorable inspection report indicating compliance with all applicable requirements and conditions, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a new site approval for any airport if the license or registration has expired.

5. If the renewal application for a public airport license has not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration, the department may revoke the airport license or registration.

6. After initial registration, the department may issue a certificate to a private airport of public interest if the airport is found, after a physical inspection, to be in compliance with all certificate requirements. The certificate is subject to any reasonable condition that the department deems necessary to protect the public health, safety, or welfare. A private airport of public interest certificate expires 5 years



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after the effective date of the certificate.

(e) The department may revoke, or refuse to allow or issue, any airport registration or recertification, or any license or license renewal, if it determines:

1. That the site has been abandoned as an airport;
2. That the airport does not comply with the conditions of the license, license renewal, or site approval;
3. That the airport has become either unsafe or unusable for flight operation due to physical or legal changes in conditions that were the subject of approval; or
4. That an airport required to file or update a security plan pursuant to paragraph (f) has failed to do so.

(f)1. After initial licensure, a license of a publicly or privately owned general aviation airport that is open to the public, that has at least one runway greater than 4,999 feet in length, and that does not host scheduled passenger-carrying commercial service operations regulated under 14 C.F.R. part 139 shall not be renewed or reissued unless an approved security plan has been filed with the department, except when the department determines that the airport is working in good faith toward completion and filing of the plan.

2. Security plans required by this paragraph must be developed in accordance with the 2004 Security Planning for General Aviation Airports guidelines published by the Florida Airports Council. Certain administrative data from the approved security plan shall be submitted to the Department of Law Enforcement, in a format prescribed by the Department of Law Enforcement, for use in protecting critical infrastructure of the state.



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3. The department shall not approve a security plan for filing unless it is consistent with Florida Airports Council guidelines.

4. An airport required to file a security plan pursuant to this paragraph shall update its plan at least once every 2 years after the initial filing date and file the updated plan with the department. The department shall review the updated plan prior to approving it for filing to determine whether it is consistent with Florida Airports Council guidelines. No renewal license shall be issued to the airport unless the department approves the updated security plan or determines that the airport is working in good faith to update it.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 12. Section 330.355, Florida Statutes, is created to read:

330.355 Prohibition on landing fees for certain aircraft operations.—A publicly owned airport in this state may not charge a landing fee established on or after January 1, 2025, for aircraft operations conducted by an accredited nonprofit institution located in this state which offers a 4-year collegiate aviation program, if such aircraft operations are for flight training necessary for pilot certification and proficiency.

Section 13. Section 331.371, Florida Statutes, is amended to read:



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331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a)~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided;

(b)~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;

(c)~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved; and

(d)~~(4)~~ Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

(2) (a) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund infrastructure projects, and projects associated with critical infrastructure facilities as defined in s. 692.201, within or outside of a spaceport territory as long as the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary.

(b) The Department of Transportation, the Department of Commerce, and the Department of Environmental Protection shall coordinate in funding projects under this subsection to optimize the use of available funds.

Section 14. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability Assistance Act; short title.—Sections 332.003–332.007 may be



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cited as the "Florida Airport Development and Accountability Assistance Act."

Section 15. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor's airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport and aviation consultants' contract work, other than to provide technical assistance as requested.

(2)(a) Notwithstanding subsection (1), upon the declaration of a state of emergency issued by the Governor in preparation for or in response to a natural disaster, airports shall, at no cost to the state, provide the Department of Transportation with the opportunity to use any property that is not subject to an existing lease agreement with a third party and that is not within the air navigation facility as defined in s. 332.01(4) for the staging of equipment and personnel to support emergency preparedness and response operations.

(b) After 60 days of use under paragraph (a), any further use of airport property by the Department of Transportation must be conducted pursuant to a written agreement between the airport and the department.

Section 16. Section 332.006, Florida Statutes, is amended



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to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within the resources provided to the department ~~pursuant to chapter 216~~:

(1) Provide coordination and assistance for the development of a viable aviation system in this state. To support the system, a statewide aviation system plan shall be developed and periodically updated which summarizes 5-year, 10-year, and 20-year airport and aviation needs within the state. The statewide aviation system plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The statewide aviation system plan shall not preempt local airport master plans adopted in compliance with federal and state requirements.

(2) Advise and assist the Governor in all aviation matters.

(3) Upon request, assist airport sponsors, both financially and technically, in airport master planning.

(4) Upon request, provide financial and technical assistance to public agencies which operate public-use airports by making department personnel and department-owned facilities and equipment available on a cost-reimbursement basis to such agencies for special needs of limited duration. The requirement relating to reimbursement of personnel costs may be waived by the department in those cases in which the assistance provided by its personnel was of a limited nature or duration.

(5) Participate in research and development programs relating to airports.

(6) Administer department participation in the program of



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aviation and airport grants as provided for in ss. 332.003-332.007.

(7) Develop, promote, and distribute supporting information and educational services, including, but not limited to, educational services with a focus on retention and growth of the aviation industry workforce.

(8) Encourage the maximum allocation of federal funds to local airport projects in this state.

(9) Support the development of land located within the boundaries of airports for the purpose of industrial or other uses compatible with airport operations with the objective of assisting airports in this state to become fiscally self-supporting. Such assistance may include providing state moneys on a matching basis to airport sponsors for capital improvements, including, but not limited to, fixed-base operation facilities, parking areas, industrial park utility systems, and road and rail transportation systems which are on airport property.

Section 17. Subsection (5), paragraph (a) of subsection (7), and subsections (8) and (9) of section 332.007, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable



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condition. For purposes of this paragraph, the term "airport infrastructure" means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to undisrupted commercial or cargo operations.

2. A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for



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completion, changes in cost estimates, and reasons any
inspection, preventative maintenance, or repair or
rehabilitation did not take place.

(5) Only those projects or programs provided for in this act that will contribute to the implementation of the state aviation system plan, that are consistent with the energy policy of the state as defined in s. 339.08(6)(a), that are consistent with and will contribute to the implementation of any airport master plan or layout plan, and that are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of government in which the airport is located are eligible for the expenditure of state funds in accordance with fund participation rates and priorities established herein.

(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Terminal and parking expansion projects that increase capacity at airports providing commercial service in counties with a population of 500,000 or less.

2. Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.



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~~3.2.~~ Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

~~4.3.~~ Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

~~5.4.~~ International terminal projects that increase international gate capacity.

6. Projects that improve safety and efficiency of airport operations.

7. Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations that represent a majority of public airports in this state and postsecondary education institutions as defined in s. 1008.47 that support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability and safety of airports in this state. Programs that support the transition of honorably discharged military personnel to the aviation industry are also eligible projects under this subsection. The department may provide matching funds for eligible projects funded by the Department of Commerce.

(9) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:



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(a) Important access and on-airport capacity improvements are provided;

(b) Capital improvements that strategically position the state to maximize opportunities in tourism, international trade, logistics, and the aviation industry are provided;

(c) Goals of an integrated intermodal transportation system for the state are achieved; and

(d) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

Section 18. Paragraphs (a), (b), and (d) of subsection (1), subsection (2), and paragraph (a) of subsection (5) of section 332.0075, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, to read:

332.0075 Commercial service airports; transparency and accountability; penalty.—

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

(a) "Commercial service airport" means an airport providing commercial service, including large, medium, small, and nonhub airports as classified ~~a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport~~ by the Federal Aviation Administration.

(b) "Consent agenda" means an agenda which consists of items voted on collectively or as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.

(d) "Governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. The term also includes an appointed board or oversight entity serving as the governing body for



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620 purposes of a commercial service airport on behalf of a county,
621 municipality, or special district.

622 (2) Each governing body shall establish and maintain a
623 website to post information relating to the operation of a
624 commercial service airport. The information must remain posted
625 on the website for 5 years or for the entirety of the period
626 during which the document is actively in use, whichever is
627 longer, and must include all of the following, including:

628 (a) All published notices of meetings and published meeting
629 agendas of the governing body.

630 (b) The official minutes of each meeting of the governing
631 body, which must ~~shall~~ be posted within 7 business days after
632 the date of the meeting in which the minutes were approved.

633 (c) The approved budget for the commercial service airport
634 for the current fiscal year, which shall be posted within 7
635 business days after the date of adoption. Budgets must remain on
636 the website for 5 ~~2~~ years after the conclusion of the fiscal
637 year for which they were adopted.

638 (d) Copies of the current airport master plan and the
639 immediately preceding airport master plan for the commercial
640 service airport and a link to the current airport master plan
641 ~~for the commercial service airport~~ on the commercial service
642 airport's website.

643 (e) A link to all financial and statistical reports for the
644 commercial service airport on the Federal Aviation
645 Administration's website.

646 (f) Any contract or contract amendment for the purchase of
647 commodities or contractual services executed by or on behalf of
648 the commercial service airport in excess of the threshold amount



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provided in s. 287.017 for CATEGORY FIVE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport must redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5)(a) Each November 1, the governing body of each commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.
2. Any financial reports submitted to the Federal Aviation Administration during the previous calendar year.
3. A link to its website.
4. A statement, verified as provided in s. 92.525, that it has complied with part III of chapter 112, chapter 287, and this section.
5. The most recent copies of its strategic plans.
6. Contracts related to any financial awards received through federally funded grant programs for the preceding year.

(c) A commercial service airport shall:

1. Notify the department within 48 hours after receiving a communication or directive from a federal agency relating to



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public health testing or the transfer of unauthorized aliens
into this state.

2. Notify the department as soon as is reasonably possible,
but no later than 48 hours, after the discovery of a potential
cybersecurity breach or other occurrence impacting the traveling
public, a disruption in state aviation operations directly
impacting multiple airports within this state, or an incident
occurring on airport property which requires coordination with
multiple local, state, or federal agencies.

Section 19. Section 332.15, Florida Statutes, is created to
read:

332.15 Advanced air mobility.—The Department of
Transportation shall:

(1) Address the need for vertiports, advanced air mobility,
and other advances in aviation technology in the statewide
aviation system plan required under s. 332.006(1) and, as
appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air
mobility within the department to serve as a resource for local
jurisdictions navigating advances in aviation technology.

(3) Conduct a review of airport hazard zone regulations.

(4) In coordination with the Department of Commerce,
provide coordination and assistance for the development of a
viable advanced air mobility system plan in this state. The
department shall incorporate the plan into the statewide
aviation system plan required under s. 332.006(1) to identify
and develop statewide corridors of need and opportunities for
industry growth.

Section 20. Subsections (5) and (26) of section 334.044,



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Florida Statutes, are amended, and subsections (37), (38), and (39) are added to that section, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of environmental management, scenic highways, traffic and train safety awareness, ~~alternatives to single-occupant vehicle travel~~, commercial motor vehicle safety, workforce development, electric vehicle use and charging stations, autonomous vehicles, and context classification design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(26) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs.

(a) On an annual basis, an amount equal to at least 1.5 percent of the total amount contracted for the average of the previous 3 completed fiscal years of construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials to enhance State Highway System rights-of-way and arterial facilities. Such funds must be allocated on a statewide basis. Department districts may not expend funds for landscaping in connection with any project that



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~~is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee.~~

(b) To the greatest extent practical, at least 50 percent of the funds allocated under paragraph (a) this subsection shall be allocated for large plant materials and the remaining funds for other plant materials.

(c) Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall develop grades and standards for landscaping materials purchased through this process, which must include standards for landscaping materials native to specific regions of this state which are reflective of this state's heritage and natural landscapes. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

(37) Notwithstanding s. 287.022 or s. 287.025, to directly enter into insurance contracts with local, national, or international insurance companies for the purchase of insurance coverage that the department is contractually and legally required to provide.

(38) Notwithstanding s. 287.14, to purchase or acquire heavy equipment and motor vehicles for roadway operations and emergency response purposes regardless of whether the department exchanges or ceases to operate any department-owned heavy equipment or motor vehicles.

(39) To adopt rules for the purpose of compliance with 49



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C.F.R. part 26 and any other applicable federal law.

Section 21. Subsection (1) of section 334.045, Florida Statutes, is amended to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop and adopt measures for evaluating the performance and productivity of the department. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the department's control. The measures must, at a minimum, assess performance in the following areas:

- (a) Production;
- (b) Finance and administration;
- (c) Preservation of the current state system;
- (d) Safety of the current state system;
- (e) Capacity improvements: highways and all public transportation modes; and

(f) The business development program established under s. 337.027 ~~Disadvantaged business enterprise and minority business programs.~~

Section 22. Subsection (3) is added to section 334.27, Florida Statutes, to read:

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(3) A parking authority established under the laws of this state or any of its counties, municipalities, or political subdivisions shall have full power to conduct business; to



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operate, manage, and control facilities; and to provide services to contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The parking authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous county, municipality, or political subdivision, as applicable.

Section 23. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—The Legislature finds that the growth and sustainability of the transportation industry workforce is vital to the continued success and efficiency of the state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established within the department. In order to support, promote, and sustain workforce development efforts in the transportation sector, the department may do all of the following:

(1) Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification process between the Department of Corrections and the department for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.

(2) Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.



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(3) Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.

(4) Coordinate with the Department of Commerce, CareerSource Florida, Inc., and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.

(5) Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across the transportation industry in this state.

Section 24. Present paragraph (b) of subsection (3) of section 335.182, Florida Statutes, is redesignated as paragraph (c) and amended, and a new paragraph (b) is added to that subsection, to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(b) "Modification of an existing connection" means the relocation, alteration, or closure of the connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including the development of land, structures, or facilities; or

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~either peak~~



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hour or daily, ~~+~~ and exceeding 100 vehicles per day more than the existing use.

Section 25. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit if denying ~~after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may condition ~~be conditioned on~~ the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring modification ~~Relocation, alteration, or closure~~ of an existing connection if:

(a) A significant change occurs in the use, design, or traffic flow of the connection; or

(b) It would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

Section 26. Section 337.027, Florida Statutes, is amended to read:

337.027 Authority to implement a business development program.—

(1) The department may establish a program for highway projects which would assist small businesses. The purpose of



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this program is to increase competition, lower prices, and provide increased support to meet the department's future work program. The program may include, but is not limited to, setting aside contracts, providing preference points for the use of small businesses, providing special assistance in bidding and contract completion, waiving bond requirements, and implementing other strategies that would increase competition.

(2) For purposes of this section, the term "small business" means a business with yearly average gross receipts of less than \$25 ~~\$15~~ million for road and bridge contracts and less than \$10 ~~\$6.5~~ million for professional and nonprofessional services contracts. A business' average gross receipts is determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate as defined in s. 337.165.

(3) The department may provide notice of opportunities for businesses qualified for this program.

(4) The department may adopt rules to implement this section.

Section 27. Subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)(a) If the secretary determines that an emergency in regard to the restoration or repair of any state transportation facility exists such that the delay incident to giving opportunity for competitive bidding would be detrimental to the



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interests of the state, the provisions for competitive bidding do not apply; and the department may enter into contracts for restoration or repair without giving opportunity for competitive bidding on such contracts. Within 30 days after such determination and contract execution, the head of the department shall file with the Executive Office of the Governor a written statement of the conditions and circumstances constituting such emergency.

(b) If the secretary determines that delays on a contract for maintenance exist due to administrative challenges, bid protests, defaults or terminations and the further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive bidding process and have the contract in place.

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$500,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:



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1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to small disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 28. Section 337.125, Florida Statutes, is repealed.

Section 29. Section 337.135, Florida Statutes, is repealed.

Section 30. Section 337.139, Florida Statutes, is repealed.

Section 31. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for



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incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price; ~~The department may also choose,~~ in its discretion and applicable only to phased design-build contracts under s. 337.11(7)(b), to allow the issuance of multiple contract performance and payment bonds in succession to align with each phase of the contract to meet the bonding requirement in this subsection; and, at the discretion of the Secretary of Transportation and notwithstanding any bonding requirement under s. 337.18, to require a surety bond in an amount that is less than the awarded contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. The contract price is \$250,000 or less and the department determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property;

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the department determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price



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for a project having a contract price of \$250 million or more and, in its place, may set a surety bond amount that is a portion of the total contract price and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond or provide for incremental surety bonding and provide an alternate means of security for the balance of the contract amount that is not covered by the surety bond. Such alternative means of security may include letters of credit, United States bonds and notes, parent company guarantees, and cash collateral. The department may require alternate means of security if a surety bond is waived. The surety on such bond shall be a surety company authorized to do business in the state. All bonds shall be payable to the department and conditioned for the prompt, faithful, and efficient performance of the contract according to plans and specifications and within the time period specified, and for the prompt payment of all persons defined in s. 713.01 furnishing labor, material, equipment, and supplies for work provided in the contract; however, whenever an improvement, demolition, or removal contract price is \$25,000 or less, the security may, in the discretion of the bidder, be in the form of a cashier's check, bank money order of any state or national bank, certified check, or postal money order. The department shall adopt rules to implement this subsection. Such rules shall include provisions under which the department shall refuse to accept bonds on contracts when a surety wrongfully fails or refuses to settle or provide a defense for claims or actions arising under a contract for which the surety previously furnished a bond.

Section 32. Subsection (3) of section 337.251, Florida



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Statutes, is amended to read:

337.251 Lease of property for joint public-private development and areas above or below department property.—

(3) A proposal must be selected by the department based on competitive bidding, except that the department may consider other relevant factors specified in the request for proposals. The department may consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the department by the lessee in lieu of direct revenue to the department if such other factors are of equal value including innovative proposals to involve small ~~minority~~ businesses. The department may name a board of advisers which may be composed of accountants, real estate appraisers, design engineers, or other experts experienced in the type of development proposed. The board of advisers shall review the feasibility of the proposals, recommend acceptance or rejection of each proposal, and rank each feasible proposal in the order of technical feasibility and benefit provided to the department. The board of advisers shall be reasonably compensated for the services provided and all department costs for evaluating the proposals shall be reimbursed from a proposal application fee to be set by the department and paid by the applicants. The board of advisers shall not be subject to selection under the provisions of chapter 287.

Section 33. Section (2) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—



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(2) (a) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (7) (d) 7., 8., and 9.

(b) Notwithstanding paragraph (a), a municipality may not prohibit, or require a permit for, the installation of a public sewer transmission line placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion where the work is being performed under permits issued by the Department of Transportation pursuant to this chapter and the Department of Environmental Protection, or its delegate, pursuant to chapter 403.

Section 34. Subsection (4) of section 337.406, Florida



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Statutes, is amended to read:

337.406 Unlawful use of state transportation facility
right-of-way; penalties.—

(4) (a) Camping is prohibited on any portion of the right-
of-way of the State Highway System ~~that is within 100 feet of a~~
~~bridge, causeway, overpass, or ramp.~~

(b) This subsection does not apply to a person who has
acquired the appropriate permits and is actively navigating the
federally designated Florida National Scenic Trail recognized by
the state in s. 260.012(6).

Section 35. Subsection (4) of section 338.227, Florida
Statutes, is amended to read:

338.227 Turnpike revenue bonds.—

(4) The Department of Transportation and the Department of
Management Services shall create and implement an outreach
program designed to enhance the participation of small ~~minority~~
~~persons and minority~~ business enterprises in all contracts
entered into by their respective departments for services
related to the financing of department projects for the
Strategic Intermodal System Plan developed pursuant to s.
339.64. These services ~~shall~~ include, but are not limited to,
bond counsel and bond underwriters.

Section 36. Subsection (6) is added to section 339.08,
Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(6) (a) As used in this subsection, the term "energy policy
of the state" means the energy policy described in s. 377.601
and includes any intended or actual measure, obligation, target,
or timeframe related to a reduction in carbon dioxide emissions.



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(b) The department may not expend any state funds as described in s. 215.31 to support a project or program of any of the following entities if such entities adopt or promote energy policy goals inconsistent with the energy policy of the state:

1. A public transit provider as defined in s. 341.031(1).
2. An authority created pursuant to chapter 343, chapter 348, or chapter 349.

3. A public-use airport as defined in s. 332.004.

4. A port listed in s. 311.09(1).

Section 37. Section 339.0805, Florida Statutes, is repealed.

Section 38. Paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052 and rural transit operating block grants as provided in s. 341.0525, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district



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under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for rural transit operating block grants shall be allocated to the districts pursuant to s. 341.0525. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal System created pursuant to s. 339.61. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

Section 39. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—



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(3)

(b) The department must ensure that it is supportive of small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section.~~

(4) A contract between the department and a governmental body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

2. A description of each change order executed by the governmental body;

3. A budget summary detailing planned expenditures compared to actual expenditures; and

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 40. Section 339.287, Florida Statutes, is repealed.

Section 41. Paragraph (a) of subsection (5) of section 339.63, Florida Statutes, is amended to read:

339.63 System facilities designated; additions and deletions.—

(5) (a) The Secretary of Transportation shall designate a planned facility as part of the Strategic Intermodal System upon request of the facility if it meets the criteria and thresholds established by the department pursuant to subsection (4), is ~~meets the definition of~~ an “intermodal logistics center” as



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defined in s. 311.101(2), and has been designated in a local comprehensive plan or local government development order as an intermodal logistics center or an equivalent planning term. ~~For the purpose of this section, the term "intermodal logistics center" means a facility or group of facilities, including, but not limited to, an inland port, serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport whose activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by one or more seaports, as provided in s. 311.09, or an airport whose activities and services are designed to support the transport, logistics, goods distribution, consolidation, or value-added activities related to airborne cargo.~~

Section 42. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to \$20 million available each year ~~for fiscal years 2023-2024 through 2027-2028,~~ from the existing work program ~~revenues,~~ to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 43. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and



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intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, those funds must ~~The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall~~ be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year. ~~This paragraph expires June 30, 2026.~~

For purposes of this section, the term “net operating costs” means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 44. Subsections (1) and (6) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to ~~“Section 9” providers and “Section 18” providers~~ designated by the United States Department of Transportation pursuant to 49 U.S.C. s. 5307 and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located and the long-range transportation plans of the metropolitan planning organization



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in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from local workforce development boards established under chapter 445. The development plans must address how the public transit provider will work with the appropriate local workforce development board to provide services to participants in the welfare transition program. Eligible providers must provide information to the local workforce development board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

(6) The department shall distribute 85 percent of the public transit block grant funds to ~~"Section 9" and "Section 18"~~ providers designated by the United States Department of Transportation pursuant to 49 U.S.C. s. 5307. The funds shall be distributed to such ~~"Section 9" providers, and to "Section 18"~~ providers that are not designated as community transportation coordinators pursuant to chapter 427, according to the following formula, except that at least \$20,000 shall be distributed to each eligible provider if application of the formula provides less than that amount for any such provider:

(a) One-third shall be distributed according to the percentage that an eligible provider's county population in the most recent year for which those population figures are available from the state census repository is of the total population of all counties served by eligible providers.

(b) One-third shall be distributed according to the percentage that the total revenue miles provided by an eligible provider, as verified by the most recent National Transit



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Database ~~"Section 15"~~ report to the Federal Transit Administration or a similar audited report submitted to the department, is of the total revenue miles provided by eligible providers in the state in that year.

(c) One-third shall be distributed according to the percentage that the total passengers carried by an eligible provider, as verified by the most recent National Transit Database ~~"Section 15"~~ report submitted to the Federal Transit Administration or a similar audited report submitted to the department, is of the total number of passengers carried by eligible providers in the state in that year.

Section 45. Section 341.0525, Florida Statutes, is created to read:

341.0525 Rural transit operating block grant program; administration; eligible projects.—

(1) There is created a rural transit operating block grant program that shall be administered by the department. Rural transit block grant funds are available only to public transit providers not eligible to receive public transit block grants pursuant to s. 341.052.

(2) At least \$3 million must be allocated annually from the State Transportation Trust Fund for the program. At least \$20,000 must be distributed to each eligible provider if application of the following formula provides less than that amount for any such provider:

(a) One-third must be distributed according to the percentage that an eligible provider's non-urbanized county population in the most recent year official population estimate pursuant to s. 186.901 is of the total population of all



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counties served by eligible providers.

(b) One-third must be distributed according to the percentage that the total non-urbanized revenue miles provided by an eligible provider, as verified by the most recent National Transit Database report or a similar audited report submitted to the department, is of the total rural revenue miles provided by eligible providers in the state in that year.

(c) One-third must be distributed according to the percentage that the total non-urbanized passengers carried by an eligible provider, as verified by the most recent National Transit Database report or a similar audited report submitted to the department, is of the total number of passengers carried by eligible providers in the state in that year.

(3) Grant funds must be used to pay public transit operating costs. State participation in such costs may not exceed 50 percent of such costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue and federal funds, received by the provider for operating costs, whichever amount is less.

(4) (a) An eligible public transit provider may not use block grant funds to supplant local tax revenues made available to such provider for operations in the previous year; however, the Secretary of Transportation may waive this provision for public transit providers located in a county recovering from a state of emergency declared pursuant to part I of chapter 252.

(b) The state may not give any county more than 39 percent of the funds available for distribution under this section or more than the amount that local revenue sources provide to that county for its transit system.



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(5) To remain eligible to receive funding under the program, eligible public transit providers must comply with s. 341.071(1) and (2).

(6)(a) Any funds distributed to an eligible provider pursuant to subsection (2) which cannot be expended within the limitations of the program must be returned to the department for redistribution to other eligible providers.

(b) The department may consult with an eligible provider, before distributing funds to that provider, to determine whether the provider can expend its total block grant within the limitations of the program. If the department and the provider agree that the total block grant amount cannot be expended, the provider may agree to accept a block grant amount of less than the total amount, in which case the funds that exceed such lesser agreed-upon amount must be redistributed to other eligible providers.

(c) If an audit reveals that an eligible provider expended block grant funds on unauthorized uses, the provider must repay to the department an amount equal to the funds expended for unauthorized uses. The department shall redistribute such repayments to other eligible providers.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 19 - 195
and insert:

the Department of Transportation; providing for
membership of the institute; requiring the department
to select a member to serve as the administrative lead



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1374 of the institute; requiring the Secretary of
1375 Transportation to appoint a representative of the
1376 department to serve as the executive director of the
1377 institute; requiring the department to coordinate with
1378 the members of the institute to adopt certain
1379 policies; authorizing the institute to award certain
1380 grants; authorizing the department to allocate funds
1381 to the institute from the State Transportation Trust
1382 Fund; authorizing the institute to expend funds for
1383 certain operations and programs; requiring the
1384 institute to submit an annual report to the Secretary
1385 of Transportation and the commission; revising the
1386 department's areas of program responsibility; amending
1387 s. 311.07, F.S.; providing that certain spaceport and
1388 space industry-related facility projects and
1389 commercial shipbuilding and manufacturing facility
1390 projects are eligible for grant funding under the
1391 Florida Seaport Transportation and Economic
1392 Development Program; amending s. 311.09, F.S.;
1393 revising the purpose of the Florida Seaport
1394 Transportation and Economic Development Council;
1395 requiring that the Florida Seaport Mission Plan
1396 include certain recommendations; requiring each port
1397 member of the council to submit a certain semiannual
1398 report to the department; amending s. 311.10, F.S.;
1399 requiring seaports located in specified counties to
1400 include certain statements in any agreement with the
1401 department as a condition of receiving certain grants
1402 or state funds; requiring that express approval for



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1403 certain seaport conversions be obtained by specified
1404 entities upon recommendation by the funding agency;
1405 defining the term "cargo purposes"; amending s.
1406 311.101, F.S.; revising the definition of the term
1407 "intermodal logistics center"; creating an intermodal
1408 logistics center working group within the department;
1409 providing the composition of the working group
1410 membership; specifying that members of the working
1411 group serve without compensation but are eligible for
1412 per diem and travel expenses; providing
1413 responsibilities of the working group; requiring the
1414 working group to submit a report to the Governor and
1415 the Legislature by a specified date; providing for the
1416 future repeal of the working group; amending s.
1417 316.003, F.S.; revising the definition of the term
1418 "special mobile equipment"; repealing s. 316.0741,
1419 F.S., relating to high-occupancy-vehicle lanes;
1420 amending s. 316.0745, F.S.; deleting language limiting
1421 the state funds that may be withheld due to certain
1422 violations by a public body or official to state funds
1423 for traffic control purposes; providing that such
1424 violations are cause for the withholding of state
1425 funds deposited in the State Transportation Trust
1426 Fund; amending s. 316.550, F.S.; authorizing the
1427 Department of Transportation to issue a mobile crane
1428 special blanket permit for certain purposes; amending
1429 s. 330.27, F.S.; revising definitions and defining
1430 terms; amending s. 330.30, F.S.; requiring a private
1431 airport of public interest to obtain a certain



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1432 certificate from the department before allowing
1433 aircraft operations; requiring certain private
1434 airports to obtain a certain certificate from the
1435 department by a specified date; creating s. 330.355,
1436 F.S.; prohibiting publicly owned airports from
1437 charging a landing fee established on or after a
1438 specified date for certain aircraft operations;
1439 amending s. 331.371, F.S.; authorizing the department,
1440 in consultation with the Department of Commerce and
1441 the Department of Environmental Protection, to fund
1442 certain infrastructure projects and projects
1443 associated with certain critical infrastructure
1444 projects; requiring such departments to coordinate in
1445 funding certain projects for a specified purpose;
1446 amending s. 332.003, F.S.; revising a short title;
1447 amending s. 332.005, F.S.; requiring airports to
1448 provide the Department of Transportation with the
1449 opportunity to use certain airport property for a
1450 specified purpose during a declared state of
1451 emergency; requiring that such use be conducted
1452 pursuant to a written agreement after a certain period
1453 of use; amending s. 332.006, F.S.; deleting a
1454 requirement that the department meet certain duties
1455 and responsibilities within the resources provided
1456 pursuant to a specified chapter; providing duties and
1457 responsibilities of the department relating to certain
1458 educational services; amending s. 332.007, F.S.;
1459 requiring commercial service airports to establish and
1460 maintain a certain program; defining the term "airport



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1461 infrastructure"; requiring that such airports provide
1462 a certain annual certification to the department;
1463 requiring that a certain program report be open to
1464 department inspection and maintained for a specified
1465 period; providing requirements for such program;
1466 revising the list of projects for which the department
1467 must provide priority funding; authorizing the
1468 department to fund eligible projects performed by
1469 certain organizations and postsecondary education
1470 institutions; providing that certain programs are
1471 eligible projects; authorizing the department to
1472 provide certain matching funds; revising the
1473 circumstances in which the department may fund
1474 strategic airport investment projects; amending s.
1475 332.0075, F.S.; revising definitions; requiring that
1476 certain information remain posted on a governing
1477 body's website for a certain period; revising the
1478 information that must be included on such website;
1479 requiring the quarterly, rather than annual, update of
1480 certain information; revising information that the
1481 governing body of a commercial service airport must
1482 submit to the department annually; requiring a
1483 commercial service airport to provide certain
1484 notifications to the department; creating s. 332.15,
1485 F.S.; requiring the department to address certain
1486 needs in the statewide aviation system plan and the
1487 department's work program, designate a certain subject
1488 matter expert, conduct a specified review, and, in
1489 coordination with the Department of Commerce, provide



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1490 certain coordination and assistance for the
1491 development of a viable advanced air mobility system
1492 plan; amending s. 334.044, F.S.; revising the general
1493 powers and duties of the department; amending s.
1494 334.045, F.S.; requiring certain measures developed
1495 and adopted by the Florida Transportation Commission
1496 to assess performance in a specified business
1497 development program, instead of disadvantaged business
1498 enterprise and minority business programs; amending s.
1499 334.27, F.S.; providing powers of certain parking
1500 authorities; authorizing parking authorities to engage
1501 in certain activities upon entering into an interlocal
1502 agreement with certain political subdivisions;
1503 creating s. 334.62, F.S.; providing legislative
1504 findings; establishing the Florida Transportation
1505 Academy within the department; authorizing the
1506 department to coordinate with certain entities for
1507 specified purposes; amending s. 335.182, F.S.;
1508 defining the term "modification of an existing
1509 connection"; revising the definition of the term
1510 "significant change"; amending s. 335.187, F.S.;
1511 authorizing the department to modify or revoke certain
1512 access permits by requiring modification of an
1513 existing connection in certain circumstances; amending
1514 s. 337.027, F.S.; revising the definition of the term
1515 "small business"; authorizing the department to
1516 provide notice of certain opportunities; amending s.
1517 337.11, F.S.; requiring the department to give
1518 consideration to small business participation, instead



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1519 of disadvantaged business enterprise participation;
1520 repealing s. 337.125, F.S., relating to socially and
1521 economically disadvantaged business enterprises and
1522 notice requirements; repealing s. 337.135, F.S.,
1523 relating to socially and economically disadvantaged
1524 business enterprises and punishment for false
1525 representation; repealing s. 337.139, F.S., relating
1526 to efforts to encourage awarding contracts to
1527 disadvantaged business enterprises; amending s.
1528 337.18, F.S.; authorizing the Secretary of
1529 Transportation to require a surety bond in an amount
1530 that is less than the awarded contract price; amending
1531 s. 337.251, F.S.; revising factors that may be
1532 considered by the department when selecting certain
1533 proposals; amending s. 337.401, F.S.; prohibiting a
1534 municipality from prohibiting, or requiring a permit
1535 for, the installation of certain public sewer
1536 transmission lines; amending s. 337.406, F.S.;
1537 prohibiting camping on any portion of the right-of-way
1538 of the State Highway System; providing applicability;
1539 amending s. 338.227, F.S.; revising the purpose for
1540 which the department and the Department of Management
1541 Services shall create and implement a certain outreach
1542 program; amending s. 339.08, F.S.; defining the term
1543 "energy policy of the state"; prohibiting the
1544 department from expending state funds to support
1545 projects or programs of certain entities in certain
1546 circumstances; repealing s. 339.0805, F.S., relating
1547 to funds to be expended with certified disadvantaged



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1548 business enterprises, a construction management
1549 development program, and a bond guarantee program;
1550 amending s. 339.135, F.S.; requiring that funds for
1551 rural transit operating block grants be allocated in a
1552 certain manner; amending s. 339.2821, F.S.; requiring
1553 the department to ensure that it is supportive of
1554 small businesses, rather than ensuring that small and
1555 minority businesses have equal access to participation
1556 in certain transportation projects; repealing s.
1557 339.287, F.S., relating to electric vehicle charging
1558 stations and infrastructure plan development; amending
1559 s. 339.63, F.S.; deleting the definition of the term
1560 "intermodal logistics center"; amending s. 339.651,
1561 F.S.; authorizing, rather than requiring, the
1562 department to make a certain amount available from the
1563 existing work program to fund certain projects
1564 annually; deleting the scheduled repeal of provisions
1565 relating to Strategic Intermodal System supply chain
1566 demands; amending s. 341.051, F.S.; providing for the
1567 reallocation of certain funds; deleting the scheduled
1568 repeal of provisions providing for the reallocation of
1569 certain funds; amending s. 341.052, F.S.; revising the
1570 list of providers to which certain block grant funds
1571 shall be provided; revising the specified report used
1572 to verify certain data; creating s. 341.0525, F.S.;
1573 creating a rural transit operating block grant program
1574 that shall be administered by the department;
1575 requiring the annual allocation of certain funds from
1576 the State Transportation Trust Fund for the program;



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1577 providing for the distribution of funds to each
1578 eligible public transit provider in at least a certain
1579 amount; providing authorized uses of grant funds;
1580 prohibiting state participation in certain costs above
1581 a specified percentage or amount; prohibiting an
1582 eligible public transit provider from using block
1583 grant funds in a certain manner; providing an
1584 exception; prohibiting the state from giving a county
1585 more than a specified percentage of available funds or
1586 a certain amount; providing eligibility requirements;
1587 requiring an eligible provider to return funds under
1588 certain circumstances; authorizing the department to
1589 consult with an eligible provider before distributing
1590 funds to make a certain determination; requiring an
1591 eligible provider to repay to the department funds
1592 expended on unauthorized uses if revealed in an audit;
1593 requiring the department to redistribute returned and
1594 repaid funds to other eligible providers; amending s.
1595 348.754, F.S.; revising the



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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Collins) recommended the following:

Senate Amendment to Amendment (582758) (with title amendment)

Between lines 151 and 152
insert:

Section 10. Subsections (1) and (3), paragraphs (a) and (c) of subsection (4), and subsection (6) of section 320.084, Florida Statutes, are amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—



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(1) One free disabled veteran ~~"DV"~~ motor vehicle license number plate shall be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(3) The department shall, as it deems necessary, require each person to whom a motor vehicle license plate has been issued pursuant to subsection (1) to apply to the department for reissuance of his or her registration license plate. Upon receipt of the application and proof of the applicant's continued eligibility, the department shall issue a new permanent disabled veteran ~~"DV" numerical~~ motor vehicle license plate which shall be of the colors red, white, and blue similar to the colors of the United States flag. The operation of a



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motor vehicle displaying a disabled veteran "DV" license plate from a previous issue period or a noncurrent validation sticker after the date specified by the department shall subject the owner if he or she is present, otherwise the operator, to the penalty provided in s. 318.18(2). Such permanent license plate shall be removed upon sale of the vehicle, but may be transferred to another vehicle owned by such veteran in the manner prescribed by law. ~~The license number of each plate issued under this section shall be identified by the letter designation "DV."~~ Upon request of any such veteran, the department is authorized to issue a designation plate containing only the letters "DV," to be displayed on the front of the vehicle.

(4)(a) With the issuance of each new permanent disabled veteran "DV" ~~numerical~~ motor vehicle license plate, the department shall initially issue, without cost to the applicant, a validation sticker reflecting the owner's birth month and a serially numbered validation sticker reflecting the year of expiration. The initial sticker reflecting the year of expiration may not exceed 27 months.

(c) Registration under this section shall be renewed annually or biennially during the applicable renewal period on forms prescribed by the department, which shall include, in addition to any other information required by the department, a certified statement as to the continued eligibility of the applicant to receive the special disabled veteran "DV" license plate. Any applicant who falsely or fraudulently submits to the department the certified statement required by this paragraph is guilty of a noncriminal violation and is subject to a civil



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penalty of \$50.

(6)(a) A disabled veteran who meets the requirements of subsection (1) may be issued, in lieu of the disabled veteran "DV" license plate, a military license plate for which he or she is eligible or a specialty license plate embossed with the initials "DV" in the top left-hand corner. A disabled veteran electing a military license plate or specialty license plate under this subsection must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

~~1. Does not provide the protections or rights afforded by ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

~~2.~~ is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 11. Paragraph (e) of subsection (2) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a disabled veteran "DV" license plate under s. 320.084, such a



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license plate may be issued to him or her in lieu of a disabled
parking permit.

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

And the title is amended as follows:

Between lines 1428 and 1429

insert:

s. 320.084, F.S.; providing for disabled veteran motor
vehicle license plates in lieu of "DV" motor vehicle
license plates; revising construction; amending s.
320.0848, F.S.; conforming a provision to changes made
by the act; amending

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Collins

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1 A bill to be entitled
 2 An act relating to transportation; amending s. 20.23,
 3 F.S.; authorizing the Secretary of Transportation to
 4 appoint a specified number of assistant secretaries;
 5 specifying titles for such assistant secretaries;
 6 authorizing the secretary to appoint an Executive
 7 Director of Transportation Technology; specifying that
 8 such assistant secretaries and executive director
 9 positions are exempt from career service and are
 10 included in the Senior Management Service; revising
 11 qualifications for members of the Florida
 12 Transportation Commission; requiring the commission to
 13 monitor transit entities that receive certain funding;
 14 requiring members of the commission to follow certain
 15 standards of conduct; providing legislative findings
 16 and intent; creating the Florida Transportation
 17 Research Institute; specifying the purpose and mission
 18 of the institute; requiring the institute to report to
 19 the department; providing for membership of the
 20 institute; requiring the department to select a member
 21 to serve as the administrative lead of the institute;
 22 requiring the Secretary of Transportation to appoint a
 23 representative of the department to serve as the
 24 executive director of the institute; requiring the
 25 department to coordinate with the members of the
 26 institute to adopt certain policies; authorizing the
 27 institute to award certain grants; authorizing the
 28 department to allocate funds to the institute from the
 29 State Transportation Trust Fund; authorizing the

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30 institute to expend funds for certain operations and
 31 programs; requiring the institute to submit an annual
 32 report to the Secretary of Transportation and the
 33 commission; revising the department's areas of program
 34 responsibility; amending s. 311.07, F.S.; providing
 35 that certain spaceport and space industry-related
 36 facility projects and commercial shipbuilding and
 37 manufacturing facility projects are eligible for grant
 38 funding under the Florida Seaport Transportation and
 39 Economic Development Program; amending s. 311.09,
 40 F.S.; revising the purpose of the Florida Seaport
 41 Transportation and Economic Development Council;
 42 requiring that the Florida Seaport Mission Plan
 43 include certain recommendations; requiring each port
 44 member of the council to submit a certain semiannual
 45 report to the department; amending s. 311.10, F.S.;
 46 requiring seaports located in specified counties to
 47 include certain statements in any agreement with the
 48 department as a condition of receiving certain grants
 49 or state funds; requiring that express approval for
 50 certain seaport conversions be obtained by specified
 51 entities upon recommendation by the funding agency;
 52 defining the term "cargo purposes"; amending s.
 53 316.003, F.S.; revising the definition of the term
 54 "special mobile equipment"; repealing s. 316.0741,
 55 F.S., relating to high-occupancy-vehicle lanes;
 56 amending s. 316.0745, F.S.; deleting language limiting
 57 the state funds that may be withheld due to certain
 58 violations by a public body or official to state funds

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59 for traffic control purposes; providing that such
 60 violations are cause for the withholding of state
 61 funds deposited in the State Transportation Trust
 62 Fund; amending s. 316.550, F.S.; authorizing the
 63 Department of Transportation to issue a mobile crane
 64 special blanket permit for certain purposes; amending
 65 s. 330.27, F.S.; revising definitions and defining
 66 terms; amending s. 330.30, F.S.; requiring a private
 67 airport of public interest to obtain a certain
 68 certificate from the department before allowing
 69 aircraft operations; requiring certain private
 70 airports to obtain a certain certificate from the
 71 department by a specified date; amending s. 331.371,
 72 F.S.; authorizing the department, in consultation with
 73 the Department of Commerce and the Department of
 74 Environmental Protection, to fund certain
 75 infrastructure projects and projects associated with
 76 certain critical infrastructure projects; requiring
 77 such departments to coordinate in funding certain
 78 projects for a specified purpose; amending s. 332.003,
 79 F.S.; revising a short title; amending s. 332.005,
 80 F.S.; requiring airports to provide the Department of
 81 Transportation with the opportunity to use certain
 82 airport property for a specified purpose during a
 83 declared state of emergency; requiring that such use
 84 be conducted pursuant to a written agreement after a
 85 certain period of use; amending s. 332.006, F.S.;
 86 deleting a requirement that the department meet
 87 certain duties and responsibilities within the

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88 resources provided pursuant to a specified chapter;
 89 providing duties and responsibilities of the
 90 department relating to certain educational services;
 91 amending s. 332.007, F.S.; requiring commercial
 92 service airports to establish and maintain a certain
 93 program; defining the term "airport infrastructure";
 94 requiring that such airports provide a certain annual
 95 certification to the department; requiring that a
 96 certain program report be open to department
 97 inspection and maintained for a specified period;
 98 providing requirements for such program; revising the
 99 list of projects for which the department must provide
 100 priority funding; authorizing the department to fund
 101 eligible projects performed by certain organizations
 102 and postsecondary education institutions; providing
 103 that certain programs are eligible projects;
 104 authorizing the department to provide certain matching
 105 funds; revising the circumstances in which the
 106 department may fund strategic airport investment
 107 projects; amending s. 332.0075, F.S.; revising
 108 definitions; requiring that certain information remain
 109 posted on a governing body's website for a certain
 110 period; revising the information that must be included
 111 on such website; requiring the quarterly, rather than
 112 annual, update of certain information; revising
 113 information that the governing body of a commercial
 114 service airport must submit to the department
 115 annually; requiring a commercial service airport to
 116 provide certain notifications to the department;

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117 creating s. 332.15, F.S.; requiring the department to
 118 address certain needs in the statewide aviation system
 119 plan and the department's work program, designate a
 120 certain subject matter expert, conduct a specified
 121 review, and, in coordination with the Department of
 122 Commerce, provide certain coordination and assistance
 123 for the development of a viable advanced air mobility
 124 system plan; amending s. 334.044, F.S.; revising the
 125 powers and duties of the department; amending s.
 126 334.045, F.S.; requiring certain measures developed
 127 and adopted by the Florida Transportation Commission
 128 to assess performance in a specified business
 129 development program, instead of disadvantaged business
 130 enterprise and minority business programs; amending s.
 131 334.27, F.S.; providing powers of certain parking
 132 authorities; authorizing parking authorities to engage
 133 in certain activities upon entering into an interlocal
 134 agreement with certain political subdivisions;
 135 creating s. 334.62, F.S.; providing legislative
 136 findings; establishing the Florida Transportation
 137 Academy within the department; authorizing the
 138 department to coordinate with certain entities for
 139 specified purposes; amending s. 335.182, F.S.;
 140 defining the term "modification of an existing
 141 connection"; revising the definition of the term
 142 "significant change"; amending s. 335.187, F.S.;
 143 authorizing the department to modify or revoke certain
 144 access permits by requiring modification of an
 145 existing connection in certain circumstances; amending

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146 s. 337.027, F.S.; revising the definition of the term
 147 "small business"; amending s. 337.11, F.S.; requiring
 148 the department to give consideration to small business
 149 participation, instead of disadvantaged business
 150 enterprise participation; repealing s. 337.125, F.S.,
 151 relating to socially and economically disadvantaged
 152 business enterprises and notice requirements;
 153 repealing s. 337.135, F.S., relating to socially and
 154 economically disadvantaged business enterprises and
 155 punishment for false representation; repealing s.
 156 337.139, F.S., relating to efforts to encourage
 157 awarding contracts to disadvantaged business
 158 enterprises; amending s. 337.18, F.S.; authorizing the
 159 Secretary of Transportation to require a surety bond
 160 in an amount that is less than the awarded contract
 161 price; amending s. 337.251, F.S.; revising factors
 162 that may be considered by the department when
 163 selecting certain proposals; amending s. 337.401,
 164 F.S.; prohibiting a municipality from prohibiting, or
 165 requiring a permit for, the installation of certain
 166 public sewer transmission lines; amending s. 337.406,
 167 F.S.; prohibiting camping on any portion of the right-
 168 of-way of the State Highway System; providing
 169 applicability; amending s. 338.227, F.S.; revising the
 170 purpose for which the department and the Department of
 171 Management Services shall create and implement a
 172 certain outreach program; amending s. 339.08, F.S.;
 173 defining the term "energy policy of the state";
 174 prohibiting the department from expending state funds

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175 to support projects or programs of certain entities in
 176 certain circumstances; repealing s. 339.0805, F.S.,
 177 relating to funds to be expended with certified
 178 disadvantaged business enterprises, a construction
 179 management development program, and a bond guarantee
 180 program; amending s. 339.2821, F.S.; requiring the
 181 department to ensure that it is supportive of small
 182 businesses, rather than ensuring that small and
 183 minority businesses have equal access to participation
 184 in certain transportation projects; repealing s.
 185 339.287, F.S., relating to electric vehicle charging
 186 stations and infrastructure plan development; amending
 187 s. 339.651, F.S.; authorizing, rather than requiring,
 188 the department to make a certain amount available from
 189 the existing work program to fund certain projects
 190 annually; deleting the scheduled repeal of provisions
 191 relating to Strategic Intermodal System supply chain
 192 demands; amending s. 341.051, F.S.; providing for the
 193 reallocation of certain funds; deleting the scheduled
 194 repeal of provisions providing for the reallocation of
 195 certain funds; amending s. 348.754, F.S.; revising the
 196 types of businesses the Central Florida Expressway
 197 Authority is required to encourage the inclusion of in
 198 certain opportunities; amending s. 349.03, F.S.;
 199 revising membership requirements for the governing
 200 body of the Jacksonville Transportation Authority;
 201 amending ss. 110.205, 322.27, 365.172, 379.2293,
 202 493.6101, and 493.6403, F.S.; conforming cross-
 203 references and provisions to changes made by the act;

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204 providing an effective date.

205
 206 Be It Enacted by the Legislature of the State of Florida:

207
 208 Section 1. Present subsections (3) through (6) of section
 209 20.23, Florida Statutes, are redesignated as subsections (4)
 210 through (7), respectively, a new subsection (3) is added to that
 211 section, and paragraph (d) of subsection (1), paragraphs (a),
 212 (b), and (g) of subsection (2), and paragraph (b) of present
 213 subsection (3) of that section are amended, to read:

214 20.23 Department of Transportation.—There is created a
 215 Department of Transportation which shall be a decentralized
 216 agency.

217 (1)

218 (d) The secretary may appoint ~~up to~~ three assistant
 219 secretaries, who shall serve as the Chief Operations Officer,
 220 Chief Finance and Administration Officer, and Chief Strategic
 221 Development Officer, respectively; be directly responsible to
 222 the secretary; and ~~who shall~~ perform such duties as are assigned
 223 by the secretary. The secretary may also appoint an Executive
 224 Director of Transportation Technology. Such assistant secretary
 225 and executive director positions are exempt from career service
 226 pursuant to s. 110.205(2)(j) and are included in the Senior
 227 Management Service. The secretary shall designate to an
 228 assistant secretary the duties related to enhancing economic
 229 prosperity, including, but not limited to, the responsibility of
 230 liaison with the head of economic development in the Executive
 231 Office of the Governor. Such assistant secretary shall be
 232 directly responsible for providing the Executive Office of the

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Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall be composed ~~consist~~ of nine members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve terms of 4 years each.

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. At least three members of the commission must be representatives of or possess expertise in the higher education, transportation, or workforce development industries ~~Each member of the commission must also possess business managerial experience in the private sector.~~

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall:

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1. Recommend major transportation policies for the Governor's approval and assure that approved policies and any revisions are properly executed.

2. Periodically review the status of the state transportation system, including highway, transit, rail, seaport, intermodal development, and aviation components of the system, and recommend improvements to the Governor and the Legislature.

3. Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program for compliance with all applicable laws and established departmental policies. Except as specifically provided in s. 339.135(4)(c)2., (d), and (f), the commission may not consider individual construction projects but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

5. Monitor on at least a quarterly basis the efficiency, productivity, and management of the department using performance and production standards developed by the commission pursuant to s. 334.045.

6. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Governor and the Legislature methods to eliminate or reduce the disruptive effects of these factors.

7. Recommend to the Governor and the Legislature

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improvements to the department's organization in order to streamline and optimize the efficiency of the department. In reviewing the department's organization, the commission shall determine if the current district organizational structure is responsive to this state's changing economic and demographic development patterns. The report by the commission must be delivered to the Governor and the Legislature by December 15 each year, as appropriate. The commission may retain experts as necessary to carry out this subparagraph, and the department shall pay the expenses of the experts.

8. Monitor the efficiency, productivity, and management of the agencies and authorities created under chapters 348 and 349; the Mid-Bay Bridge Authority re-created pursuant to chapter 2000-411, Laws of Florida; ~~and~~ any authority formed under chapter 343; and any transit entity that receives funding under the public transit block grant program pursuant to s. 341.052. The commission shall also conduct periodic reviews of each agency's and authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

(g) A member of the commission shall follow the standards of conduct for public officers provided in s. 112.313 ~~may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department~~ during the term of his or her appointment and for 2 years after the termination of such appointment.

(3) The Legislature finds that the transportation industry is critical to the economic future of this state and that the

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competitiveness of the industry in this state depends upon the development and maintenance of a qualified workforce and cutting-edge research and innovation. The Legislature further finds that the transportation industry in this state has varied and complex workforce needs ranging from technical and mechanical training to continuing education opportunities for workers with advanced degrees and certifications. The timely need also exists for coordinated research and innovation efforts to promote emerging technologies and innovative construction methods and tools and to address alternative funding mechanisms. It is the intent of the Legislature to support programs designed to address the workforce development needs of the state's transportation industry.

(a) The Florida Transportation Research Institute is created as a consortium of higher education professionals. The purpose of the institute is to drive cutting-edge research, innovation, transformational technologies, and breakthrough solutions and to support workforce development efforts that contribute to this state's transportation industry.

(b) The mission of the institute is to advance the state's transportation infrastructure and systems through research, education, and engagement for a safer and more efficient, resilient, and innovative movement of people and goods throughout this state.

(c) The institute shall report to the department and shall be composed of members from the University of Florida, Indian River State College, the University of Central Florida, the University of South Florida, and Florida International University. The department shall select a member to serve as the

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349 administrative lead of the institute. The department shall
 350 assess the performance of the administrative lead periodically
 351 to ensure accountability and assess the attainment of
 352 performance goals.

353 (d) The Secretary of Transportation shall appoint a
 354 representative of the department to serve as the executive
 355 director of the institute. The department shall coordinate with
 356 the members of the institute to adopt policies establishing the
 357 institute's executive committee and mission statement.

358 (e) The institute may award grants in alignment with its
 359 purpose. Such grants may be directed to member and nonmember
 360 institutions that have a proven expertise relevant to the grant,
 361 including not-for-profit organizations and institutions of
 362 higher education.

363 (f) The department may allocate funds to the institute from
 364 the State Transportation Trust Fund. The institute may expend
 365 such funds for the institute's operations and programs to
 366 support research and innovation projects that provide solutions
 367 for this state's transportation needs.

368 (g) The institute shall submit an annual report of
 369 performance metrics to the Secretary of Transportation and the
 370 commission. The report must include, but is not limited to,
 371 expenditures of funds allocated to the institute by the
 372 department, ongoing and proposed research efforts, and the
 373 application and success of past research efforts.

374 (4) (3)-

375 (b) The secretary may appoint positions at the level of
 376 deputy assistant secretary or director which the secretary deems
 377 necessary to accomplish the mission and goals of the department,

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378 including, but not limited to, the areas of program
 379 responsibility provided in this paragraph, each of whom shall be
 380 appointed by and serve at the pleasure of the secretary. The
 381 secretary may combine, separate, or delete offices as needed in
 382 consultation with the Executive Office of the Governor. The
 383 department's areas of program responsibility include, but are
 384 not limited to, all of the following:

- 385 1. Administration.
- 386 2. Planning.
- 387 3. Supply chain and modal development.
- 388 4. Design.
- 389 5. Highway operations.
- 390 6. Right-of-way.
- 391 7. Toll operations.
- 392 8. Transportation technology.
- 393 9. Information technology systems.
- 394 10. Motor carrier weight inspection.
- 395 11. Work program and budget.
- 396 12. Comptroller.
- 397 13. Construction.
- 398 14. Statewide corridors.
- 399 15. Maintenance.
- 400 16. Forecasting and performance.
- 401 17. Emergency management.
- 402 18. Safety.
- 403 19. Materials.
- 404 20. Infrastructure and innovation.
- 405 21. Permitting.
- 406 22. Traffic operations.

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407 23. Operational technology.

408 Section 2. Paragraph (b) of subsection (3) of section
409 311.07, Florida Statutes, is amended to read:

410 311.07 Florida seaport transportation and economic
411 development funding.—

412 (3)

413 (b) Projects eligible for funding by grants under the
414 program are limited to the following port facilities or port
415 transportation projects:

416 1. Transportation facilities within the jurisdiction of the
417 port.

418 2. The dredging or deepening of channels, turning basins,
419 or harbors.

420 3. The construction or rehabilitation of wharves, docks,
421 structures, jetties, piers, storage facilities, cruise
422 terminals, automated people mover systems, or any facilities
423 necessary or useful in connection with any of the foregoing.

424 4. The acquisition of vessel tracking systems, container
425 cranes, or other mechanized equipment used in the movement of
426 cargo or passengers in international commerce.

427 5. The acquisition of land to be used for port purposes.

428 6. The acquisition, improvement, enlargement, or extension
429 of existing port facilities.

430 7. Environmental protection projects which are necessary
431 because of requirements imposed by a state agency as a condition
432 of a permit or other form of state approval; which are necessary
433 for environmental mitigation required as a condition of a state,
434 federal, or local environmental permit; which are necessary for
435 the acquisition of spoil disposal sites and improvements to

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436 existing and future spoil sites; or which result from the
437 funding of eligible projects listed in this paragraph.

438 8. Transportation facilities as defined in s. 334.03(30)
439 which are not otherwise part of the Department of
440 Transportation's adopted work program.

441 9. Intermodal access projects.

442 10. Construction or rehabilitation of port facilities as
443 defined in s. 315.02, excluding any park or recreational
444 facilities, in ports listed in s. 311.09(1) with operating
445 revenues of \$5 million or less, provided that such projects
446 create economic development opportunities, capital improvements,
447 and positive financial returns to such ports.

448 11. Seaport master plan or strategic plan development or
449 updates, including the purchase of data to support such plans.

450 12. Spaceport or space industry-related planning or
451 construction of facilities on seaport property which are
452 necessary or useful for advancing the space industry in this
453 state and provide an economic benefit to this state.

454 13. Commercial shipbuilding and manufacturing facilities on
455 seaport property, if such projects provide an economic benefit
456 to the community in which the seaport is located.

457 Section 3. Subsections (1) and (3) of section 311.09,
458 Florida Statutes, are amended to read:

459 311.09 Florida Seaport Transportation and Economic
460 Development Council.—

461 (1) The Florida Seaport Transportation and Economic
462 Development Council is created within the Department of
463 Transportation. The purpose of the council is to support the
464 growth of seaports in this state through review, development,

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465 and financing of port transportation and port facilities. The
 466 council ~~is composed~~ consists of the following 18 members: the
 467 port director, or the port director's designee, of each of the
 468 ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce,
 469 Palm Beach, Port Everglades, Miami, Port Manatee, St.
 470 Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,
 471 Pensacola, Key West, and Fernandina; the secretary of the
 472 Department of Transportation or his or her designee; and the
 473 secretary of the Department of Commerce or his or her designee.

474 (3) The council shall prepare a 5-year Florida Seaport
 475 Mission Plan defining the goals and objectives of the council
 476 concerning the development of port facilities and an intermodal
 477 transportation system consistent with the goals of the Florida
 478 Transportation Plan developed pursuant to s. 339.155. The
 479 Florida Seaport Mission Plan shall include specific
 480 recommendations for the construction of transportation
 481 facilities connecting any port to another transportation mode,
 482 the construction of transportation facilities connecting any
 483 port to the space and aerospace industries, and ~~for~~ the
 484 efficient, cost-effective development of transportation
 485 facilities or port facilities for the purpose of enhancing
 486 trade, promoting cargo flow, increasing cruise passenger
 487 movements, increasing port revenues, and providing economic
 488 benefits to the state. The council shall develop a priority list
 489 of projects based on these recommendations annually and submit
 490 the list to the Department of Transportation. The council shall
 491 update the 5-year Florida Seaport Mission Plan annually and
 492 shall submit the plan no later than February 1 of each year to
 493 the President of the Senate, the Speaker of the House of

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494 Representatives, the Department of Commerce, and the Department
 495 of Transportation. The council shall develop programs, based on
 496 an examination of existing programs in Florida and other states,
 497 for the training of ~~minorities~~ and secondary school students in
 498 job skills associated with employment opportunities in the
 499 maritime industry, and report on progress and recommendations
 500 for further action to the President of the Senate and the
 501 Speaker of the House of Representatives annually. Each port
 502 member of the council shall submit a semiannual report related
 503 to his or her port's operations and support of the state's
 504 economic competitiveness and supply chain. Reports must be
 505 submitted to the Department of Transportation and include any
 506 information required by the Department of Transportation in
 507 consultation with the Department of Commerce. Such reports must
 508 include, but are not limited to, all of the following
 509 information:

- 510 (a) Bulk break capacity.
- 511 (b) Liquid storage and capacity.
- 512 (c) Fuel storage and capacity.
- 513 (d) Container capacity.
- 514 (e) A description of any supply chain disruption.

515 Section 4. Subsection (4) is added to section 311.10,
 516 Florida Statutes, to read:
 517 311.10 Strategic Port Investment Initiative.—
 518 (4) As a condition of receiving a project grant under any
 519 program established in this chapter and as a condition of
 520 receiving state funds as described in s. 215.31, a seaport
 521 located in any county identified in s. 331.304(1), (5), or (7)
 522 must include in any agreement with the Department of

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523 Transportation that the seaport may not convert any planned or
 524 existing land, facility, or infrastructure designated for cargo
 525 purposes to any alternative purpose unless the conversion is
 526 approved by the seaport at a publicly noticed meeting as a
 527 separate line item on the agenda and with a reasonable
 528 opportunity for public comment. If the conversion is approved by
 529 the seaport, express approval must be obtained by the Florida
 530 Seaport Transportation and Economic Development Council and the
 531 Florida Transportation Commission upon recommendation by the
 532 funding agency. As used in this subsection, the term "cargo
 533 purposes" includes, but is not limited to, any facility,
 534 activity, property, energy source, or infrastructure asset that
 535 supports spaceport activities.

536 Section 5. Subsection (83) of section 316.003, Florida
 537 Statutes, is amended to read:

538 316.003 Definitions.—The following words and phrases, when
 539 used in this chapter, shall have the meanings respectively
 540 ascribed to them in this section, except where the context
 541 otherwise requires:

542 (83) SPECIAL MOBILE EQUIPMENT.—Any vehicle not designed or
 543 used primarily for the transportation of persons or property and
 544 only incidentally operated or moved over a highway, including,
 545 but not limited to, ditchdigging apparatus, well-boring
 546 apparatus, and road construction and maintenance machinery, such
 547 as asphalt spreaders, bituminous mixers, bucket loaders,
 548 tractors other than truck tractors, ditchers, leveling graders,
 549 finishing machines, motor graders, road rollers, scarifiers,
 550 earthmoving carryalls and scrapers, power shovels and draglines,
 551 mobile and self-propelled cranes and accessory support vehicles,

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552 and earthmoving equipment. The term does not include house
 553 trailers, dump trucks, truck-mounted transit mixers, ~~cranes or~~
 554 ~~shovels~~, or other vehicles designed for the transportation of
 555 persons or property to which machinery has been attached.

556 Section 6. Section 316.0741, Florida Statutes, is repealed.

557 Section 7. Subsection (7) of section 316.0745, Florida
 558 Statutes, is amended to read:

559 316.0745 Uniform signals and devices.—

560 (7) The Department of Transportation may, upon receipt and
 561 investigation of reported noncompliance and after hearing
 562 pursuant to 14 days' notice, direct the removal of any purported
 563 traffic control device that fails to meet the requirements of
 564 this section, wherever the device is located and without regard
 565 to assigned responsibility under s. 316.1895. The public agency
 566 erecting or installing the same shall immediately bring it into
 567 compliance with the requirements of this section or remove said
 568 device or signal upon the direction of the Department of
 569 Transportation and may not, for a period of 5 years, install any
 570 replacement or new traffic control devices paid for in part or
 571 in full with revenues raised by the state unless written prior
 572 approval is received from the Department of Transportation. Any
 573 additional violation by a public body or official shall be cause
 574 for the withholding of state funds deposited in the State
 575 Transportation Trust Fund for traffic control purposes until
 576 such public body or official demonstrates to the Department of
 577 Transportation that it is complying with this section.

578 Section 8. Subsection (3) of section 316.550, Florida
 579 Statutes, is amended to read:

580 316.550 Operations not in conformity with law; special

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permits.-

(3) Notwithstanding subsection (2), the Department of Transportation may issue a mobile crane special blanket permit for any of the following purposes:

(a) ~~To authorize a mobile crane to operate on and a permit may authorize a self-propelled truck crane operating~~ off the Interstate Highway System while towing ~~to tow~~ a motor vehicle ~~that which~~ does not weigh more than 5,000 pounds if the combined weight of the crane and such motor vehicle does not exceed 95,000 pounds. Notwithstanding s. 320.01(7) or (12), mobile truck cranes that tow another motor vehicle under the provision of this subsection shall be taxed under the provisions of s. 320.08(5)(b).

(b) To authorize a mobile crane and accessory support vehicles that are up to 12 feet in width, 14 feet 6 inches in height, and 100 feet in length to operate on and off the Interstate Highway System at all hours except as restricted under a local travel-related curfew.

(c) To authorize a mobile crane and accessory support vehicles that, due to their design for special use, exceed the weight limits established in s. 316.535 to operate on and off the Interstate Highway System.

Section 9. Section 330.27, Florida Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.-

(1) "Air ambulance operation" means a flight with a patient or medical personnel on board for the purpose of medical transportation.

(2) "Aircraft" means a powered or unpowered machine or

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device capable of atmospheric flight, including, but not limited to, an airplane, an autogyro, a glider, a gyrodyne, a helicopter, a lift and cruise, a multicopter, paramotors, a powered lift, a seaplane, a tiltrotor, an ultralight, and a vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

~~(3)-(2)~~ "Airport" means a specific an area of land or water or a structure used for, or intended to be used for, aircraft operations, which may include landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, airparks, airports, gliderports, heliports, helistops, seaplane bases, ultralight flightparks, vertiports, and vertistops.

(4) "Commercial air tour operation" means a flight conducted for compensation or hire in an aircraft where a purpose of the flight is sightseeing.

(5) "Commuter operation" means any scheduled operation conducted by a person operating an aircraft with a frequency of operations of at least five round trips per week on at least one route between two or more points according to the published flight schedule.

~~(6)-(3)~~ "Department" means the Department of Transportation.

~~(7)-(4)~~ "Limited airport" means any airport limited exclusively to the specific conditions stated on the site approval order or license.

(8) "On-demand operation" means any scheduled passenger-carrying operation for compensation or hire conducted by a person operating an aircraft with a frequency of operations of

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fewer than five round trips per week on at least one route between two or more points according to the published flight schedule.

~~(9)(5)~~ "Private airport" means an airport, publicly or privately owned, which is not open or available for use by the public, but may be made available to others by invitation of the owner or manager.

(10) "Private airport of public interest" means a private airport engaged in air ambulance operations, commercial air tour operations, commuter operations, on-demand operations, public charter operations, scheduled operations, or supplemental operations.

~~(11)(6)~~ "Public airport" means an airport, publicly or privately owned, which is open for use by the public.

(12) "Public charter operation" means a one-way or round-trip charter flight performed by one or more direct air carriers which is arranged and sponsored by a charter operator.

(13) "Scheduled operation" means any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial operator for which the certificateholder or its representative offers in advance the departure location, departure time, and arrival location.

(14) "Supplemental operation" means any common carriage operation for compensation or hire conducted with an aircraft for which the departure time, departure location, and arrival location are specifically negotiated with the customer or customer's representative.

~~(15)(7)~~ "Temporary airport" means an airport at which flight operations are conducted under visual flight rules

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established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 10. Subsections (2) and (4) of section 330.30, Florida Statutes, are amended to read:

330.30 Approval of airport sites; registration, certification, and licensure of airports.—

(2) LICENSES, CERTIFICATIONS, AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (3), the owner or lessee of an airport in this state shall have a public airport license, private airport registration, or temporary airport registration before the operation of aircraft to or from the airport. Application for a license or registration shall be made in a form and manner prescribed by the department.

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds the airport to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of

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operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

4. A private airport of public interest must obtain a certificate from the department before allowing aircraft operations. The department shall issue a certificate after a final inspection finds the airport to be in compliance with all certificate requirements. The certificate is subject to any reasonable conditions the department deems necessary to protect the public. A private airport that was engaged in operations associated with a private airport of public interest on or before July 1, 2025, must obtain a certificate from the

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department by July 1, 2030.

(b) The department may license a public airport that does not meet standards only if it determines that such exception is justified by unusual circumstances or is in the interest of public convenience and does not endanger the public health, safety, or welfare. Such a license shall bear the designation "special" and shall state the conditions subject to which the license is granted.

(c) A temporary airport license or registration shall be valid for less than 30 days and is not renewable. The department may not approve a subsequent temporary airport registration application for the same general location if the purpose or effect is to evade otherwise applicable airport permitting or licensure requirements.

(d)1. Each public airport license shall expire no later than 1 year after the effective date of the license, except that the expiration date of a license may be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.

2. Registration for private airports shall remain valid provided specific elements of airport data, established by the department, are periodically recertified by the airport registrant. The ability to recertify private airport registration data shall be available at all times by electronic submittal. A private airport registration that has not been recertified in the 24-month period following the last certification shall expire, unless the registration period has been adjusted by the department for purposes of informing

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private airport owners of their registration responsibilities or promoting administrative efficiency. The expiration date of the current registration period will be clearly identifiable from the state aviation facility data system.

3. The effective date and expiration date shall be shown on public airport licenses. Upon receiving an application for renewal of an airport license in a form and manner prescribed by the department and receiving a favorable inspection report indicating compliance with all applicable requirements and conditions, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

4. The department may require a new site approval for any airport if the license or registration has expired.

5. If the renewal application for a public airport license has not been received by the department or no private airport registration recertification has been accomplished within 15 days after the date of expiration, the department may revoke the airport license or registration.

6. After initial registration, the department may issue a certificate to a private airport of public interest if the airport is found, after a physical inspection, to be in compliance with all certificate requirements. The certificate is subject to any reasonable condition that the department deems necessary to protect the public health, safety, or welfare. A private airport of public interest certificate expires 5 years after the effective date of the certificate.

(e) The department may revoke, or refuse to allow or issue, any airport registration or recertification, or any license or

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license renewal, if it determines:

1. That the site has been abandoned as an airport;
2. That the airport does not comply with the conditions of the license, license renewal, or site approval;

3. That the airport has become either unsafe or unusable for flight operation due to physical or legal changes in conditions that were the subject of approval; or

4. That an airport required to file or update a security plan pursuant to paragraph (f) has failed to do so.

(f)1. After initial licensure, a license of a publicly or privately owned general aviation airport that is open to the public, that has at least one runway greater than 4,999 feet in length, and that does not host scheduled passenger-carrying commercial service operations regulated under 14 C.F.R. part 139 shall not be renewed or reissued unless an approved security plan has been filed with the department, except when the department determines that the airport is working in good faith toward completion and filing of the plan.

2. Security plans required by this paragraph must be developed in accordance with the 2004 Security Planning for General Aviation Airports guidelines published by the Florida Airports Council. Certain administrative data from the approved security plan shall be submitted to the Department of Law Enforcement, in a format prescribed by the Department of Law Enforcement, for use in protecting critical infrastructure of the state.

3. The department shall not approve a security plan for filing unless it is consistent with Florida Airports Council guidelines.

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4. An airport required to file a security plan pursuant to this paragraph shall update its plan at least once every 2 years after the initial filing date and file the updated plan with the department. The department shall review the updated plan prior to approving it for filing to determine whether it is consistent with Florida Airports Council guidelines. No renewal license shall be issued to the airport unless the department approves the updated security plan or determines that the airport is working in good faith to update it.

(4) EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 11. Section 331.371, Florida Statutes, is amended to read:

331.371 Strategic space infrastructure investment.—

(1) In consultation with Space Florida, the Department of Transportation may fund spaceport discretionary capacity improvement projects, as defined in s. 331.303, at up to 100 percent of the project's cost if:

(a) ~~(1)~~ Important access and on-spaceport-territory space transportation capacity improvements are provided;

(b) ~~(2)~~ Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;

(c) ~~(3)~~ Goals of an integrated intermodal transportation system for the state are achieved; and

(d) ~~(4)~~ Feasibility and availability of matching funds

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through federal, local, or private partners are demonstrated.

(2) (a) In consultation with the Department of Commerce and the Department of Environmental Protection, the Department of Transportation may fund infrastructure projects, and projects associated with critical infrastructure facilities as defined in s. 692.201, within or outside of a spaceport territory as long as the project supports aerospace or launch support facilities within an adjacent spaceport territory boundary.

(b) The Department of Transportation, the Department of Commerce, and the Department of Environmental Protection shall coordinate in funding projects under this subsection to optimize the use of available funds.

Section 12. Section 332.003, Florida Statutes, is amended to read:

332.003 Florida Airport Development and Accountability Assistance Act; short title.—Sections 332.003-332.007 may be cited as the "Florida Airport Development and Accountability Assistance Act."

Section 13. Section 332.005, Florida Statutes, is amended to read:

332.005 Restrictions on authority of Department of Transportation.—

(1) This act specifically prohibits the Department of Transportation from regulating commercial air carriers operating within the state pursuant to federal authority and regulations; from participating in or exercising control in the management and operation of a sponsor's airport, except when officially requested by the sponsor; or from expanding the design or operational capability of the department in the area of airport

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871 and aviation consultants' contract work, other than to provide
872 technical assistance as requested.

873 (2) (a) Notwithstanding subsection (1), upon the declaration
874 of a state of emergency issued by the Governor in preparation
875 for or in response to a natural disaster, airports shall, at no
876 cost to the state, provide the Department of Transportation with
877 the opportunity to use any property that is not within the air
878 navigation facility as defined in s. 332.01(4) for the staging
879 of equipment and personnel to support emergency preparedness and
880 response operations.

881 (b) After 60 days of use under paragraph (a), any further
882 use of airport property by the Department of Transportation must
883 be conducted pursuant to a written agreement between the airport
884 and the department.

885 Section 14. Section 332.006, Florida Statutes, is amended
886 to read:

887 332.006 Duties and responsibilities of the Department of
888 Transportation.—The Department of Transportation shall, within
889 the resources provided to the department pursuant to chapter
890 216:

891 (1) Provide coordination and assistance for the development
892 of a viable aviation system in this state. To support the
893 system, a statewide aviation system plan shall be developed and
894 periodically updated which summarizes 5-year, 10-year, and 20-
895 year airport and aviation needs within the state. The statewide
896 aviation system plan shall be consistent with the goals of the
897 Florida Transportation Plan developed pursuant to s. 339.155.
898 The statewide aviation system plan shall not preempt local
899 airport master plans adopted in compliance with federal and

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900 state requirements.

901 (2) Advise and assist the Governor in all aviation matters.

902 (3) Upon request, assist airport sponsors, both financially
903 and technically, in airport master planning.

904 (4) Upon request, provide financial and technical
905 assistance to public agencies which operate public-use airports
906 by making department personnel and department-owned facilities
907 and equipment available on a cost-reimbursement basis to such
908 agencies for special needs of limited duration. The requirement
909 relating to reimbursement of personnel costs may be waived by
910 the department in those cases in which the assistance provided
911 by its personnel was of a limited nature or duration.

912 (5) Participate in research and development programs
913 relating to airports.

914 (6) Administer department participation in the program of
915 aviation and airport grants as provided for in ss. 332.003-
916 332.007.

917 (7) Develop, promote, and distribute supporting information
918 and educational services, including, but not limited to,
919 educational services with a focus on retention and growth of the
920 aviation industry workforce.

921 (8) Encourage the maximum allocation of federal funds to
922 local airport projects in this state.

923 (9) Support the development of land located within the
924 boundaries of airports for the purpose of industrial or other
925 uses compatible with airport operations with the objective of
926 assisting airports in this state to become fiscally self-
927 supporting. Such assistance may include providing state moneys
928 on a matching basis to airport sponsors for capital

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improvements, including, but not limited to, fixed-base operation facilities, parking areas, industrial park utility systems, and road and rail transportation systems which are on airport property.

Section 15. Subsection (5), paragraph (a) of subsection (7), and subsections (8) and (9) of section 332.007, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)

(c) Each commercial service airport as defined in s. 332.0075 shall establish and maintain a comprehensive airport infrastructure program to ensure the ongoing preservation of airport infrastructure and facilities in safe and serviceable condition. For purposes of this paragraph, the term "airport infrastructure" means the facilities, systems, and structural components of an airport necessary for the safe and efficient movement of people and goods. Beginning November 1, 2025, and annually thereafter, each commercial service airport shall provide a certification to the department, in a manner prescribed by the department, that it has established and maintains a comprehensive airport infrastructure program. The comprehensive airport infrastructure program report, and related documents and records, must be open to inspection by the department and maintained by the airport for at least 5 years. The comprehensive airport infrastructure program must, at a minimum, include all of the following:

1. Identification of airport infrastructure subject to

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inspection and the schedule for the completion of such inspections, taking into consideration the age, type, intended use, and criticality of the infrastructure to undisrupted commercial or cargo operations.

2. A preventative maintenance program for routine maintenance of airport infrastructure, for both commercial and cargo operations.

3. A plan to complete any necessary repairs to, or rehabilitation or reconstruction of, airport infrastructure, including prioritization and anticipated timeframe for completion of the work.

4. A progress report of inspections and their outcomes, preventative maintenance, and previously identified repair to, or rehabilitation or reconstruction of, airport infrastructure. The progress report must include any changes in timeline for completion, changes in cost estimates, and reasons any inspection, preventative maintenance, or repair or rehabilitation did not take place.

(5) Only those projects or programs provided for in this act that will contribute to the implementation of the state aviation system plan, that are consistent with the energy policy of the state as defined in s. 339.08(6)(a), that are consistent with and will contribute to the implementation of any airport master plan or layout plan, and that are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of government in which the airport is located are eligible for the expenditure of state funds in accordance with fund participation rates and priorities established herein.

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(7) Subject to the availability of appropriated funds in addition to aviation fuel tax revenues, the department may participate in the capital cost of eligible public airport and aviation discretionary capacity improvement projects. The annual legislative budget request shall be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.

(a) The department shall provide priority funding in support of:

1. Terminal and parking expansion projects that increase capacity at airports providing commercial service in counties with a population of 500,000 or less.

2. Land acquisition which provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport.

~~3.2-~~ Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry.

~~4.3-~~ Airport access transportation projects that improve direct airport access and are approved by the airport sponsor.

~~5.4-~~ International terminal projects that increase international gate capacity.

6. Projects that improve safety and efficiency of airport operations.

7. Emerging technology projects, workforce development projects, and projects that benefit the strategic intermodal system through intermodal connectivity.

(8) The department may also fund eligible projects performed by not-for-profit organizations and postsecondary

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education institutions as defined in s. 1008.47 which support the training of pilots, air traffic control personnel, or aircraft maintenance technical personnel that represent a majority of public airports in this state. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability and safety of airports in this state. Programs that support the transition of honorably discharged military personnel to the aviation industry are also eligible projects under this subsection. The department may provide matching funds for eligible projects funded by the Department of Commerce.

(9) The department may fund strategic airport investment projects at up to 100 percent of the project's cost if:

(a) Important access and on-airport capacity improvements are provided;

(b) Capital improvements that strategically position the state to maximize opportunities in tourism, international trade, logistics, and the aviation industry are provided;

(c) Goals of an integrated intermodal transportation system for the state are achieved; and

(d) Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.

Section 16. Paragraphs (a), (b), and (d) of subsection (1), subsection (2), and paragraph (a) of subsection (5) of section 332.0075, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, to read:

332.0075 Commercial service airports; transparency and

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accountability; penalty.—

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

(a) "Commercial service airport" means an airport providing commercial service, including large, medium, small, and nonhub airports as classified a primary airport as defined in 49 U.S.C. s. 47102 which is classified as a large, medium, or small hub airport by the Federal Aviation Administration.

(b) "Consent agenda" means an agenda which consists of items voted on collectively or as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.

(d) "Governing body" means the governing body of the county, municipality, or special district that operates a commercial service airport. The term also includes an appointed board or oversight entity serving as the governing body for purposes of a commercial service airport on behalf of a county, municipality, or special district.

(2) Each governing body shall establish and maintain a website to post information relating to the operation of a commercial service airport. The information must remain posted on the website for 5 years or for the entirety of the period during which the document is actively in use, whichever is longer, and must include all of the following, including:

(a) All published notices of meetings and published meeting agendas of the governing body.

(b) The official minutes of each meeting of the governing body, which must ~~shall~~ be posted within 7 business days after the date of the meeting in which the minutes were approved.

(c) The approved budget for the commercial service airport

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for the current fiscal year, which shall be posted within 7 business days after the date of adoption. Budgets must remain on the website for 5 2 years after the conclusion of the fiscal year for which they were adopted.

(d) Copies of the current airport master plan and the immediately preceding airport master plan for the commercial service airport and a link to the current airport master plan ~~for the commercial service airport~~ on the commercial service airport's website.

(e) A link to all financial and statistical reports for the commercial service airport on the Federal Aviation Administration's website.

(f) Any contract or contract amendment for the purchase of commodities or contractual services executed by or on behalf of the commercial service airport in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE, which must ~~shall~~ be posted no later than 7 business days after the commercial service airport executes the contract or contract amendment. However, a contract or contract amendment may not reveal information made confidential or exempt by law. Each commercial service airport must redact confidential or exempt information from each contract or contract amendment before posting a copy on its website.

(g) Position and rate information for each employee of the commercial service airport, including, at a minimum, the employee's position title, position description, and annual or hourly salary. This information must ~~shall~~ be updated quarterly ~~annually~~.

(5) (a) Each November 1, the governing body of each

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commercial service airport shall submit the following information to the department:

1. Its approved budget for the current fiscal year.
 2. Any financial reports submitted to the Federal Aviation Administration during the previous calendar year.
 3. A link to its website.
 4. A statement, verified as provided in s. 92.525, that it has complied with part III of chapter 112, chapter 287, and this section.
 5. The most recent copies of its strategic plans.
 6. Contracts related to any financial awards received through federally funded grant programs for the preceding year.
- (c) A commercial service airport shall:
1. Notify the department within 48 hours after receiving a communication or directive from a federal agency relating to public health testing or the transfer of unauthorized aliens into this state.
 2. Notify the department as soon as is reasonably possible, but no later than 48 hours, after the discovery of a potential cybersecurity breach or other occurrence impacting the traveling public, a disruption in state aviation operations directly impacting multiple airports within this state, or an incident occurring on airport property which requires coordination with multiple local, state, or federal agencies.

Section 17. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall:

- (1) Address the need for vertiports, advanced air mobility,

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and other advances in aviation technology in the statewide aviation system plan required under s. 332.006(1) and, as appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air mobility within the department to serve as a resource for local jurisdictions navigating advances in aviation technology.

(3) Conduct a review of airport hazard zone regulations.

(4) In coordination with the Department of Commerce, provide coordination and assistance for the development of a viable advanced air mobility system plan in this state. The department shall incorporate the plan into the statewide aviation system plan required under s. 332.006(1) to identify and develop statewide corridors of need and opportunities for industry growth.

Section 18. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsections (37), (38), and (39) are added to that section, to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion of environmental management, scenic highways, traffic and train safety awareness, ~~alternatives to single-occupant vehicle travel~~, commercial motor vehicle safety, workforce development, electric vehicle use and charging stations, autonomous vehicles, and context classification design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise

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dispose of any property that is no longer needed by the department.

(37) Notwithstanding s. 287.022 or s. 287.025, to directly enter into insurance contracts with local, national, or international insurance companies for the purchase of insurance coverage that the department is contractually and legally required to provide.

(38) Notwithstanding s. 287.14, to purchase or acquire heavy equipment and motor vehicles for roadway operations and emergency response purposes regardless of whether the department exchanges or ceases to operate any department-owned heavy equipment or motor vehicles.

(39) To adopt rules for the purpose of compliance with 49 C.F.R. part 26 and any other applicable federal law.

Section 19. Subsection (1) of section 334.045, Florida Statutes, is amended to read:

334.045 Transportation performance and productivity standards; development; measurement; application.—

(1) The Florida Transportation Commission shall develop and adopt measures for evaluating the performance and productivity of the department. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the department's control. The measures must, at a minimum, assess performance in the following areas:

- (a) Production;
- (b) Finance and administration;
- (c) Preservation of the current state system;
- (d) Safety of the current state system;

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(e) Capacity improvements: highways and all public transportation modes; and

(f) The business development program established under s. 337.027 ~~Disadvantaged business enterprise and minority business programs.~~

Section 20. Subsection (3) is added to section 334.27, Florida Statutes, to read:

334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.—

(3) A parking authority established under the laws of this state or any of its counties, municipalities, or political subdivisions shall have full power to conduct business; to operate, manage, and control facilities; and to provide services to contiguous geographical boundaries of such counties, municipalities, or political subdivisions that originally chartered such authority. The parking authority may engage in activities outside of its chartering jurisdiction upon entering into an interlocal agreement with the governing body of the affected contiguous county, municipality, or political subdivision, as applicable.

Section 21. Section 334.62, Florida Statutes, is created to read:

334.62 Florida Transportation Academy.—The Legislature finds that the growth and sustainability of the transportation industry workforce is vital to the continued success and efficiency of the state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the

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Florida Transportation Academy is established within the department. In order to support, promote, and sustain workforce development efforts in the transportation sector, the department may do all of the following:

(1) Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification process between the Department of Corrections and the department for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.

(2) Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.

(3) Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.

(4) Coordinate with the Department of Commerce, CareerSource Florida, Inc., and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.

(5) Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across the transportation industry in this state.

Section 22. Present paragraph (b) of subsection (3) of section 335.182, Florida Statutes, is redesignated as paragraph

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(c) and amended, and a new paragraph (b) is added to that subsection, to read:

335.182 Regulation of connections to roads on State Highway System; definitions.—

(3) As used in this act, the term:

(b) "Modification of an existing connection" means the relocation, alteration, or closure of the connection.

(c) ~~(b)~~ "Significant change" means:

1. A change in the use of the property, including the development of land, structures, or facilities; ~~r~~ or

2. An expansion of the size of the property, structures, or facilities causing an increase in the trip generation of the property exceeding 25 percent more trip generation, ~~either~~ peak hour or daily, ~~and~~ exceeding 100 vehicles per day more than the existing use.

Section 23. Subsections (3) and (4) of section 335.187, Florida Statutes, are amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(3) The department may issue a nonconforming access permit ~~if denying after finding that to deny~~ an access permit would leave the property without a reasonable means of access to the State Highway System. The department may specify limits on the maximum vehicular use of the connection and may condition ~~be conditioned on~~ the availability of future alternative means of access for which access permits can be obtained.

(4) After written notice and the opportunity for a hearing, as provided for in s. 120.60, the department may modify or revoke an access permit issued after July 1, 1988, by requiring

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1277 ~~modification Relocation, alteration, or closure~~ of an existing
 1278 connection if:

1279 (a) A significant change occurs in the use, design, or
 1280 traffic flow of the connection; or

1281 (b) It would jeopardize the safety of the public or have a
 1282 negative impact upon the operational characteristics of the
 1283 highway.

1284 Section 24. Subsection (2) of section 337.027, Florida
 1285 Statutes, is amended to read:

1286 337.027 Authority to implement a business development
 1287 program.—

1288 (2) For purposes of this section, the term "small business"
 1289 means a business with yearly average gross receipts of less than
 1290 \$25 ~~\$15~~ million for road and bridge contracts and less than \$10
 1291 ~~\$6.5~~ million for professional and nonprofessional services
 1292 contracts. A business' average gross receipts is determined by
 1293 averaging its annual gross receipts over the last 3 years,
 1294 including the receipts of any affiliate as defined in s.
 1295 337.165.

1296 Section 25. Subsection (6) of section 337.11, Florida
 1297 Statutes, is amended to read:

1298 337.11 Contracting authority of department; bids; emergency
 1299 repairs, supplemental agreements, and change orders; combined
 1300 design and construction contracts; progress payments; records;
 1301 requirements of vehicle registration.—

1302 (6)(a) If the secretary determines that an emergency in
 1303 regard to the restoration or repair of any state transportation
 1304 facility exists such that the delay incident to giving
 1305 opportunity for competitive bidding would be detrimental to the

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1306 interests of the state, the provisions for competitive bidding
 1307 do not apply; and the department may enter into contracts for
 1308 restoration or repair without giving opportunity for competitive
 1309 bidding on such contracts. Within 30 days after such
 1310 determination and contract execution, the head of the department
 1311 shall file with the Executive Office of the Governor a written
 1312 statement of the conditions and circumstances constituting such
 1313 emergency.

1314 (b) If the secretary determines that delays on a contract
 1315 for maintenance exist due to administrative challenges, bid
 1316 protests, defaults or terminations and the further delay would
 1317 reduce safety on the transportation facility or seriously hinder
 1318 the department's ability to preserve the state's investment in
 1319 that facility, competitive bidding provisions may be waived and
 1320 the department may enter into a contract for maintenance on the
 1321 facility. However, contracts for maintenance executed under the
 1322 provisions of this paragraph shall be interim in nature and
 1323 shall be limited in duration to a period of time not to exceed
 1324 the length of the delay necessary to complete the competitive
 1325 bidding process and have the contract in place.

1326 (c) When the department determines that it is in the best
 1327 interest of the public for reasons of public concern, economy,
 1328 improved operations, or safety, and only when circumstances
 1329 dictate rapid completion of the work, the department may, up to
 1330 the amount of \$500,000, enter into contracts for construction
 1331 and maintenance without advertising and receiving competitive
 1332 bids. The department may enter into such contracts only upon a
 1333 determination that the work is necessary for one of the
 1334 following reasons:

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1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to small disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 26. Section 337.125, Florida Statutes, is repealed.

Section 27. Section 337.135, Florida Statutes, is repealed.

Section 28. Section 337.139, Florida Statutes, is repealed.

Section 29. Paragraph (a) of subsection (1) of section 337.18, Florida Statutes, is amended to read:

337.18 Surety bonds for construction or maintenance contracts; requirement with respect to contract award; bond requirements; defaults; damage assessments.—

(1)(a) A surety bond shall be required of the successful bidder in an amount equal to the awarded contract price. However, the department may choose, in its discretion and applicable only to multiyear maintenance contracts, to allow for

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incremental annual contract bonds that cumulatively total the full, awarded, multiyear contract price; ~~The department may also choose,~~ in its discretion and applicable only to phased design-build contracts under s. 337.11(7)(b), to allow the issuance of multiple contract performance and payment bonds in succession to align with each phase of the contract to meet the bonding requirement in this subsection; and, at the discretion of the Secretary of Transportation and notwithstanding any bonding requirement under s. 337.18, to require a surety bond in an amount that is less than the awarded contract price.

1. The department may waive the requirement for all or a portion of a surety bond if:

a. The contract price is \$250,000 or less and the department determines that the project is of a noncritical nature and that nonperformance will not endanger public health, safety, or property;

b. The prime contractor is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2); or

c. The prime contractor is using a subcontractor that is a qualified nonprofit agency for the blind or for the other severely handicapped under s. 413.036(2). However, the department may not waive more than the amount of the subcontract.

2. If the department determines that it is in the best interests of the department to reduce the bonding requirement for a project and that to do so will not endanger public health, safety, or property, the department may waive the requirement of a surety bond in an amount equal to the awarded contract price

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1393 for a project having a contract price of \$250 million or more
 1394 and, in its place, may set a surety bond amount that is a
 1395 portion of the total contract price and provide an alternate
 1396 means of security for the balance of the contract amount that is
 1397 not covered by the surety bond or provide for incremental surety
 1398 bonding and provide an alternate means of security for the
 1399 balance of the contract amount that is not covered by the surety
 1400 bond. Such alternative means of security may include letters of
 1401 credit, United States bonds and notes, parent company
 1402 guarantees, and cash collateral. The department may require
 1403 alternate means of security if a surety bond is waived. The
 1404 surety on such bond shall be a surety company authorized to do
 1405 business in the state. All bonds shall be payable to the
 1406 department and conditioned for the prompt, faithful, and
 1407 efficient performance of the contract according to plans and
 1408 specifications and within the time period specified, and for the
 1409 prompt payment of all persons defined in s. 713.01 furnishing
 1410 labor, material, equipment, and supplies for work provided in
 1411 the contract; however, whenever an improvement, demolition, or
 1412 removal contract price is \$25,000 or less, the security may, in
 1413 the discretion of the bidder, be in the form of a cashier's
 1414 check, bank money order of any state or national bank, certified
 1415 check, or postal money order. The department shall adopt rules
 1416 to implement this subsection. Such rules shall include
 1417 provisions under which the department shall refuse to accept
 1418 bonds on contracts when a surety wrongfully fails or refuses to
 1419 settle or provide a defense for claims or actions arising under
 1420 a contract for which the surety previously furnished a bond.
 1421 Section 30. Subsection (3) of section 337.251, Florida

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1422 Statutes, is amended to read:
 1423 337.251 Lease of property for joint public-private
 1424 development and areas above or below department property.-
 1425 (3) A proposal must be selected by the department based on
 1426 competitive bidding, except that the department may consider
 1427 other relevant factors specified in the request for proposals.
 1428 The department may consider such factors as the value of
 1429 property exchanges, the cost of construction, and other
 1430 recurring costs for the benefit of the department by the lessee
 1431 in lieu of direct revenue to the department if such other
 1432 factors are of equal value including innovative proposals to
 1433 involve small ~~minority~~ businesses. The department may name a
 1434 board of advisers which may be composed of accountants, real
 1435 estate appraisers, design engineers, or other experts
 1436 experienced in the type of development proposed. The board of
 1437 advisers shall review the feasibility of the proposals,
 1438 recommend acceptance or rejection of each proposal, and rank
 1439 each feasible proposal in the order of technical feasibility and
 1440 benefit provided to the department. The board of advisers shall
 1441 be reasonably compensated for the services provided and all
 1442 department costs for evaluating the proposals shall be
 1443 reimbursed from a proposal application fee to be set by the
 1444 department and paid by the applicants. The board of advisers
 1445 shall not be subject to selection under the provisions of
 1446 chapter 287.
 1447 Section 31. Section (2) of section 337.401, Florida
 1448 Statutes, is amended to read:
 1449 337.401 Use of right-of-way for utilities subject to
 1450 regulation; permit; fees.-

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1451 (2) (a) The authority may grant to any person who is a
 1452 resident of this state, or to any corporation which is organized
 1453 under the laws of this state or licensed to do business within
 1454 this state, the use of a right-of-way for the utility in
 1455 accordance with such rules or regulations as the authority may
 1456 adopt. A utility may not be installed, located, or relocated
 1457 unless authorized by a written permit issued by the authority.
 1458 However, for public roads or publicly owned rail corridors under
 1459 the jurisdiction of the department, a utility relocation
 1460 schedule and relocation agreement may be executed in lieu of a
 1461 written permit. The permit must require the permitholder to be
 1462 responsible for any damage resulting from the issuance of such
 1463 permit. The authority may initiate injunctive proceedings as
 1464 provided in s. 120.69 to enforce provisions of this subsection
 1465 or any rule or order issued or entered into pursuant thereto. A
 1466 permit application required under this subsection by a county or
 1467 municipality having jurisdiction and control of the right-of-way
 1468 of any public road must be processed and acted upon in
 1469 accordance with the timeframes provided in subparagraphs
 1470 (7) (d) 7., 8., and 9.

1471 (b) Notwithstanding paragraph (a), a municipality may not
 1472 prohibit, or require a permit for, the installation of a public
 1473 sewer transmission line placed and maintained within and under
 1474 publicly dedicated rights-of-way as part of a septic-to-sewer
 1475 conversion where the work is being performed under permits
 1476 issued by the Department of Transportation pursuant to this
 1477 chapter and the Department of Environmental Protection, or its
 1478 delegate, pursuant to chapter 403.

1479 Section 32. Subsection (4) of section 337.406, Florida

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1480 Statutes, is amended to read:

1481 337.406 Unlawful use of state transportation facility
 1482 right-of-way; penalties.—

1483 (4) (a) Camping is prohibited on any portion of the right-
 1484 of-way of the State Highway System ~~that is within 100 feet of a~~
 1485 ~~bridge, causeway, overpass, or ramp.~~

1486 (b) This subsection does not apply to a person who has
 1487 acquired the appropriate permits and is actively navigating the
 1488 federally designated Florida National Scenic Trail recognized by
 1489 the state in s. 260.012(6).

1490 Section 33. Subsection (4) of section 338.227, Florida
 1491 Statutes, is amended to read:

1492 338.227 Turnpike revenue bonds.—

1493 (4) The Department of Transportation and the Department of
 1494 Management Services shall create and implement an outreach
 1495 program designed to enhance the participation of small minority
 1496 ~~persons and minority~~ business enterprises in all contracts
 1497 entered into by their respective departments for services
 1498 related to the financing of department projects for the
 1499 Strategic Intermodal System Plan developed pursuant to s.
 1500 339.64. These services ~~shall~~ include, but are not limited to,
 1501 bond counsel and bond underwriters.

1502 Section 34. Subsection (6) is added to section 339.08,
 1503 Florida Statutes, to read:

1504 339.08 Use of moneys in State Transportation Trust Fund.—

1505 (6) (a) As used in this subsection, the term "energy policy
 1506 of the state" means the energy policy described in s. 377.601
 1507 and includes any intended or actual measure, obligation, target,
 1508 or timeframe related to a reduction in carbon dioxide emissions.

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(b) The department may not expend any state funds as described in s. 215.31 to support a project or program of any of the following entities if such entities adopt or promote energy policy goals inconsistent with the energy policy of the state:

1. A public transit provider as defined in s. 341.031(1).
2. An authority created pursuant to chapter 343, chapter 348, or chapter 349.
3. A public-use airport as defined in s. 332.004.
4. A port listed in s. 311.09(1).

Section 35. Section 339.0805, Florida Statutes, is repealed.

Section 36. Paragraph (b) of subsection (3) and paragraph (c) of subsection (4) of section 339.2821, Florida Statutes, are amended to read:

339.2821 Economic development transportation projects.—

(3)

(b) The department must ensure that it is supportive of small businesses as defined in s. 337.027(2) ~~small and minority businesses have equal access to participate in transportation projects funded pursuant to this section.~~

(4) A contract between the department and a governmental body for a transportation project must:

(c) Require that the governmental body provide the department with progress reports. Each progress report must contain:

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

2. A description of each change order executed by the

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governmental body;

3. A budget summary detailing planned expenditures compared to actual expenditures; and

4. The identity of each small ~~or minority~~ business used as a contractor or subcontractor.

Section 37. Section 339.287, Florida Statutes, is repealed.

Section 38. Subsections (3) and (7) of section 339.651, Florida Statutes, are amended to read:

339.651 Strategic Intermodal System supply chain demands.—

(3) The department may ~~shall~~ make up to \$20 million available each year ~~for fiscal years 2023-2024 through 2027-2028~~, from the existing work program ~~revenues~~, to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

~~(7) This section shall stand repealed on July 1, 2028.~~

Section 39. Paragraph (b) of subsection (6) of section 341.051, Florida Statutes, is amended to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(6) ANNUAL APPROPRIATION.—

(b) If funds are allocated to projects that qualify for the New Starts Transit Program in the current fiscal year and a project will not be ready for production by June 30, those funds must ~~The remaining unallocated New Starts Transit Program funds as of June 30, 2024,~~ shall be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund for the next fiscal year. ~~This paragraph expires June~~

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~~30, 2026.~~

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 40. Subsection (5) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(5) The authority shall encourage the inclusion of local and small local, ~~small~~, ~~minority~~, and ~~women-owned~~ businesses in its procurement and contracting opportunities.

Section 41. Subsection (2) of section 349.03, Florida Statutes, is amended to read:

349.03 Jacksonville Transportation Authority.—

(2) The governing body of the authority shall be composed ~~consist~~ of seven members. Four ~~Three~~ members shall be appointed by the Governor and confirmed by the Senate. Of the four members appointed by the Governor, one must be a resident of Duval County and three must be residents of Clay County, St. Johns County, or Nassau County. Three members shall be appointed by the mayor of the City of Jacksonville subject to confirmation by the council of the City of Jacksonville. ~~The seventh member shall be the district secretary of the Department of Transportation serving in the district that contains the City of Jacksonville. Except for the seventh member,~~ Members appointed by the mayor of the City of Jacksonville must ~~shall~~ be residents and qualified electors of Duval County.

Section 42. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

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110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Families, the State Transportation Development Administrator, the State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices of the Department of Transportation specified in s. 20.23(4)(b) ~~or 20.23(3)(b)~~. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions and the positions of county health department directors and county health department administrators of the Department of Health in accordance with the rules of the Senior Management Service.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include,

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but are not limited to:

1. Positions in the Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(4)(b) and (5)(c) ~~s. 20.23(3)(b) and (4)(e)~~.

4. Positions in the Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in the Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

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Section 43. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.

3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.

4. Passing a stopped school bus:

a. Not causing or resulting in serious bodily injury to or death of another—4 points.

b. Causing or resulting in serious bodily injury to or death of another—6 points.

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1683 c. Points may not be imposed for a violation of passing a
 1684 stopped school bus as provided in s. 316.172(1)(a) or (b) when
 1685 enforced by a school bus infraction detection system pursuant to
 1686 s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b)
 1687 when enforced by a school bus infraction detection system
 1688 pursuant to s. 316.173 may not be used for purposes of setting
 1689 motor vehicle insurance rates.

1690 5. Unlawful speed:

1691 a. Not in excess of 15 miles per hour of lawful or posted
 1692 speed-3 points.

1693 b. In excess of 15 miles per hour of lawful or posted
 1694 speed-4 points.

1695 c. Points may not be imposed for a violation of unlawful
 1696 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 1697 a traffic infraction enforcement officer pursuant to s.
 1698 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 1699 when enforced by a traffic infraction enforcement officer
 1700 pursuant to s. 316.1896 may not be used for purposes of setting
 1701 motor vehicle insurance rates.

1702 6. A violation of a traffic control signal device as
 1703 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
 1704 However, points may not be imposed for a violation of s.
 1705 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1706 stop at a traffic signal and when enforced by a traffic
 1707 infraction enforcement officer. In addition, a violation of s.
 1708 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1709 stop at a traffic signal and when enforced by a traffic
 1710 infraction enforcement officer may not be used for purposes of
 1711 setting motor vehicle insurance rates.

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1712 7. Unlawfully driving a vehicle through a railroad-highway
 1713 grade crossing-6 points.

1714 8. All other moving violations (including parking on a
 1715 highway outside the limits of a municipality)-3 points. However,
 1716 points may not be imposed for a violation of ~~s. 316.0741~~ or s.
 1717 316.2065(11); and points may be imposed for a violation of s.
 1718 316.1001 only when imposed by the court after a hearing pursuant
 1719 to s. 318.14(5).

1720 9. Any moving violation covered in this paragraph,
 1721 excluding unlawful speed and unlawful use of a wireless
 1722 communications device, resulting in a crash-4 points.

1723 10. Any conviction under s. 403.413(6)(b)-3 points.

1724 11. Any conviction under s. 316.0775(2)-4 points.

1725 12. A moving violation covered in this paragraph which is
 1726 committed in conjunction with the unlawful use of a wireless
 1727 communications device within a school safety zone-2 points, in
 1728 addition to the points assigned for the moving violation.

1729 Section 44. Subsection (13) of section 365.172, Florida
 1730 Statutes, is amended to read:

1731 365.172 Emergency communications.-

1732 (13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE
 1733 IMPLEMENTATION.-To balance the public need for reliable
 1734 emergency communications services through reliable wireless
 1735 systems and the public interest served by governmental zoning
 1736 and land development regulations and notwithstanding any other
 1737 law or local ordinance to the contrary, the following standards
 1738 shall apply to a local government's actions, as a regulatory
 1739 body, in the regulation of the placement, construction, or
 1740 modification of a wireless communications facility. This

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subsection may not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or county only. The term "local government" does not, however, include any airport, as defined in s. 330.27 ~~by s. 330.27(2)~~, even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

(a) Colocation among wireless providers is encouraged by the state.

1.a. Colocations on towers, including nonconforming towers, that meet the requirements in sub-sub-subparagraphs (I), (II), and (III), are subject to only building permit review, which may include a review for compliance with this subparagraph. Such colocations are not subject to any design or placement requirements of the local government's land development regulations in effect at the time of the colocation that are more restrictive than those in effect at the time of the initial antennae placement approval, to any other portion of the land development regulations, or to public hearing review. This sub-

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subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;

(II) The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time the initial antennae placement was approved.

b. Except for a historic building, structure, site, object, or district, or a tower included in sub-subparagraph a., colocations on all other existing structures that meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be subject to no more than building permit review, and an administrative review for compliance with this subparagraph. Such colocations are not subject to any portion of the local government's land development regulations not addressed herein, or to public

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1799 hearing review. This sub-subparagraph may not preclude a public
 1800 hearing for any appeal of the decision on the colocation
 1801 application.

1802 (I) The colocation does not increase the height of the
 1803 existing structure to which the antennae are to be attached,
 1804 measured to the highest point of any part of the structure or
 1805 any existing antenna attached to the structure;

1806 (II) The colocation does not increase the ground space
 1807 area, otherwise known as the compound, if any, approved in the
 1808 site plan for equipment enclosures and ancillary facilities;

1809 (III) The colocation consists of antennae, equipment
 1810 enclosures, and ancillary facilities that are of a design and
 1811 configuration consistent with any applicable structural or
 1812 aesthetic design requirements and any requirements for location
 1813 on the structure, but not prohibitions or restrictions on the
 1814 placement of additional colocations on the existing structure or
 1815 procedural requirements, other than those authorized by this
 1816 section, of the local government's land development regulations
 1817 in effect at the time of the colocation application; and

1818 (IV) The colocation consists of antennae, equipment
 1819 enclosures, and ancillary facilities that are of a design and
 1820 configuration consistent with all applicable restrictions or
 1821 conditions, if any, that do not conflict with sub-sub-
 1822 subparagraph (III) and were applied to the initial antennae
 1823 placed on the structure and to its accompanying equipment
 1824 enclosures and ancillary facilities and, if applicable, applied
 1825 to the structure supporting the antennae.

1826 c. Regulations, restrictions, conditions, or permits of the
 1827 local government, acting in its regulatory capacity, that limit

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1828 the number of colocations or require review processes
 1829 inconsistent with this subsection do not apply to colocations
 1830 addressed in this subparagraph.

1831 d. If only a portion of the colocation does not meet the
 1832 requirements of this subparagraph, such as an increase in the
 1833 height of the proposed antennae over the existing structure
 1834 height or a proposal to expand the ground space approved in the
 1835 site plan for the equipment enclosure, where all other portions
 1836 of the colocation meet the requirements of this subparagraph,
 1837 that portion of the colocation only may be reviewed under the
 1838 local government's regulations applicable to an initial
 1839 placement of that portion of the facility, including, but not
 1840 limited to, its land development regulations, and within the
 1841 review timeframes of subparagraph (d)2., and the rest of the
 1842 colocation shall be reviewed in accordance with this
 1843 subparagraph. A colocation proposal under this subparagraph that
 1844 increases the ground space area, otherwise known as the
 1845 compound, approved in the original site plan for equipment
 1846 enclosures and ancillary facilities by no more than a cumulative
 1847 amount of 400 square feet or 50 percent of the original compound
 1848 size, whichever is greater, shall, however, require no more than
 1849 administrative review for compliance with the local government's
 1850 regulations, including, but not limited to, land development
 1851 regulations review, and building permit review, with no public
 1852 hearing review. This sub-subparagraph does not preclude a public
 1853 hearing for any appeal of the decision on the colocation
 1854 application.

1855 2. If a colocation does not meet the requirements of
 1856 subparagraph 1., the local government may review the application

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under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of initial antennae and their accompanying equipment enclosure and ancillary facilities.

3. If a colocation meets the requirements of subparagraph 1., the colocation may not be considered a modification to an existing structure or an impermissible modification of a nonconforming structure.

4. The owner of the existing tower on which the proposed antennae are to be colocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the existing tower had to comply at the time the tower was permitted, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this paragraph.

5. An existing tower, including a nonconforming tower, may be structurally modified in order to permit colocation or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower. This subparagraph may not preclude a public hearing for any appeal of the decision on the application.

(b)1. A local government's land development and construction regulations for wireless communications facilities and the local government's review of an application for the

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placement, construction, or modification of a wireless communications facility shall only address land development or zoning issues. In such local government regulations or review, the local government may not require information on or evaluate a wireless provider's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the wireless provider voluntarily offers this information to the local government. In such local government regulations or review, a local government may not require information on or evaluate the wireless provider's designed service unless the information or materials are directly related to an identified land development or zoning issue or unless the wireless provider voluntarily offers the information. Information or materials directly related to an identified land development or zoning issue may include, but are not limited to, evidence that no existing structure can reasonably be used for the antennae placement instead of the construction of a new tower, that residential areas cannot be served from outside the residential area, as addressed in subparagraph 3., or that the proposed height of a new tower or initial antennae placement or a proposed height increase of a modified tower, replacement tower, or colocation is necessary to provide the provider's designed service. Nothing in this paragraph shall limit the local government from reviewing any applicable land development or zoning issue addressed in its adopted regulations that does not conflict with this section, including, but not limited to, aesthetics, landscaping, land use-based location priorities, structural design, and setbacks.

2. Any setback or distance separation required of a tower

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may not exceed the minimum distance necessary, as determined by the local government, to satisfy the structural safety or aesthetic concerns that are to be protected by the setback or distance separation.

3. A local government may exclude the placement of wireless communications facilities in a residential area or residential zoning district but only in a manner that does not constitute an actual or effective prohibition of the provider's service in that residential area or zoning district. If a wireless provider demonstrates to the satisfaction of the local government that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the municipality or county and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. The local government may require that the wireless provider reimburse the reasonable costs incurred by the local government for this cooperative determination. An application for such cooperative determination may not be considered an application under paragraph (d).

4. A local government may impose a reasonable fee on applications to place, construct, or modify a wireless communications facility only if a similar fee is imposed on applicants seeking other similar types of zoning, land use, or building permit review. A local government may impose fees for the review of applications for wireless communications facilities by consultants or experts who conduct code compliance review for the local government but any fee is limited to specifically identified reasonable expenses incurred in the

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review. A local government may impose reasonable surety requirements to ensure the removal of wireless communications facilities that are no longer being used.

5. A local government may impose design requirements, such as requirements for designing towers to support colocation or aesthetic requirements, except as otherwise limited in this section, but may not impose or require information on compliance with building code type standards for the construction or modification of wireless communications facilities beyond those adopted by the local government under chapter 553 and that apply to all similar types of construction.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

(d)1. A local government shall grant or deny each properly completed application for a colocation under subparagraph (a)1. based on the application's compliance with the local government's applicable regulations, as provided for in subparagraph (a)1. and consistent with this subsection, and within the normal timeframe for a similar building permit review but in no case later than 45 business days after the date the

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1973 application is determined to be properly completed in accordance
1974 with this paragraph.

1975 2. A local government shall grant or deny each properly
1976 completed application for any other wireless communications
1977 facility based on the application's compliance with the local
1978 government's applicable regulations, including but not limited
1979 to land development regulations, consistent with this subsection
1980 and within the normal timeframe for a similar type review but in
1981 no case later than 90 business days after the date the
1982 application is determined to be properly completed in accordance
1983 with this paragraph.

1984 3.a. An application is deemed submitted or resubmitted on
1985 the date the application is received by the local government. If
1986 the local government does not notify the applicant in writing
1987 that the application is not completed in compliance with the
1988 local government's regulations within 20 business days after the
1989 date the application is initially submitted or additional
1990 information resubmitted, the application is deemed, for
1991 administrative purposes only, to be properly completed and
1992 properly submitted. However, the determination may not be deemed
1993 as an approval of the application. If the application is not
1994 completed in compliance with the local government's regulations,
1995 the local government shall so notify the applicant in writing
1996 and the notification must indicate with specificity any
1997 deficiencies in the required documents or deficiencies in the
1998 content of the required documents which, if cured, make the
1999 application properly completed. Upon resubmission of information
2000 to cure the stated deficiencies, the local government shall
2001 notify the applicant, in writing, within the normal timeframes

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2002 of review, but in no case longer than 20 business days after the
2003 additional information is submitted, of any remaining
2004 deficiencies that must be cured. Deficiencies in document type
2005 or content not specified by the local government do not make the
2006 application incomplete. Notwithstanding this sub-subparagraph,
2007 if a specified deficiency is not properly cured when the
2008 applicant resubmits its application to comply with the notice of
2009 deficiencies, the local government may continue to request the
2010 information until such time as the specified deficiency is
2011 cured. The local government may establish reasonable timeframes
2012 within which the required information to cure the application
2013 deficiency is to be provided or the application will be
2014 considered withdrawn or closed.

2015 b. If the local government fails to grant or deny a
2016 properly completed application for a wireless communications
2017 facility within the timeframes set forth in this paragraph, the
2018 application shall be deemed automatically approved and the
2019 applicant may proceed with placement of the facilities without
2020 interference or penalty. The timeframes specified in
2021 subparagraph 2. may be extended only to the extent that the
2022 application has not been granted or denied because the local
2023 government's procedures generally applicable to all other
2024 similar types of applications require action by the governing
2025 body and such action has not taken place within the timeframes
2026 specified in subparagraph 2. Under such circumstances, the local
2027 government must act to either grant or deny the application at
2028 its next regularly scheduled meeting or, otherwise, the
2029 application is deemed to be automatically approved.

2030 c. To be effective, a waiver of the timeframes set forth in

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this paragraph must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(e) The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the local government, are subject to no more than applicable building permit review.

(f) Any other law to the contrary notwithstanding, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market

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rate for the use of the state government-owned property. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

(g) If any person adversely affected by any action, or failure to act, or regulation, or requirement of a local government in the review or regulation of the wireless communication facilities files an appeal or brings an appropriate action in a court or venue of competent jurisdiction, following the exhaustion of all administrative remedies, the matter shall be considered on an expedited basis.

Section 45. Subsection (2) of section 379.2293, Florida Statutes, is amended to read:

379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.—

(2) An airport authority or other entity owning or operating an airport, as defined in s. 330.27 ~~s. 330.27(2)~~, is not subject to any administrative or civil penalty, restriction, or other sanction with respect to any authorized action taken in a non-negligent manner for the purpose of protecting human life or aircraft safety from wildlife hazards.

Section 46. Subsection (22) of section 493.6101, Florida Statutes, is amended to read:

493.6101 Definitions.—

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27 ~~s. 330.27(1)~~, a personal watercraft as

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2089 defined in s. 327.02, an all-terrain vehicle as defined in s.
 2090 316.2074, farm equipment as defined under s. 686.402, or
 2091 industrial equipment, by an individual who is authorized by the
 2092 legal owner, lienholder, or lessor to recover, or to collect
 2093 money payment in lieu of recovery of, that which has been sold
 2094 or leased under a security agreement that contains a
 2095 repossession clause. As used in this subsection, the term
 2096 "industrial equipment" includes, but is not limited to,
 2097 tractors, road rollers, cranes, forklifts, backhoes, and
 2098 bulldozers. The term "industrial equipment" also includes other
 2099 vehicles that are propelled by power other than muscular power
 2100 and that are used in the manufacture of goods or used in the
 2101 provision of services. A repossession is complete when a
 2102 licensed recovery agent is in control, custody, and possession
 2103 of such repossessed property. Property that is being repossessed
 2104 shall be considered to be in the control, custody, and
 2105 possession of a recovery agent if the property being repossessed
 2106 is secured in preparation for transport from the site of the
 2107 recovery by means of being attached to or placed on the towing
 2108 or other transport vehicle or if the property being repossessed
 2109 is being operated or about to be operated by an employee of the
 2110 recovery agency.

2111 Section 47. Paragraph (c) of subsection (1) of section
 2112 493.6403, Florida Statutes, is amended to read:

2113 493.6403 License requirements.—

2114 (1) In addition to the license requirements set forth in
 2115 this chapter, each individual or agency shall comply with the
 2116 following additional requirements:

2117 (c) An applicant for a Class "E" license shall have at

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2118 least 1 year of lawfully gained, verifiable, full-time
 2119 experience in one, or a combination of more than one, of the
 2120 following:

2121 1. Repossession of motor vehicles as defined in s.
 2122 320.01(1), mobile homes as defined in s. 320.01(2), motorboats
 2123 as defined in s. 327.02, aircraft as defined in s. 330.27 ~~or~~
 2124 ~~330.27(1)~~, personal watercraft as defined in s. 327.02, all-
 2125 terrain vehicles as defined in s. 316.2074, farm equipment as
 2126 defined under s. 686.402, or industrial equipment as defined in
 2127 s. 493.6101(22).

2128 2. Work as a Class "EE" licensed intern.

2129 Section 48. 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 Committee on Appropriations

BILL: HB 5009

INTRODUCER: Budget Committee and Representative Sirois

SUBJECT: Government Administration

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|--------------------|
| 1. Urban | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5009 establishes a Florida Accountability Office (FAO) in the Legislature comprising of four divisions, reorganizes certain audit functions, and expands the audit mission to include investigations of whistleblower complaints and other matters. The bill also changes the appointment and term of the Auditor General to two-year terms corresponding to the biennial reorganization of the Legislature. The bill assigns to each division primary responsibility for particular types of audits and investigations, and directs the Auditor General and other legislative offices to review and report on the need for further definition and delineation of audit functions. Additionally, the bill revises a number of provisions in ch. 216, F.S., relating to state planning and budgeting.

The bill has an indeterminate impact to state expenditures. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2025, except as otherwise expressly provided.

II. Present Situation:

Florida Auditor General

Article III, s. 2 of the Florida Constitution, requires the Legislature to appoint an auditor that serves at its pleasure and who is required to audit public records and perform related duties as prescribed by law or concurrent resolution. Section 11.42, F.S., requires the auditor general to be appointed to office by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation of both houses. The appointment of the auditor general may be terminated at any time by a majority vote of both houses.

The Auditor General is required to be certified under the Public Accountancy Law for a period of at least 10 years and have not less than 10 years' experience in an accounting or auditing related

field.¹ The auditor general is required to make all spending decisions within the annual operating budget approved by the President of the Senate and the Speaker of the House of Representatives.

Officers or salaried employees of the Office of the Auditor General are prohibited from serving as the representative of any political party or on any executive committee or other governing body thereof; serving as an executive, officer, or employee of any political party committee, organization, or association; or be engaged on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Additionally, neither the auditor general nor any employee of the auditor general may become a candidate for election to public office unless she or he first resigns from office or employment.

State Budgeting and Planning

Chapter 216, F.S., provides guidelines and requirements for the Executive Office of the Governor, state agencies, and the judicial branch for developing and submitting legislative budget requests and implementing legislative appropriations in accordance with s. 19, Art. III, of the Florida Constitution.

Legislative Budget Requests

In accordance with s. 19, Art. III, of the Florida Constitution, s. 216.023, F.S., requires state agencies and the judicial branch to submit requests for the Legislature for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.²

Each state agency and the judicial branch is required to submit a final legislative budget request to the Legislature and the Governor in the form and manner prescribed by the budget instructions no later than October 15th of each year, unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees.³

Authorized Positions

The total number of authorized positions of a state agency or entity of the judicial branch may not exceed the total provided in the General Appropriations Act, unless otherwise expressly provided by law.⁴ If a state agency or entity of the judicial branch finds that the number of positions so provided is not sufficient to administer its authorized programs, it may file an application with the Executive Office of the Governor or the Chief Justice. If the Executive Office of the Governor or Chief Justice certifies that there are no authorized positions available for addition, deletion, or transfer within the agency and recommends an increase in the number of positions, the Governor or the Chief Justice may recommend an increase in the number of positions for the following reasons only:

- To implement or provide for continuing federal grants or changes in grants not previously anticipated.
- To meet emergencies pursuant to s. 252.36.

¹ Section 11.42, F.S.

² Section 216.011(1)(cc), F.S.

³ Section 216.023.

⁴ Section 216.262, F.S.

- To satisfy new federal regulations or changes therein.
- To take advantage of opportunities to reduce operating expenditures or to increase the revenues of the state or local government.
- To authorize positions that were not fixed by the Legislature through error in drafting the appropriations acts.⁵

Actions recommended by the Executive Office of the Governor or the Chief Justice are subject to the approval by the Legislative Budget Commission.⁶

Historically, there has been an exception provided for the Department of Corrections in the bill implementing the General Appropriations Act.⁷ For the 2024-2025 fiscal year, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the December 15, 2023, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, is required to immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates.

The Department of Corrections is then authorized to submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population.⁸

Transfers of Appropriations

Funds provided in the General Appropriations Act or otherwise expressly provided by law are required to be expended only for the purpose for which appropriated. Appropriations may not be transferred between state agencies, or between a state agency and the judicial branch, unless specifically authorized by law.⁹

However, there are some exceptions provided in s. 216.292, F.S., provided the transfer is determined to be in the best interest of the state. Additionally, such authorized revisions must be consistent with the intent of the approved operating budget, must be consistent with legislative policy and intent, and may not conflict with specific spending policies specified in the General Appropriations Act.¹⁰

The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and

⁵ *Id.*

⁶ *Id.*

⁷ Chapter 2024-228, s. 28, L.O.F.

⁸ Section 216.262(4), F.S.

⁹ *Id.*

¹⁰ Section 216.292, F.S.

216.192, F.S., may be made by the head of each department or the Chief of the Supreme Court whenever it is deemed necessary by reason of changed conditions as follows:

- Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than five percent of the original approved budget or \$250,000, whichever is greater, by all action taken under this subsection.
- Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than five percent of the original approved budget or \$250,000, whichever is greater, by all action taken under this subsection.¹¹

However, any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year is not authorized to make such transfers in the subsequent fiscal year.

Notice of proposed transfers must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least three days prior to agency implementation, in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph, but must ensure that transfers proposed pursuant to this paragraph comply with this chapter, maximize the use of available and appropriate trust funds, and are not contrary to legislative policy and intent.

The following transfers are authorized with the approval of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, subject to the notice and objection provisions of s. 216.177, F.S.:

- The transfer of appropriations for operations from trust funds up to \$1 million.
- The transfer of positions between budget entities.¹²

The following transfers are authorized with the approval of the Legislative Budget Commission. Unless waived by the chair and vice chair of the commission, notice of such transfers must be provided 14 days before the commission meeting:

- The transfer of appropriations for operations from the General Revenue Fund in excess of \$1 million, but within a state agency or within the judicial branch, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.
- The transfer of appropriations for operations from trust funds in excess of \$1 million, as recommended by the Executive Office of the Governor or the Chief Justice of the Supreme Court.
- The transfer of the portion of an appropriation for a named fixed capital outlay project found to be in excess of that needed to complete the project to another project for which there has been an appropriation in the same fiscal year from the same fund and within the same department where a deficiency is found to exist, at the request of the Executive Office of the Governor for state agencies or the Chief Justice of the Supreme Court for the judicial branch.
- The transfers necessary to accomplish the purposes of reorganization within state agencies or the judicial branch authorized by the Legislature when the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act.¹³

¹¹ Section 216.292(2), F.S.

¹² Section 216.292(3), F.S.

¹³ Section 216.292(4), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 11.26, F.S., to add employees of joint offices or the Florida Accountability Office to the list of employees that must have the permission of the presiding officers of both houses before engaging in outside employment.

Section 2 amends s. 11.40, F.S., to revise the authority of the Joint Legislative Auditing Committee. In cases where the committee has determined that a local governmental entity or district school board should be subject to further state action, the bill requires the committee to "advise" instead of "direct" the Department of Revenue (DOR) and Department of Financial Services (DFS) to withhold certain funds until the entity complies with the law.

The bill specifies that upon receipt of the advice the DOR and DFS have the authority to withhold the funds, and within 30 days from receipt of the advice withhold the funds or report the reasons for not doing so to the committee.

The bill requires the committee to "notify" rather than "request" the Department of Commerce to take action against special districts that fail to comply with the law.

Section 3 amends s. 11.40, F.S., effective November 18, 2026, to remove the requirement that a random sample of 3 percent of all legislative branch lobbying firms and executive branch lobbying firms be conducted.

Section 4 creates s. 11.405, F.S., to establish the Florida Accountability Office (FAO) under which the audit functions currently under the purview of the Legislature are consolidated into four divisions: Auditor General, General Accountability, Office of Program Policy Analysis and Government Accountability (OPPAGA), and a Public Integrity division. The bill authorizes any unit of the FAO to conduct any audit or investigation authorized by s. 11.45, F.S., except accounts and records of certain entities.

Audits and investigations would require consultation with the presiding officers of the Legislature for guidance regarding objectives and scope of the engagement. Governance of the FAO would be under direct authority of the Legislature comparable to the present governance of Joint Legislative Auditing Committee, OPPAGA, and similar legislative offices. Restrictions under current law on political activity and outside employment of auditor general employees are extended to all FAO personnel.

The bill establishes the FAO headquarters as the state capitol, but authorizes the Legislature to establish field offices. The bill requires the auditor general to be appointed by the Legislature for two year-terms, coinciding with biennial reorganization of the Legislature, and head a division devoted to financial audits.

Section 5 creates s. 11.406, F.S., relating to public integrity division investigations, to require that beginning with the 2026-2027 fiscal year, the Auditor General and the Public Integrity Division is required to randomly select and review appropriations projects appropriated in the prior fiscal year, and if appropriate, investigate and recommend an audit of such projects. Each

review must include an evaluation of the appropriations project recipient's efficient and effective administration of the project.

The bill authorizes the division to request the Legislative Auditing Committee or any legislative committee to exercise existing powers¹⁴ to issue subpoenas and subpoenas duces tecum to compel testimony or the production of evidence when deemed necessary to an authorized investigation. The bill also provides the means for enforcing a subpoena.

Additionally, the bill authorizes the division to select and review the financial activities of any political subdivision, special district, public authority, public hospital, state or local council or commission, unit of local government, or public education entity in this state, as well as any authority, council, commission, direct support organization, institution, foundation, or similar entity created for a public purpose, entitled by law to any distribution of tax or fee revenues, or organized for the sole purpose of supporting certain public entities.

Section 6 creates s. 11.407, F.S., to require, beginning January 1, 2026, the General Accountability division to conduct all operational audits and compliance audits required by law, except those specifically assigned to the auditor general or OPPAGA.

Section 7 amends s. 11.42, F.S., relating to the auditor general, to revise the requirements of who appoints the auditor general (who will be appointed by the Legislature as required under Section 4 of the bill). Additionally, instead of requiring that the auditor general must have been certified in this state for at least 10 years and have at least 10 years in the field of accounting or auditing related field, the bill states that if that is not the case than a deputy director of auditing who possesses such qualifications must be appointed.

The bill removes the authority of the auditor general to make all spending decisions within the annual operating budget approved by the President and Speaker, including employing qualified persons necessary to the efficient operation of the auditor general's office and fix their compensation with the approval of the President and Speaker.

Section 8 amends s. 11.45, F.S., to define the term "compliance audit" to mean an operational audit or a performance audit directed at the systems and processes, governance, legal compliance, regulations, and contracts of an agency, a program, or an activity, as well as any other objectives specified by the entity requesting or directing the examination. The bill broadens the duties of the auditor general under current law to apply to the FAO.

Section 9 amends s. 11. 47, F.S., to expand the authority of the auditor general and OPPAGA to apply to the FAO generally and make other conforming changes.

Section 10 amends s. 11.51, F.S., relating to OPPAGA, to make conforming changes.

Section 11 amends s. 14.32, F.S., to require the Chief Inspector General to report expeditiously and cooperate fully with the Chief Financial Officer, in addition to the Florida Department of Law Enforcement and Department of Legal Affairs and other law enforcement agencies when

¹⁴ Section 11.143(3), F.S.

there are recognizable grounds to believe that there has been a violation of criminal law or a civil action should be taken.

Section 12 amends s. 112.3187, F.S., to expand the Whistle-blower's Act to include the FAO.

Section 13 amends s. 112.3188, F.S., to expand the Whistle-blower's Act to include the FAO and allegations against an individual that "is suspected of having committed" an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

Section 14 amends s. 112.3189, F.S., to expand the Whistle-blower's Act to include the FAO and require at least once per month that the Chief Inspector General submit an accurate summary of information received via the hotline.

Section 15 amends s. 112.31901, F.S., to provide that the public records exemption may not prevent the FAO from reviewing any records of any investigation.

Section 16 amends s. 216.011, F.S., to provide that that the term "fixed capital outlay" does not include minor repairs or maintenance and may be appropriated in an expense, contracted services, or special appropriation category.

Section 17 amends s. 216.023, F.S., to codify the current practice of submitting legislative budget requests by September 15 of each odd-numbered year and October 15 of each even-numbered year.

Section 18 repeals s. 216.052, F.S., relating to community budget requests.

Section 19 amends s. 216.134, F.S., to require the Office of Economic and Demographic Research to make available to the public "all materials, unless exempt, that will be considered by the conference" at least 24 hours before a scheduled session or a meeting of a consensus estimating conference.

Section 20 amends s. 216.177, F.S., to authorize the chair or the vice chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives to object to a budget amendment.

Section 21 amends s. 216.192, F.S., to require the approval of annual release plans to be subject to the notice, review, and objection procedures of s. 216.177, F.S.

Section 22 amends s. 216.222, F.S., to restrict funds in the Budget Stabilization Fund from being used for an emergency unless the emergency was declared by law, rather than by the Governor, and requires such transfer to be made pursuant to an appropriation.

Section 23 amends s. 216.231, F.S., to require appropriations for emergencies that have been renewed be subject to the notice, review, and objection procedures.

Section 24 amends s. 216.292, F.S., to authorize the Department of Corrections to submit a budget amendment to increase the number of authorized positions if the inmate population projections are over Criminal Justice Estimating Conference estimates.

Section 25 amends s. 216.292, F.S., to clarify that transfers of appropriations may be made between agencies if specifically authorized in the General Appropriations Act in addition to by law. The bill also authorizes transfers for state-wide distributions for Risk Management, Human Resource Services, Division of Administrative Hearings, and Data Processing.

Section 26 amends s. 252.36, F.S., to apply the notice, review, and objection procedures to the appropriation of funds for an emergency that exceeds 60 days.

Section 27 amends s. 409.8134, F.S., to authorize, notwithstanding ss. 216.181 and 216.292, F.S., the Agency for Healthcare Administration (AHCA) and the Department of Health to each submit a budget amendment, subject so s. 216.177, F.S., to realign funding within the Florida KidCare program appropriation categories or to increase budget authority in the Children's Medical Services network category to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment may be submitted by the agency and the department in the last quarter of the fiscal year.

Section 28 amends s. 409.902, F.S., to authorize, notwithstanding ss. 216.181 and 216.292, F.S., the AHCA to submit a budget amendment, subject to s. 216.177, F.S., to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds. A single budget amendment may be submitted by the AHCA in the last quarter of the fiscal year.

Sections 29 and 30 amend ss. 20.055 and 760.06, F.S., respectively, to make conforming changes.

Section 31 requires each state agency to review its rules regarding audit requirements and report any such rule that is not specified in statute to the Joint Legislative Auditing Committee. The bill also requires joint review of all statutory audit requirements imposed on public or private entities. The bill requires a report by the auditor general, the Joint Legislative Auditing Committee, and OPPAGA to be submitted by October 1, 2026, containing certain information on all statutory audit requirements.

Section 32 provides that the bill is effective on July 1, 2025, except as otherwise provided.

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 creates the Florida Accountability Office, the costs of which may be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.26, 11.40, 11.42, 11.45, 11.47, 11.51, 14.32, 112.3187, 112.3188, 112.3189, 112.31901, 216.011, 216.023, 216.134, 216.177, 216.192, 216.222, 216.231, 216.262, 216.292, 252.36, 409.8134, 409.902, 20.055, and 760.06.

This bill creates the following sections of the Florida Statutes: 11.405, 11.406, and 11.407.

This bill repeals section 216.052 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



696916

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

HB 5009

2025

1 A bill to be entitled
 2 An act relating to government administration; amending
 3 s. 11.26, F.S.; revising the employees required to
 4 have permission of the presiding officers of both
 5 houses before accepting certain employment; amending
 6 s. 11.40, F.S.; revising duties of the Legislative
 7 Auditing Committee, the Department of Revenue, and the
 8 Department of Financial Services related to the
 9 failure of certain entities to comply with specified
 10 auditing and financial reporting requirements;
 11 revising procedures that the Department of Revenue and
 12 the Department of Financial Services may take upon
 13 receipt of certain advice; removing Legislative
 14 Auditing Committee procedures for conducting audits;
 15 creating s. 11.405, F.S.; creating the Florida
 16 Accountability Office within the Legislature for
 17 specified purposes; providing for the administration
 18 of such office in a specified manner; providing that
 19 the office shall consist of certain units; providing
 20 leadership selection and terms of office for certain
 21 such units; providing responsibilities and
 22 organization of certain units; providing requirements
 23 for actions between and among such units; providing
 24 the office location; requiring the Legislature to
 25 provide certain administrative support; providing

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26 requirements for spending decisions and budgeting;
 27 requiring the office to employ persons for a specified
 28 purpose; requiring the office to make certain
 29 employment-related decisions with the approval of
 30 specified persons; prohibiting certain officers and
 31 employees of the office from certain activities
 32 relating to political parties and candidates;
 33 requiring certain parties to resign before becoming a
 34 candidate for election; creating s. 11.406, F.S.;
 35 defining the terms "appropriations project" and
 36 "investigation"; providing procedures for submitting
 37 complaints; providing procedures to be taken by the
 38 Public Integrity Division upon receipt of a complaint;
 39 authorizing the division to inspect and investigate
 40 certain items and locations; authorizing the division
 41 to agree to retain the confidentiality of such
 42 information; authorizing specified entities to issue
 43 subpoenas in a certain manner; providing procedures
 44 for the enforcement of such subpoenas; requiring the
 45 division to receive certain reports; requiring the
 46 Auditor General and the division to randomly select
 47 and review, investigate, or audit certain projects and
 48 entities beginning in a specified fiscal year;
 49 providing requirements for such reviews,
 50 investigations, and audits; requiring the Auditor

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51 General to make certain determinations about
 52 recommended audits; requiring such determinations be
 53 reported to the Joint Legislative Auditing Committee;
 54 creating s. 11.407, F.S.; requiring the General
 55 Accountability Division of the office to conduct
 56 certain operational and compliance audits beginning on
 57 a specified date; authorizing the division to assist
 58 other units of the office in conducting certain audits
 59 and investigations; amending s. 11.42, F.S.; revising
 60 a requirement that the Auditor General possess certain
 61 requirements; requiring a deputy director of auditing
 62 who possesses certain qualifications be appointed in
 63 certain circumstances; requiring the Auditor General
 64 to consult with certain entities for a specified
 65 purpose; requiring the Auditor General to adopt
 66 certain rules; revising rulemaking authority of the
 67 Auditor General; amending s. 11.45, F.S.; defining the
 68 term "compliance audit"; revising the definition of
 69 the term "operational audit"; providing that duties of
 70 the office are independent of an audited entity;
 71 revising the entities authorized to direct the office
 72 to conduct an audit or engagement; revising the
 73 frequency with which audits and engagements may be
 74 conducted; specifying that certain provisions apply to
 75 examinations and investigations; authorizing a

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76 designated representative of the office to discuss an
 77 audit, examination, or investigation with certain
 78 officials; providing an alternate deadline for
 79 responses to findings; revising the circumstances
 80 under which the Legislative Auditing Committee is
 81 notified of the failure of certain school boards and
 82 institutions to take corrective action; amending ss.
 83 11.47 and 11.51, F.S.; conforming provisions to
 84 changes made by the act; amending s. 14.32, F.S.;
 85 revising the entities with whom the Chief Inspector
 86 General is required to report and cooperate; amending
 87 s. 112.3187, F.S.; conforming provisions to changes
 88 made by the act; amending s. 112.3188, F.S.; providing
 89 that the office is included in certain confidentiality
 90 provisions; revising the reports that receive certain
 91 confidential protection to include reports of certain
 92 suspected acts; revising the entities authorized to
 93 receive certain confidential information; amending s.
 94 112.3189, F.S.; including the office in the list of
 95 entities required to conduct certain investigations in
 96 a specified manner; requiring certain information from
 97 the whistle-blower's hotline be communicated to the
 98 office at least once per month; requiring such
 99 information be maintained in a certain manner;
 100 amending s. 112.31901, F.S.; authorizing the office to

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101 review certain records; amending s. 216.011, F.S.;
 102 revising the definition of the term "fixed capital
 103 outlay"; amending s. 216.023, F.S.; revising the
 104 frequency with which a state agency must submit its
 105 legislative budget request; repealing s. 216.052,
 106 F.S., relating to community budget requests and
 107 appropriations; amending s. 216.134, F.S.; requiring
 108 specified materials be made public at least 24 hours
 109 before certain sessions and meetings; amending s.
 110 216.177, F.S.; revising the circumstances under which
 111 a specified notification regarding spending authority
 112 may be made; amending s. 216.192, F.S.; providing that
 113 the approval of annual release plans is a budget
 114 action; amending s. 261.222, F.S.; revising conditions
 115 under which money may be provided for a state
 116 emergency; amending s. 216.231, F.S.; providing that
 117 the appropriation of certain funds is subject to
 118 specified procedures; amending s. 216.262, F.S.;
 119 requiring the use of the most recent removing the
 120 expiration of a certain procedure; amending s.
 121 216.292, F.S.; authorizing specified appropriations to
 122 be transferred between certain entities under certain
 123 circumstances; authorizing the Executive Office of the
 124 Governor to transfer certain funds for a specified
 125 purpose; providing that certain transfers and

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126 adjustments are subject to specified procedures;
 127 removing the expiration of a certain review of
 128 transfers; removing a requirement that the Legislature
 129 authorize certain transfers; amending s. 252.36, F.S.;
 130 providing that certain appropriations are subject to
 131 specified procedures; amending ss. 409.8134 and
 132 409.902, F.S.; authorizing specified entities to
 133 submit budget amendments in a certain manner; amending
 134 ss. 20.055 and 760.06, F.S.; conforming cross-
 135 references; requiring each state agency to review and
 136 report certain rules to the Joint Legislative Auditing
 137 Committee; requiring the Auditor General, the Joint
 138 Legislative Auditing Committee, and the Office of
 139 Program Policy Analysis and Government Accountability
 140 to jointly review certain audit requirements and
 141 deliver a report to certain entities by a specified
 142 date; requiring the report to contain certain
 143 information; authorizing the President of the Senate
 144 and the Speaker of the House of Representatives to
 145 provide certain personnel and support for a specified
 146 purpose; authorizing the Administrative Procedures
 147 Committee and the Division of Law Revision to provide
 148 certain assistance for a specified purpose; providing
 149 effective dates.
 150

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

152

153 **Section 1. Subsection (3) of section 11.26, Florida**
 154 **Statutes, is amended to read:**

155 11.26 Legislative employees; employment restrictions.—No
 156 employee of the Legislature shall:

157 (3) No full-time legislative employee shall be otherwise
 158 employed, except with the written permission of the presiding
 159 officer of the house by which he or she is employed. Employees
 160 of joint committees, joint offices, or the Florida
 161 Accountability Office must have the permission of the presiding
 162 officers of both houses.

163 **Section 2. Paragraphs (a) and (b) of subsection (2) of**
 164 **section 11.40, Florida Statutes, are amended to read:**

165 11.40 Legislative Auditing Committee.—

166 (2) Following notification by the Auditor General, the
 167 Department of Financial Services, the Division of Bond Finance
 168 of the State Board of Administration, the Governor or his or her
 169 designee, or the Commissioner of Education or his or her
 170 designee of the failure of a local governmental entity, district
 171 school board, charter school, or charter technical career center
 172 to comply with the applicable provisions within s. 11.45(5)–(7),
 173 s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative
 174 Auditing Committee may schedule a hearing to determine if the
 175 entity should be subject to further state action. If the

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176 committee determines that the entity should be subject to
 177 further state action, the committee shall:

178 (a) In the case of a local governmental entity or district
 179 school board, advise direct the Department of Revenue and the
 180 Department of Financial Services to withhold any funds not
 181 pledged for bond debt service satisfaction which are payable to
 182 such entity until the entity complies with the law. Upon receipt
 183 of the committee shall specify the date that such advice, action
 184 must begin, and the directive must be received by the Department
 185 of Revenue and the Department of Financial Services shall have
 186 the authority to withhold such funds until the entity complies
 187 with the law. Beginning 30 days after receiving such advice,
 188 each department must either withhold all such funds or report
 189 the reasons for not doing so to the committee before the date of
 190 the distribution mandated by law. The Department of Revenue and
 191 the Department of Financial Services may implement this
 192 paragraph.

193 (b) In the case of a special district created by:

194 1. A special act, notify the President of the Senate, the
 195 Speaker of the House of Representatives, the standing committees
 196 of the Senate and the House of Representatives charged with
 197 special district oversight as determined by the presiding
 198 officers of each respective chamber, the legislators who
 199 represent a portion of the geographical jurisdiction of the
 200 special district, and the Department of Commerce that the

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201 special district has failed to comply with the law. Upon receipt
 202 of notification, the Department of Commerce shall proceed
 203 pursuant to s. 189.062 or s. 189.067. If the special district
 204 remains in noncompliance after the process set forth in s.
 205 189.0651, or if a public hearing is not held, the Legislative
 206 Auditing Committee may notify ~~request~~ the department, which
 207 shall ~~to~~ proceed pursuant to s. 189.067(3).

208 2. A local ordinance, notify the chair or equivalent of
 209 the local general-purpose government pursuant to s. 189.0652 and
 210 the Department of Commerce that the special district has failed
 211 to comply with the law. Upon receipt of notification, the
 212 department shall proceed pursuant to s. 189.062 or s. 189.067.
 213 If the special district remains in noncompliance after the
 214 process set forth in s. 189.0652, or if a public hearing is not
 215 held, the Legislative Auditing Committee may notify ~~request~~ the
 216 department, which shall ~~to~~ proceed pursuant to s. 189.067(3).

217 3. Any manner other than a special act or local ordinance,
 218 notify the Department of Commerce that the special district has
 219 failed to comply with the law. Upon receipt of notification, the
 220 department shall proceed pursuant to s. 189.062 or s.
 221 189.067(3).

222 **Section 3. Effective November 18, 2026, subsection (3) of**
 223 **section 11.40, Florida Statutes, is amended to read:**

224 11.40 Legislative Auditing Committee.—

225 ~~(3)(a) As used in this subsection, "independent contract~~

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226 ~~auditor" means a state licensed certified public accountant or~~
 227 ~~firm with which a state licensed certified public accountant is~~
 228 ~~currently employed or associated who is actively engaged in the~~
 229 ~~accounting profession.~~

230 ~~(b) Audits specified in this subsection cover the~~
 231 ~~quarterly compensation reports for the previous calendar year~~
 232 ~~for a random sample of 3 percent of all legislative branch~~
 233 ~~lobbying firms and a random sample of 3 percent of all executive~~
 234 ~~branch lobbying firms calculated using as the total number of~~
 235 ~~such lobbying firms those filing a compensation report for the~~
 236 ~~preceding calendar year. The committee shall provide for a~~
 237 ~~system of random selection of the lobbying firms to be audited.~~

238 ~~(c) The committee shall create and maintain a list of not~~
 239 ~~less than 10 independent contract auditors approved to conduct~~
 240 ~~the required audits. Each lobbying firm selected for audit in~~
 241 ~~the random audit process may designate one of the independent~~
 242 ~~contract auditors from the committee's approved list. Upon~~
 243 ~~failure for any reason of a lobbying firm selected in the random~~
 244 ~~selection process to designate an independent contract auditor~~
 245 ~~from the committee's list within 30 calendar days after being~~
 246 ~~notified by the committee of its selection, the committee shall~~
 247 ~~assign one of the available independent contract auditors from~~
 248 ~~the approved list to perform the required audit. No independent~~
 249 ~~contract auditor, whether designated by the lobbying firm or by~~
 250 ~~the committee, may perform the audit of a lobbying firm where~~

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251 ~~the auditor and lobbying firm have ever had a direct personal~~
 252 ~~relationship or any professional accounting, auditing, tax~~
 253 ~~advisory, or tax preparing relationship with each other. The~~
 254 ~~committee shall obtain a written, sworn certification subject to~~
 255 ~~s. 837.06, both from the randomly selected lobbying firm and~~
 256 ~~from the proposed independent contract auditor, that no such~~
 257 ~~relationship has ever existed.~~

258 ~~(d) Each independent contract auditor shall be engaged by~~
 259 ~~and compensated solely by the state for the work performed in~~
 260 ~~accomplishing an audit under this subsection.~~

261 ~~(e) Any violations of law, deficiencies, or material~~
 262 ~~misstatements discovered and noted in an audit report shall be~~
 263 ~~clearly identified in the audit report and be determined under~~
 264 ~~the rules of either house of the Legislature or under the joint~~
 265 ~~rules, as applicable.~~

266 ~~(f) If any lobbying firm fails to give full, frank, and~~
 267 ~~prompt cooperation and access to books, records, and associated~~
 268 ~~backup documents as requested in writing by the auditor, that~~
 269 ~~failure shall be clearly noted by the independent contract~~
 270 ~~auditor in the report of audit.~~

271 ~~(g) The committee shall establish procedures for the~~
 272 ~~selection of independent contract auditors desiring to enter~~
 273 ~~into audit contracts pursuant to this subsection. Such~~
 274 ~~procedures shall include, but not be limited to, a rating system~~
 275 ~~that takes into account pertinent information, including the~~

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276 ~~independent contract auditor's fee proposals for participating~~
 277 ~~in the process. All contracts under this subsection between an~~
 278 ~~independent contract auditor and the Speaker of the House of~~
 279 ~~Representatives and the President of the Senate shall be~~
 280 ~~terminable by either party at any time upon written notice to~~
 281 ~~the other, and such contracts may contain such other terms and~~
 282 ~~conditions as the Speaker of the House of Representatives and~~
 283 ~~the President of the Senate deem appropriate under the~~
 284 ~~circumstances.~~

285 ~~(h) The committee shall adopt guidelines that govern~~
 286 ~~random audits and field investigations conducted pursuant to~~
 287 ~~this subsection. The guidelines shall ensure that similarly~~
 288 ~~situated compensation reports are audited in a uniform manner.~~
 289 ~~The guidelines shall also be formulated to encourage compliance~~
 290 ~~and detect violations of the legislative and executive lobbying~~
 291 ~~compensation reporting requirements in ss. 11.045 and 112.3215~~
 292 ~~and to ensure that each audit is conducted with maximum~~
 293 ~~efficiency in a cost effective manner. In adopting the~~
 294 ~~guidelines, the committee shall consider relevant guidelines and~~
 295 ~~standards of the American Institute of Certified Public~~
 296 ~~Accountants to the extent that such guidelines and standards are~~
 297 ~~applicable and consistent with the purposes set forth in this~~
 298 ~~subsection.~~

299 ~~(i) All audit reports of legislative lobbying firms shall,~~
 300 ~~upon completion by an independent contract auditor, be delivered~~

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301 ~~to the President of the Senate and the Speaker of the House of~~
 302 ~~Representatives for their respective review and handling. All~~
 303 ~~audit reports of executive branch lobbyists, upon completion by~~
 304 ~~an independent contract auditor, shall be delivered by the~~
 305 ~~auditor to the Commission on Ethics.~~

306 **Section 4. Section 11.405, Florida Statutes, is created to**
 307 **read:**

308 11.405 The Florida Accountability Office.—

309 (1) There is created within the Legislature the Florida
 310 Accountability Office to conduct audits, reviews, examinations,
 311 investigations, evaluations, and assessments; to make
 312 recommendations regarding the operations, performance, and
 313 fiscal management of governmental entities of this state; and to
 314 report findings to the Legislature and public agencies regarding
 315 fiscal transparency, quality, effectiveness, efficiency, and
 316 possible improvements to the programs, operations, and
 317 performance of such governmental entities. The office shall be
 318 administered as directed by the Legislature or by agreement of
 319 the presiding officers of the Legislature.

320 (2) The office shall consist of the following units:

321 (a) The Division of the Auditor General, headed by the
 322 Auditor General, the auditor required by s. 2, Art. III of the
 323 State Constitution, appointed by both houses of the Legislature
 324 acting concurrently, unless otherwise provided by joint rule of
 325 the Legislature. The Auditor General's term shall end on

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326 November 30 after the first general election following
 327 appointment. If a vacancy occurs while the Legislature is not in
 328 session, the President of the Senate and the Speaker of the
 329 House of Representatives may appoint a temporary successor by
 330 agreement. The Auditor General shall serve at the pleasure of
 331 the Legislature. The Division of the Auditor General shall be
 332 primarily responsible for financial audits required or
 333 authorized by law. The Auditor General shall be primarily
 334 responsible for audits authorized by s. 11.45(3)(a), (c), (g),
 335 (i), (m), (r), and (v).

336 (b) The General Accountability Division, headed by the
 337 General Accountability Officer appointed as provided by joint
 338 rule of the Legislature or the agreement of the presiding
 339 officers of the Legislature, unless otherwise organized as
 340 provided by joint rule of the Legislature or the agreement of
 341 the presiding officers of the Legislature. The General
 342 Accountability Division shall be primarily responsible for
 343 operational audits and compliance audits required or authorized
 344 by law. The General Accountability Division shall be primarily
 345 responsible for audits authorized by s. 11.45(3), except s.
 346 11.45(3)(a), (c), (g), (i), (m), (r), and (v).

347 (c) The Office of Program Policy Analysis and Government
 348 Accountability organized as provided by joint rule of the
 349 Legislature or the agreement of the presiding officers of the
 350 Legislature. The Office of Program Policy Analysis and

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351 Government Accountability shall be primarily responsible for
 352 performance audits required or authorized by law.

353 (d) The Public Integrity Division organized as provided by
 354 joint rule of the Legislature or the agreement of the presiding
 355 officers of the Legislature.

356 (3) The units shall cooperate and assist one another, as
 357 resources allow, in order to make the most efficient use of the
 358 resources of the Florida Accountability Office. A unit may not
 359 conduct an audit or investigation that may interfere or disrupt
 360 the audit or investigation conducted by another unit, but
 361 cooperative audits and investigations may be conducted. A unit
 362 shall assist, as requested by another unit, when its expertise
 363 may be effectively utilized.

364 (4) Any unit may conduct any audit or investigation
 365 authorized by s. 11.45, except a financial audit expressly
 366 assigned to the Division of the Auditor General.

367 (5) When an audit or investigation is required or
 368 authorized by general law, the unit conducting such audit or
 369 investigation shall consult with the President of the Senate and
 370 the Speaker of the House of Representatives for guidance
 371 regarding the objectives and scope of such audit or
 372 investigation.

373 (6) (a) The headquarters of the Florida Accountability
 374 Office shall be at the state capital, but to facilitate auditing
 375 and to eliminate unnecessary traveling, the Legislature may

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376 establish field offices located outside the state capital.

377 (b) The Legislature shall provide sufficient
 378 administrative support to assist the Florida Accountability
 379 Office in all spending decisions within the annual operating
 380 budget approved by the President of the Senate and the Speaker
 381 of the House of Representatives. The Florida Accountability
 382 Office shall employ qualified persons necessary for the
 383 efficient operation of the various units. The duties and
 384 compensation of such employees and a uniform personnel, job
 385 classification, and pay plan for such employees shall be
 386 established with the approval of the President of the Senate and
 387 the Speaker of the House of Representatives, or their joint
 388 designees in the units of the Florida Accountability Office.

389 (7) An officer or a salaried employee of the Florida
 390 Accountability Office may not serve as the representative of any
 391 political party or on any executive committee or other governing
 392 body thereof; serve as an executive, officer, or employee of any
 393 political party committee, organization, or association; or be
 394 engaged on behalf of any candidate for public office in the
 395 solicitation of votes or other activities on behalf of such
 396 candidacy. The Auditor General or any employee of the Florida
 397 Accountability Office may not become a candidate for election to
 398 public office unless she or he first resigns from office or
 399 employment.

Section 5. Section 11.406, Florida Statutes, is created to

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401 **read:**

402 11.406 Public Integrity Division investigations.—

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

404 (a) "Appropriations project" means a specific

405 appropriation or proviso defined as an appropriations project by

406 legislative rule in the year in which it was enacted.

407 (b) "Investigation" means an audit, a review, or any other

408 examination or inquiry into the factual basis of any complaint

409 investigated pursuant to subsection (2).

410 (2) The Public Integrity Division of the Florida

411 Accountability Office may receive and investigate a complaint

412 alleging fraud, waste, abuse, mismanagement, or misconduct in

413 connection with the expenditure of public funds.

414 (3) A complaint may be submitted to the Florida

415 Accountability Office by:

416 (a) The President of the Senate.

417 (b) The Speaker of the House of Representatives.

418 (c) The chair of an appropriations committee of the Senate

419 or the House of Representatives.

420 (d) Any unit of the Florida Accountability Office.

421 (e) Any inspector general.

422 (f) A whistle-blower reporting under s. 112.3187.

423 (4)(a) Upon receipt of a complaint, the Public Integrity

424 Division shall determine whether the complaint is supported by

425 sufficient information indicating a reasonable probability of

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426 fraud, waste, abuse, mismanagement, or misconduct. If the Public

427 Integrity Division determines that the complaint is not

428 supported by sufficient information, the Public Integrity

429 Division shall notify the complainant in writing and the

430 complaint shall be closed.

431 (b) If the complaint is supported by sufficient

432 information, the Public Integrity Division shall determine

433 whether an investigation into the matter has already been

434 initiated by a law enforcement agency, the Commission on Ethics,

435 the Chief Financial Officer, the Office of Chief Inspector

436 General, or the applicable agency inspector general. If such an

437 investigation has been initiated, the Public Integrity Division

438 shall notify the complainant in writing and the complaint may be

439 closed.

440 (c) If the complaint is supported by sufficient

441 information and an investigation into the matter has not already

442 been initiated as described in paragraph (b), the Public

443 Integrity Division shall, within available resources and after

444 consultation with the other units of the Florida Accountability

445 Office, conduct an investigation and issue a report of the

446 investigative findings to the complainant and the President of

447 the Senate and the Speaker of the House of Representatives. The

448 Public Integrity Division may refer the matter to another unit

449 of the Florida Accountability Office, any appropriate law

450 enforcement agency, the Commission on Ethics, the Chief

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451 Financial Officer, the Office of the Chief Inspector General, or
 452 the applicable agency inspector general.

453 (5) (a) The Public Integrity Division may, when pertinent
 454 to an investigation of a complaint, inspect and investigate the
 455 books, records, papers, documents, data, operation, and physical
 456 location of any public agency in this state, including any
 457 confidential information; the public records of any entity that
 458 has received direct appropriations or a direct payment of fees
 459 or taxes collected by this state; and the records of any entity
 460 that has contracted with this state whose records are subject to
 461 public access pursuant to s. 287.058(1)(c). The Public Integrity
 462 Division may agree to retain the confidentiality of confidential
 463 information pursuant to s. 11.0431(2)(a).

464 (b) Upon request of the Public Integrity Division, the
 465 Legislative Auditing Committee or any other committee of the
 466 Legislature may issue subpoenas and subpoenas duces tecum, as
 467 provided in s. 11.143, to compel testimony or the production of
 468 evidence when deemed necessary to an investigation authorized by
 469 this section. Consistent with s. 11.143, such subpoenas and
 470 subpoenas duces tecum may be issued as provided by applicable
 471 legislative rules or, in the absence of applicable legislative
 472 rules, by the chair of the Legislative Auditing Committee with
 473 the approval of the Legislative Auditing Committee and the
 474 President of the Senate and the Speaker of the House of
 475 Representatives, or with the approval of the President of the

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476 Senate or the Speaker of the House of Representatives if such
 477 officer alone designated the Legislative Auditing Committee.

478 (c) If the Legislature is not in session when a witness
 479 fails or refuses to comply with a lawful subpoena or subpoena
 480 duces tecum issued pursuant to this subsection, the subpoena or
 481 subpoena duces tecum may be enforced as provided in s. 11.143,
 482 and the Public Integrity Division, on behalf of the committee
 483 issuing the subpoena or subpoena duces tecum, may file a
 484 complaint before any circuit court of this state to enforce the
 485 subpoena or subpoena duces tecum. Upon the filing of such
 486 complaint, the court shall take jurisdiction of the witness and
 487 the subject matter of the complaint and shall direct the witness
 488 to respond to all lawful questions and to produce all lawfully
 489 demanding documentary evidence in the possession of the witness.
 490 The failure of a witness to comply with such order constitutes a
 491 direct and criminal contempt of court and the court shall punish
 492 the witness accordingly.

493 (d) When the Legislature is in session, upon request of
 494 the Public Integrity Division directed to the committee issuing
 495 the subpoena or subpoena duces tecum, either house of the
 496 Legislature may seek compliance with the subpoena or subpoena
 497 duces tecum in accordance with the State Constitution, general
 498 law, the joint rules of the Legislature, or the rules of the
 499 house of the Legislature whose committee issued the subpoena or
 500 subpoena duces tecum.

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501 (6) The Public Integrity Division shall receive copies of
 502 all reports required by ss. 14.32, 17.325, and 20.055.
 503 (7) (a) Beginning with the 2026-2027 fiscal year, the
 504 Auditor General and the Public Integrity Division, within
 505 available resources, shall randomly select and review
 506 appropriations projects appropriated in the prior fiscal year
 507 and, if appropriate, investigate and recommend an audit of such
 508 projects. The review, investigation, or audit may be delayed on
 509 a selected project until a subsequent year if the timeline of
 510 the project warrants such delay. Each review, investigation, or
 511 audit must include, but is not limited to, an evaluation of the
 512 appropriations project recipient's efficient and effective
 513 administration of the project. When an audit is recommended by
 514 the Public Integrity Division under this subsection, the Auditor
 515 General shall determine whether the audit is appropriate. All
 516 such determinations shall be reported to the Joint Legislative
 517 Auditing Committee.
 518 (b) Beginning with the 2026-2027 fiscal year, the Auditor
 519 General and the Public Integrity Division, within available
 520 resources, may select and review, investigate, or audit the
 521 financial activities of any political subdivision, special
 522 district, public authority, public hospital, state or local
 523 council or commission, unit of local government, or public
 524 education entity in this state, as well as any authority,
 525 council, commission, direct-support organization, institution,

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526 foundation, or similar entity created by law or ordinance to
 527 pursue a public purpose, entitled by law or ordinance to any
 528 distribution of tax or fee revenues, or organized for the sole
 529 purpose of supporting one of the public entities listed in this
 530 paragraph.
 531 **Section 6. Section 11.407, Florida Statutes, is created to**
 532 **read:**
 533 11.407 General Accountability Division audits.—
 534 Beginning on January 1, 2026, the General Accountability
 535 Division of the Florida Accountability Office shall conduct all
 536 operational audits and compliance audits required by law,
 537 including those previously assigned to the Auditor General or
 538 the Office of Program Policy Analysis and Government
 539 Accountability. The division may assist other units of the
 540 Florida Accountability Office in conducting any audit or
 541 investigation and conduct other audits authorized by law after
 542 consultation with other units of the Florida Accountability
 543 Office or as requested by the President of the Senate or the
 544 Speaker of the House of Representatives.
 545 **Section 7. Section 11.42, Florida Statutes, is amended to**
 546 **read:**
 547 11.42 The Auditor General.—
 548 ~~(1) The Auditor General appointed in this section is the~~
 549 ~~auditor that is required by s. 2, Art. III of the State~~
 550 ~~Constitution.~~

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551 ~~(1)(2) If, The Auditor General shall be appointed to~~
 552 ~~office to serve at the pleasure of the Legislature, by a~~
 553 ~~majority vote of the members of the Legislative Auditing~~
 554 ~~Committee, subject to confirmation by both houses of the~~
 555 ~~Legislature.~~ at the time of her or his appointment, the Auditor
 556 General has not ~~shall have~~ been certified under the Public
 557 Accountancy Law in this state for a period of at least 10 years
 558 or has ~~and shall have had not~~ less than 10 years' experience in
 559 an accounting or auditing related field, a deputy director of
 560 auditing who possesses such qualifications must be appointed.
 561 Vacancies in the office shall be filled in the same manner as
 562 the original appointment.

563 ~~(3)(a) To carry out her or his duties the Auditor General~~
 564 ~~shall make all spending decisions within the annual operating~~
 565 ~~budget approved by the President of the Senate and the Speaker~~
 566 ~~of the House of Representatives. The Auditor General shall~~
 567 ~~employ qualified persons necessary for the efficient operation~~
 568 ~~of the Auditor General's office and shall fix their duties and~~
 569 ~~compensation and, with the approval of the President of the~~
 570 ~~Senate and the Speaker of the House of Representatives, shall~~
 571 ~~adopt and administer a uniform personnel, job classification,~~
 572 ~~and pay plan for such employees.~~

573 ~~(2)(b)~~ No person shall be employed as a financial auditor
 574 who does not possess the qualifications to take the examination
 575 for a certificate as certified public accountant under the laws

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576 of this state, and no person shall be employed or retained as
 577 legal adviser, on either a full-time or a part-time basis, who
 578 is not a member of The Florida Bar.

579 ~~(3)(4)~~ The Auditor General, before entering upon the
 580 duties of the office, shall take and subscribe the oath of
 581 office required of state officers by the State Constitution.

582 ~~(5) The appointment of the Auditor General may be~~
 583 ~~terminated at any time by a majority vote of both houses of the~~
 584 ~~Legislature.~~

585 ~~(6)(a) The headquarters of the Auditor General shall be at~~
 586 ~~the state capital, but to facilitate auditing and to eliminate~~
 587 ~~unnecessary traveling the Auditor General may establish field~~
 588 ~~offices located outside the state capital. The Auditor General~~
 589 ~~shall be provided with adequate quarters to carry out the~~
 590 ~~position's functions in the state capital and in other areas of~~
 591 ~~the state.~~

592 ~~(b) All payrolls and vouchers for the operations of the~~
 593 ~~Auditor General's office shall be submitted to the Chief~~
 594 ~~Financial Officer and, if found to be correct, payments shall be~~
 595 ~~issued therefor.~~

596 ~~(4)(7)~~ The Auditor General, in consultation with the units
 597 of the Florida Accountability Office, may make and enforce
 598 reasonable rules and regulations necessary to facilitate audits
 599 which the Florida Accountability Office ~~she or he~~ is authorized
 600 to perform. The Auditor General shall consult with other units

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601 of the Florida Accountability Office and incorporate into such
 602 rules the suggestions of each unit that may lead to more timely
 603 and effective audits, examinations, and investigations.

604 ~~(8) No officer or salaried employee of the Office of the~~
 605 ~~Auditor General shall serve as the representative of any~~
 606 ~~political party or on any executive committee or other governing~~
 607 ~~body thereof; serve as an executive, officer, or employee of any~~
 608 ~~political party committee, organization, or association; or be~~
 609 ~~engaged on behalf of any candidate for public office in the~~
 610 ~~solicitation of votes or other activities in behalf of such~~
 611 ~~candidacy. Neither the Auditor General nor any employee of the~~
 612 ~~Auditor General may become a candidate for election to public~~
 613 ~~office unless she or he first resigns from office or employment.~~
 614 ~~No officer or salaried employee of the Auditor General shall~~
 615 ~~actively engage in any other business or profession or be~~
 616 ~~otherwise employed without the prior written permission of the~~
 617 ~~Auditor General.~~

618 ~~(9) Sections 11.25(1) and 11.26 shall not apply to the~~
 619 ~~Auditor General.~~

620 **Section 8. Section 11.45, Florida Statutes, is amended to**
 621 **read:**

622 11.45 Definitions; duties; authorities; reports; rules.—

623 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

624 (a) "Abuse" means behavior that is deficient or improper
 625 when compared with behavior that a prudent person would consider

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626 a reasonable and necessary operational practice given the facts
 627 and circumstances. The term includes the misuse of authority or
 628 position for personal gain.

629 (b) "Audit" means a financial audit, operational audit, or
 630 performance audit.

631 (c) "Compliance audit" means an operational audit or a
 632 performance audit directed at the systems and processes,
 633 governance, legal compliance, regulations, and contracts of an
 634 agency, a program, or an activity, as well as any other
 635 objectives specified by the entity requesting or directing the
 636 examination.

637 (d) ~~(e)~~ "County agency" means a board of county
 638 commissioners or other legislative and governing body of a
 639 county, however styled, including that of a consolidated or
 640 metropolitan government, a clerk of the circuit court, a
 641 separate or ex officio clerk of the county court, a sheriff, a
 642 property appraiser, a tax collector, a supervisor of elections,
 643 or any other officer in whom any portion of the fiscal duties of
 644 a body or officer expressly stated in this paragraph are
 645 separately placed by law.

646 (e) ~~(d)~~ "Financial audit" means an examination of financial
 647 statements in order to express an opinion on the fairness with
 648 which they are presented in conformity with generally accepted
 649 accounting principles and an examination to determine whether
 650 operations are properly conducted in accordance with legal and

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651 regulatory requirements. Financial audits must be conducted in
 652 accordance with auditing standards generally accepted in the
 653 United States and government auditing standards. When
 654 applicable, the scope of financial audits must encompass the
 655 additional activities necessary to establish compliance with the
 656 Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507,
 657 and other applicable federal law.

658 (f)~~(e)~~ "Fraud" means obtaining something of value through
 659 willful misrepresentation, including, but not limited to,
 660 intentional misstatements or intentional omissions of amounts or
 661 disclosures in financial statements to deceive users of
 662 financial statements, theft of an entity's assets, bribery, or
 663 the use of one's position for personal enrichment through the
 664 deliberate misuse or misapplication of an organization's
 665 resources.

666 (g)~~(f)~~ "Governmental entity" means a state agency, a
 667 county agency, or any other entity, however styled, that
 668 independently exercises any type of state or local governmental
 669 function.

670 (h)~~(g)~~ "Local governmental entity" means a county agency,
 671 municipality, tourist development council, county tourism
 672 promotion agency, or special district as defined in s. 189.012.
 673 The term does not include any housing authority established
 674 under chapter 421.

675 (i)~~(h)~~ "Management letter" means a statement of the

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676 auditor's comments and recommendations.

677 (j)~~(i)~~ "Operational audit" means an audit whose purpose is
 678 to evaluate management's performance in establishing and
 679 maintaining internal controls, including controls designed to
 680 prevent and detect fraud, waste, and abuse, and in administering
 681 assigned responsibilities in accordance with applicable laws,
 682 administrative rules, contracts, grant agreements, and other
 683 guidelines. Operational audits must be conducted in accordance
 684 with government auditing standards or include a written
 685 explanation for any departures from such standards in the audit
 686 report. Such audits examine internal controls that are designed
 687 and placed in operation to promote and encourage the achievement
 688 of management's control objectives in the categories of
 689 compliance, economic and efficient operations, reliability of
 690 financial records and reports, and safeguarding of assets, and
 691 identify weaknesses in those internal controls.

692 (k)~~(j)~~ "Performance audit" means an examination of a
 693 program, activity, or function of a governmental entity,
 694 conducted in accordance with applicable government auditing
 695 standards or auditing and evaluation standards of other
 696 appropriate authoritative bodies. The term includes an
 697 examination of issues related to:

- 698 1. Economy, efficiency, or effectiveness of the program.
- 699 2. Structure or design of the program to accomplish its
- 700 goals and objectives.

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701 3. Adequacy of the program to meet the needs identified by
702 the Legislature or governing body.

703 4. Alternative methods of providing program services or
704 products.

705 5. Goals, objectives, and performance measures used by the
706 agency to monitor and report program accomplishments.

707 6. The accuracy or adequacy of public documents, reports,
708 or requests prepared under the program by state agencies.

709 7. Compliance of the program with appropriate policies,
710 rules, or laws.

711 8. Any other issues related to governmental entities as
712 directed by the Legislative Auditing Committee.

713 (l) ~~(k)~~ "Political subdivision" means a separate agency or
714 unit of local government created or established by law and
715 includes, but is not limited to, the following and the officers
716 thereof: authority, board, branch, bureau, city, commission,
717 consolidated government, county, department, district,
718 institution, metropolitan government, municipality, office,
719 officer, public corporation, town, or village.

720 (m) ~~(l)~~ "State agency" means a separate agency or unit of
721 state government created or established by law and includes, but
722 is not limited to, the following and the officers thereof:
723 authority, board, branch, bureau, commission, department,
724 division, institution, office, officer, or public corporation,
725 as the case may be, except any such agency or unit within the

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726 legislative branch of state government other than the Florida
727 Public Service Commission.

728 (n) ~~(m)~~ "Waste" means the act of using or expending
729 resources unreasonably, carelessly, extravagantly, or for no
730 useful purpose.

731 (2) DUTIES.—The Florida Accountability Office Auditor
732 ~~General~~ shall:

733 (a) Conduct audits of records and perform related duties
734 as prescribed by law, concurrent resolution of the Legislature,
735 or as directed by the Legislative Auditing Committee.

736 (b) Annually conduct a financial audit of state
737 government.

738 (c) Annually conduct financial audits of all state
739 universities and Florida College System institutions and verify
740 the accuracy of the amounts certified by each state university
741 and Florida College System institution chief financial officer
742 pursuant to ss. 1011.45 and 1011.84.

743 (d) Annually conduct financial audits of the accounts and
744 records of all district school boards in counties with
745 populations of fewer than 150,000, according to the most recent
746 federal decennial statewide census; the Florida School for the
747 Deaf and the Blind; and the Florida School for Competitive
748 Academics.

749 (e) Once every 3 years, conduct financial audits of the
750 accounts and records of all district school boards in counties

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751 that have populations of 150,000 or more, according to the most
752 recent federal decennial statewide census.

753 (f) At least every 3 years, conduct operational audits of
754 the accounts and records of state agencies, state universities,
755 state colleges, district school boards, the Florida Clerks of
756 Court Operations Corporation, water management districts, the
757 Florida School for the Deaf and the Blind, and the Florida
758 School for Competitive Academics.

759 (g) At least every 3 years, conduct a performance audit of
760 the local government financial reporting system, which, for the
761 purpose of this chapter, means any statutory provision related
762 to local government financial reporting. The purpose of such an
763 audit is to determine the accuracy, efficiency, and
764 effectiveness of the reporting system in achieving its goals and
765 to make recommendations to the local governments, the Governor,
766 and the Legislature as to how the reporting system can be
767 improved and how program costs can be reduced. The Office of
768 Program Policy Analysis and Government Accountability ~~Auditor~~
769 ~~General~~ shall determine the scope of the audits. The local
770 government financial reporting system should provide for the
771 timely, accurate, uniform, and cost-effective accumulation of
772 financial and other information that can be used by the members
773 of the Legislature and other appropriate officials to accomplish
774 the following goals:

775 1. Enhance citizen participation in local government;

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776 2. Improve the financial condition of local governments;
777 3. Provide essential government services in an efficient
778 and effective manner; and

779 4. Improve decisionmaking on the part of the Legislature,
780 state agencies, and local government officials on matters
781 relating to local government.

782 (h) At least every 3 years, conduct a performance audit of
783 the Department of Revenue's administration of the ad valorem tax
784 laws as described in s. 195.096. The audit report shall report
785 on the activities of the ad valorem tax program of the
786 Department of Revenue related to the ad valorem tax rolls. The
787 Office of Program Policy Analysis and Government Accountability
788 ~~Auditor General~~ shall include, for at least four counties
789 reviewed, findings as to the accuracy of assessment procedures,
790 projections, and computations made by the department, using the
791 same generally accepted appraisal standards and procedures to
792 which the department and the property appraisers are required to
793 adhere. However, the report may not include any findings or
794 statistics related to any ad valorem tax roll that is in
795 litigation between the state and county officials at the time
796 the report is issued.

797 (i) Once every 3 years, review a sample of internal audit
798 reports at each state agency, as defined in s. 20.055(1), to
799 determine compliance with current Standards for the Professional
800 Practice of Internal Auditing or, if appropriate, government

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801 auditing standards.

802 (j) Conduct audits of local governmental entities when

803 determined to be necessary by any unit of the Florida

804 Accountability Office ~~the Auditor General~~, when directed by the

805 Legislative Auditing Committee, or when otherwise required by

806 law. No later than 18 months after the release of the audit

807 report, the applicable unit ~~Auditor General~~ shall perform such

808 appropriate followup procedures as he or she deems necessary to

809 determine the audited entity's progress in addressing the

810 findings and recommendations contained within the ~~Auditor~~

811 ~~General's~~ previous report. The applicable unit ~~Auditor General~~

812 shall notify each member of the audited entity's governing body

813 and the Legislative Auditing Committee of the results of its ~~his~~

814 ~~or her~~ determination. For purposes of this paragraph, local

815 governmental entities do not include water management districts.

816 (k) Contact each district school board, as defined in s.

817 1003.01(7), with the findings and recommendations contained

818 within the ~~Auditor General's~~ previous operational audit report.

819 The district school board shall provide the Florida

820 Accountability Office ~~Auditor General~~ with evidence of the

821 initiation of corrective action within 45 days after the date it

822 is requested by the Florida Accountability Office ~~Auditor~~

823 ~~General~~ and evidence of completion of corrective action within

824 180 days after the date it is requested by the Florida

825 Accountability Office ~~Auditor General~~. If the district school

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826 board fails to provide such evidence ~~comply with the Auditor~~

827 ~~General's request~~ or is unable to take corrective action within

828 the required timeframe, the Florida Accountability Office

829 ~~Auditor General~~ shall notify the Legislative Auditing Committee.

830 (l) At least once every 3 years, conduct operational

831 audits of the accounts and records of eligible nonprofit

832 scholarship-funding organizations receiving eligible

833 contributions under s. 1002.395, including any contracts for

834 services with related entities, to determine compliance with the

835 provisions of that section. Such audits shall include, but not

836 be limited to, a determination of the eligible nonprofit

837 scholarship-funding organization's compliance with s.

838 1002.395(6)(l). The Florida Accountability Office ~~Auditor~~

839 ~~General~~ shall provide its report on the results of the audits to

840 the Governor, the President of the Senate, the Speaker of the

841 House of Representatives, the Chief Financial Officer, and the

842 Legislative Auditing Committee, within 30 days after ~~of~~

843 completion of the audit.

844 (m) At least once every 7 years, conduct an operational

845 and financial audit of each large-hub commercial service

846 airport. Each operational audit shall include, at a minimum, an

847 assessment of compliance with s. 332.0075, including compliance

848 with chapter 287, and compliance with the public records and

849 public meetings laws of this state. For purposes of this

850 paragraph, the term "large-hub commercial service airport" means

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851 a publicly owned airport that has at least 1 percent of the
 852 annual passenger boardings in the United States as reported by
 853 the Federal Aviation Administration.

854 (n) At least once every 3 years, conduct an operational
 855 audit of the Florida Birth-Related Neurological Injury
 856 Compensation Association. Each operational audit shall include,
 857 at a minimum, an assessment of compliance with ss. 766.303-
 858 766.315 and compliance with the public records and public
 859 meetings laws of this state. The first operational audit must be
 860 completed by August 15, 2021.

861 Each unit of the Florida Accountability Office ~~Auditor General~~
 862 shall perform its his or her duties independently from an
 863 audited entity, exercising objective and impartial judgment, ~~but~~
 864 under the general policies established by the Legislative
 865 Auditing Committee or the Legislature. This subsection does not
 866 limit the Florida Accountability Office's ~~Auditor General's~~
 867 discretionary authority to conduct other audits or engagements
 868 of governmental entities as authorized in subsection (3).

870 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS. ~~Any unit~~
 871 of the Florida Accountability Office ~~Auditor General~~ may,
 872 pursuant to its his or her own discretion authority, or at the
 873 direction of the Legislative Auditing Committee, the President
 874 of the Senate, or the Speaker of the House of Representatives,
 875 conduct audits or other engagements as determined appropriate by

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876 the unit ~~Auditor General~~ of:

877 (a) The accounts and records of any governmental entity
 878 created or established by law.

879 (b) The information technology programs, activities,
 880 functions, or systems of any governmental entity created or
 881 established by law.

882 (c) The accounts and records of any charter school created
 883 or established by law.

884 (d) The accounts and records of any direct-support
 885 organization or citizen support organization created or
 886 established by law. The Florida Accountability Office ~~Auditor~~
 887 ~~General~~ is authorized to require and receive any records from
 888 the direct-support organization or citizen support organization,
 889 or from its independent auditor.

890 (e) The public records associated with any appropriation
 891 made by the Legislature to a nongovernmental agency,
 892 corporation, or person. All records of a nongovernmental agency,
 893 corporation, or person with respect to the receipt and
 894 expenditure of such an appropriation shall be public records and
 895 shall be treated in the same manner as other public records are
 896 under general law.

897 (f) State financial assistance provided to any nonstate
 898 entity as defined by s. 215.97.

899 (g) The Tobacco Settlement Financing Corporation created
 900 pursuant to s. 215.56005.

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901 (h) Any purchases of federal surplus lands for use as
 902 sites for correctional facilities as described in s. 253.037.
 903 (i) The Florida Development Finance Corporation or the
 904 capital development board or the programs or entities created by
 905 the board. The audit or report may not reveal the identity of
 906 any person who has anonymously made a donation to the board
 907 pursuant to this paragraph. The identity of a donor or
 908 prospective donor to the board who desires to remain anonymous
 909 and all information identifying such donor or prospective donor
 910 are confidential and exempt from ~~the provisions of~~ s. 119.07(1)
 911 and s. 24(a), Art. I of the State Constitution. Such anonymity
 912 shall be maintained in the auditor's report.
 913 (j) The records pertaining to the use of funds from
 914 voluntary contributions on a motor vehicle registration
 915 application or on a driver license application authorized
 916 pursuant to ss. 320.023 and 322.081.
 917 (k) The records pertaining to the use of funds from the
 918 sale of specialty license plates described in chapter 320.
 919 (l) The acquisitions and divestitures related to the
 920 Florida Communities Trust Program created pursuant to chapter
 921 380.
 922 (m) The Florida Water Pollution Control Financing
 923 Corporation created pursuant to s. 403.1837.
 924 (n) The school readiness program, including the early
 925 learning coalitions under part VI of chapter 1002.

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926 (o) CareerSource Florida, Inc., the state board as defined
 927 in s. 445.002, or the programs or entities created by the state
 928 board under s. 445.004.
 929 (p) The corporation defined in s. 455.32 that is under
 930 contract with the Department of Business and Professional
 931 Regulation to provide administrative, investigative,
 932 examination, licensing, and prosecutorial support services in
 933 accordance with ~~the provisions of~~ s. 455.32 and the practice act
 934 of the relevant profession.
 935 (q) The Florida Engineers Management Corporation created
 936 pursuant to chapter 471.
 937 (r) The books and records of any permitholder that
 938 conducts race meetings or jai alai exhibitions under chapter
 939 550.
 940 (s) The corporation defined in part II of chapter 946,
 941 known as the Prison Rehabilitative Industries and Diversified
 942 Enterprises, Inc., or PRIDE Enterprises.
 943 (t) The Florida Virtual School.
 944 (u) Virtual education providers receiving state funds or
 945 funds from local ad valorem taxes.
 946 (v) The accounts and records of a nonprofit scholarship-
 947 funding organization participating in a state sponsored
 948 scholarship program authorized by chapter 1002.
 949 (w) The Florida Tourism Industry Marketing Corporation.
 950 (x) Tourist development councils and county tourism

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951 promotion agencies.

952 (4) SCHEDULING AND STAFFING OF AUDITS.—

953 (a) Each financial audit required or authorized by this
 954 section, when practicable, shall be made and completed within
 955 not more than 9 months following the end of each audited fiscal
 956 year of the state agency or political subdivision, or at such
 957 lesser time which may be provided by law or concurrent
 958 resolution or directed by the Legislative Auditing Committee.
 959 When the Florida Accountability Office Auditor General
 960 determines that conducting any audit or engagement otherwise
 961 required by law would not be possible due to workload or would
 962 not be an efficient or effective use of its his or her resources
 963 based on an assessment of risk, then, in its his or her
 964 discretion, the Florida Accountability Office Auditor General
 965 may temporarily or indefinitely postpone such audits or other
 966 engagements for such period or any portion thereof, unless
 967 otherwise directed by the committee.

968 (b) The Florida Accountability Office Auditor General may,
 969 when ~~in his or her judgment it is~~ necessary, designate and
 970 direct any auditor employed by the Florida Accountability Office
 971 ~~Auditor General~~ to audit any accounts or records within the
 972 authority of the Florida Accountability Office Auditor General
 973 to audit. The auditor shall report his or her findings for
 974 review by the Florida Accountability Office Auditor General,
 975 which ~~who~~ shall prepare the audit report.

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976 (c) The audit report when final shall be a public record.
 977 The audit workpapers and notes are not a public record; however,
 978 those workpapers necessary to support the computations in the
 979 final audit report may be made available by a majority vote of
 980 the Legislative Auditing Committee after a public hearing
 981 showing proper cause. The audit workpapers and notes shall be
 982 retained by the Florida Accountability Office Auditor General
 983 until no longer useful in its ~~his or her~~ proper functions, after
 984 which time they may be destroyed.

985 (d) At the conclusion of the audit, examination, or
 986 investigation, the Florida Accountability Office Auditor General
 987 or the designated representative of the Florida Accountability
 988 Office Auditor General's designated representative shall discuss
 989 the audit, examination, or investigation with the official whose
 990 office is subject to audit and submit to that official a list of
 991 the Florida Accountability Office's Auditor General's findings
 992 which may be included in the audit report. If the official is
 993 not available for receipt of the list of audit findings, then
 994 delivery is presumed to be made when it is delivered to his or
 995 her office. The official shall submit to the Florida
 996 Accountability Office Auditor General or the designated
 997 representative, within 30 days after the receipt of the list of
 998 findings, or within 15 days if specified in writing with the
 999 delivery of the findings, his or her written statement of
 1000 explanation or rebuttal concerning all of the findings,

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1001 including corrective action to be taken to preclude a recurrence
1002 of all findings.

1003 (e) The Florida Accountability Office Auditor General
1004 shall provide the successor independent certified public
1005 accountant of a district school board with access to the prior
1006 year's working papers in accordance with the Statements on
1007 Auditing Standards, including documentation of planning,
1008 internal control, audit results, and other matters of continuing
1009 accounting and auditing significance, such as the working paper
1010 analysis of balance sheet accounts and those relating to
1011 contingencies.

1012 (5) PETITION FOR AN AUDIT BY THE FLORIDA ACCOUNTABILITY
1013 OFFICE AUDITOR GENERAL.—

1014 (a) The Legislative Auditing Committee shall direct the
1015 Florida Accountability Office Auditor General to make an audit
1016 of any municipality whenever petitioned to do so by at least 20
1017 percent of the registered electors in the last general election
1018 of that municipality pursuant to this subsection. The supervisor
1019 of elections of the county in which the municipality is located
1020 shall certify whether or not the petition contains the
1021 signatures of at least 20 percent of the registered electors of
1022 the municipality. After the completion of the audit, the Florida
1023 Accountability Office Auditor General shall determine whether
1024 the municipality has the fiscal resources necessary to pay the
1025 cost of the audit. The municipality shall pay the cost of the

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1026 audit within 90 days after the Florida Accountability Office's
1027 ~~Auditor General's~~ determination that the municipality has the
1028 available resources. If the municipality fails to pay the cost
1029 of the audit, the Department of Revenue shall, upon
1030 certification of the Florida Accountability Office Auditor
1031 ~~General~~, withhold from that portion of the distribution pursuant
1032 to s. 212.20(6)(d)5. which is distributable to such
1033 municipality, a sum sufficient to pay the cost of the audit and
1034 shall deposit that sum into the General Revenue Fund of the
1035 state.

1036 (b) At least one registered elector in the most recent
1037 general election must file a letter of intent with the municipal
1038 clerk before ~~prior to~~ any petition of the electors of that
1039 municipality for the purpose of an audit. Each petition must be
1040 submitted to the supervisor of elections and contain, at a
1041 minimum:

- 1042 1. The elector's printed name;
- 1043 2. The signature of the elector;
- 1044 3. The elector's residence address;
- 1045 4. The elector's date of birth; and
- 1046 5. The date signed.

1047
1048 All petitions must be submitted for verification within 1
1049 calendar year after the audit petition origination by the
1050 municipal electors.

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1051 (6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY
 1052 THE FLORIDA ACCOUNTABILITY OFFICE ~~AUDITOR GENERAL~~.—Whenever a
 1053 local governmental entity requests the Florida Accountability
 1054 Office Auditor General to conduct an audit of all or part of its
 1055 operations and the Florida Accountability Office Auditor General
 1056 conducts the audit under its ~~his or her~~ own authority or at the
 1057 direction of the Legislative Auditing Committee, the expenses of
 1058 the audit shall be paid by the local governmental entity. The
 1059 Florida Accountability Office Auditor General shall estimate the
 1060 cost of the audit. Fifty percent of the cost estimate shall be
 1061 paid by the local governmental entity before the initiation of
 1062 the audit and deposited into the General Revenue Fund of the
 1063 state. After the completion of the audit, the Florida
 1064 Accountability Office Auditor General shall notify the local
 1065 governmental entity of the actual cost of the audit. The local
 1066 governmental entity shall remit the remainder of the cost of the
 1067 audit to the Florida Accountability Office Auditor General for
 1068 deposit into the General Revenue Fund of this ~~the~~ state. If the
 1069 local governmental entity fails to comply with paying the
 1070 remaining cost of the audit, the Florida Accountability Office
 1071 Auditor General shall notify the Legislative Auditing Committee.

1072 (7) FLORIDA ACCOUNTABILITY OFFICE AUDITOR GENERAL
 1073 REPORTING REQUIREMENTS.—

1074 (a) The Auditor General shall notify the Legislative
 1075 Auditing Committee of any local governmental entity, district

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1076 school board, charter school, or charter technical career center
 1077 that does not comply with the reporting requirements of s.
 1078 218.39.

1079 (b) The Florida Accountability Office Auditor General, in
 1080 consultation with the Board of Accountancy, shall review all
 1081 audit reports submitted pursuant to s. 218.39. The Auditor
 1082 General shall request any significant items that were omitted in
 1083 violation of a rule adopted by the Auditor General. The items
 1084 must be provided within 45 days after the date of the request.
 1085 If the governmental entity does not comply with the Auditor
 1086 General's request, the Auditor General shall notify the
 1087 Legislative Auditing Committee.

1088 (c) The Auditor General shall provide annually a list of
 1089 those special districts which are not in compliance with s.
 1090 218.39 to the Special District Accountability Program of the
 1091 Department of Commerce.

1092 (d) During the Florida Accountability Office's Auditor
 1093 General's review of audit reports, it ~~he or she~~ shall contact
 1094 those units of local government, as defined in s. 218.403, that
 1095 are not in compliance with s. 218.415 and request evidence of
 1096 corrective action. The unit of local government shall provide
 1097 the Florida Accountability Office Auditor General with evidence
 1098 of corrective action within 45 days after the date it is
 1099 requested by the Florida Accountability Office Auditor General.
 1100 If the unit of local government fails to comply with the Florida

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1101 Accountability Office's ~~Auditor General's~~ request, the Florida
 1102 Accountability Office ~~Auditor General~~ shall notify the
 1103 Legislative Auditing Committee.

1104 (e) The Florida Accountability Office ~~Auditor General~~
 1105 shall notify the Governor or the Commissioner of Education, as
 1106 appropriate, and the Legislative Auditing Committee of any audit
 1107 report reviewed by the office ~~Auditor General~~ pursuant to
 1108 paragraph (b) which contains a statement that a local
 1109 governmental entity, charter school, charter technical career
 1110 center, or district school board has met one or more of the
 1111 conditions specified in s. 218.503. If the Auditor General
 1112 requests a clarification regarding information included in an
 1113 audit report to determine whether a local governmental entity,
 1114 charter school, charter technical career center, or district
 1115 school board has met one or more of the conditions specified in
 1116 s. 218.503, the requested clarification must be provided within
 1117 45 days after the date of the request. If the local governmental
 1118 entity, charter school, charter technical career center, or
 1119 district school board does not comply with the Florida
 1120 Accountability Office's ~~Auditor General's~~ request, the office
 1121 ~~Auditor General~~ shall notify the Legislative Auditing Committee.
 1122 If, after obtaining the requested clarification, the Florida
 1123 Accountability Office ~~Auditor General~~ determines that the local
 1124 governmental entity, charter school, charter technical career
 1125 center, or district school board has met one or more of the

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1126 conditions specified in s. 218.503, the office ~~he or she~~ shall
 1127 notify the Governor or the Commissioner of Education, as
 1128 appropriate, and the Legislative Auditing Committee.

1129 (f) The Florida Accountability Office ~~Auditor General~~
 1130 shall annually compile and transmit to the President of the
 1131 Senate, the Speaker of the House of Representatives, and the
 1132 Legislative Auditing Committee a summary of significant findings
 1133 and financial trends identified in audit reports reviewed in
 1134 paragraph (b) or otherwise identified by the Florida
 1135 Accountability Office's ~~Auditor General's~~ review of such audit
 1136 reports and financial information, and identified in audits of
 1137 district school boards conducted by the office ~~Auditor General~~.
 1138 The Florida Accountability Office ~~Auditor General~~ shall include
 1139 financial information provided pursuant to s. 218.32(1)(e) for
 1140 entities with fiscal years ending on or after June 30, 2003,
 1141 within the office's ~~his or her~~ reports submitted pursuant to
 1142 this paragraph.

1143 (g) If the Florida Accountability Office ~~Auditor General~~
 1144 discovers significant errors, improper practices, or other
 1145 significant discrepancies in connection with its ~~his or her~~
 1146 audits of a state agency or state officer, the Florida
 1147 Accountability Office ~~Auditor General~~ shall notify the President
 1148 of the Senate, the Speaker of the House of Representatives, and
 1149 the Legislative Auditing Committee. The President of the Senate
 1150 and the Speaker of the House of Representatives shall promptly

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1151 forward a copy of the notification to the chairs of the
 1152 respective legislative committees, which in the judgment of the
 1153 President of the Senate and the Speaker of the House of
 1154 Representatives are substantially concerned with the functions
 1155 of the state agency or state officer involved. Thereafter, and
 1156 in no event later than the 10th day of the next succeeding
 1157 legislative session, the person in charge of the state agency
 1158 involved, or the state officer involved, as the case may be,
 1159 shall explain in writing to the President of the Senate, the
 1160 Speaker of the House of Representatives, and ~~to the Legislative~~
 1161 Auditing Committee the reasons or justifications for such
 1162 errors, improper practices, or other significant discrepancies
 1163 and the corrective measures, if any, taken by the agency.

1164 (h) The Florida Accountability Office Auditor General
 1165 shall annually compile and transmit to the President of the
 1166 Senate, the Speaker of the House of Representatives, and the
 1167 Legislative Auditing Committee by December 1 of each year a
 1168 report that includes a projected 2-year work plan identifying
 1169 the audit and other accountability activities to be undertaken
 1170 and a list of statutory and fiscal changes recommended by the
 1171 Florida Accountability Office Auditor General. The Florida
 1172 Accountability Office Auditor General may also transmit
 1173 recommendations at other times of the year when the information
 1174 would be timely and useful for the Legislature.

1175 (i) The Florida Accountability Office Auditor General

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1176 shall annually transmit by July 15, to the President of the
 1177 Senate, the Speaker of the House of Representatives, and the
 1178 Department of Financial Services, a list of all school
 1179 districts, charter schools, charter technical career centers,
 1180 Florida College System institutions, state universities, and
 1181 local governmental entities that have failed to comply with the
 1182 transparency requirements as identified in the audit reports
 1183 reviewed pursuant to paragraph (b) and those conducted pursuant
 1184 to subsection (2).

1185 (j) The Florida Accountability Office Auditor General
 1186 shall notify the Legislative Auditing Committee of any financial
 1187 or operational audit report prepared pursuant to this section
 1188 which indicates that a district school board, state university,
 1189 or Florida College System institution has failed to take full
 1190 corrective action in response to a recommendation that was
 1191 included in the two preceding financial reports or any preceding
 1192 operational audit report reports.

1193 1. The committee may direct the district school board or
 1194 the governing body of the state university or Florida College
 1195 System institution to provide a written statement to the
 1196 committee explaining why full corrective action has not been
 1197 taken or, if the governing body intends to take full corrective
 1198 action, describing the corrective action to be taken and when it
 1199 will occur.

1200 2. If the committee determines that the written statement

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1201 is not sufficient, the committee may require the chair of the
 1202 district school board or the chair of the governing body of the
 1203 state university or Florida College System institution, or the
 1204 chair's designee, to appear before the committee.

1205 3. If the committee determines that the district school
 1206 board, state university, or Florida College System institution
 1207 has failed to take full corrective action for which there is no
 1208 justifiable reason or has failed to comply with committee
 1209 requests made pursuant to this section, the committee shall
 1210 refer the matter to the State Board of Education or the Board of
 1211 Governors, as appropriate, to proceed in accordance with s.
 1212 1008.32 or s. 1008.322, respectively.

1213 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
 1214 consultation with the Board of Accountancy, shall adopt rules
 1215 for the form and conduct of all financial audits performed by
 1216 independent certified public accountants pursuant to ss.
 1217 215.981, 218.39, 1001.453, 1002.395, 1004.28, and 1004.70. The
 1218 rules for audits of local governmental entities, charter
 1219 schools, charter technical career centers, and district school
 1220 boards must include, but are not limited to, requirements for
 1221 the reporting of information necessary to carry out the purposes
 1222 of the Local Governmental Entity, Charter School, Charter
 1223 Technical Career Center, and District School Board Financial
 1224 Emergencies Act as stated in s. 218.501.

1225 (9) TECHNICAL ADVICE PROVIDED BY THE AUDITOR GENERAL.—The

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1226 Auditor General may provide technical advice to:

1227 (a) The Department of Education in the development of a
 1228 compliance supplement for the financial audit of a district
 1229 school board conducted by an independent certified public
 1230 accountant.

1231 (b) Governmental entities on their financial and
 1232 accounting systems, procedures, and related matters.

1233 (c) Governmental entities on promoting the building of
 1234 competent and efficient accounting and internal audit
 1235 organizations in their offices.

1236 **Section 9. Section 11.47, Florida Statutes, is amended to**
 1237 **read:**

1238 11.47 Penalties; failure to make a proper audit or
 1239 examination; making a false report; failure to produce documents
 1240 or information.—

1241 (1) All officers whose respective offices the Florida
 1242 Accountability Office ~~Auditor General or the Office of Program~~
 1243 ~~Policy Analysis and Government Accountability~~ is authorized to
 1244 audit or examine shall enter into their public records
 1245 sufficient information for proper audit or examination, and
 1246 shall make the same available to the Florida Accountability
 1247 Office ~~Auditor General~~ or the Office of Program Policy Analysis
 1248 and Government Accountability on demand.

1249 (2) The willful failure or refusal of the Auditor General,
 1250 ~~director of the Office of Program Policy Analysis and Government~~

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1251 ~~Accountability,~~ or any staff employed by the Florida
 1252 ~~Accountability Office Auditor General or the Office of Program~~
 1253 ~~Policy Analysis and Government Accountability~~ to make a proper
 1254 audit or examination in line with its ~~his or her~~ duty, the
 1255 willful making of a false report as to any audit or examination,
 1256 or the willful failure or refusal to report a shortage or
 1257 misappropriation of funds or property shall be cause for removal
 1258 from such office or employment, and the Auditor General, ~~the~~
 1259 ~~director of the Office of Program Policy Analysis and Government~~
 1260 ~~Accountability,~~ or a staff member commits ~~shall be guilty of a~~
 1261 misdemeanor of the first degree, punishable as provided in s.
 1262 775.082 or s. 775.083.

1263 (3) Any person who willfully fails or refuses to provide
 1264 access to an employee, officer, or agent of an entity subject to
 1265 an audit or to furnish or produce any book, record, paper,
 1266 document, data, or sufficient information necessary to a proper
 1267 audit or examination which the Florida Accountability Office,
 1268 Auditor General, or the Office of Program Policy Analysis and
 1269 Government Accountability is by law authorized to perform
 1270 commits a misdemeanor of the first degree, punishable as
 1271 provided in s. 775.082 or s. 775.083.

1272 (4) Any officer who willfully fails or refuses to furnish
 1273 or produce any book, record, paper, document, data, or
 1274 sufficient information necessary to a proper audit or
 1275 examination which the Florida Accountability Office, Auditor

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1276 General, or the Office of Program Policy Analysis and Government
 1277 Accountability is by law authorized to perform, shall be subject
 1278 to removal from office.

1279 **Section 10. Subsections (1) and (2) of section 11.51,**
 1280 **Florida Statutes, are amended to read:**

1281 11.51 Office of Program Policy Analysis and Government
 1282 Accountability.—

1283 ~~(1) The Office of Program Policy Analysis and Government~~
 1284 ~~Accountability is authorized to examine all entities and records~~
 1285 ~~listed in s. 11.45(3).~~

1286 ~~(2) At the conclusion of an examination, the designated~~
 1287 ~~representative of the Office of Program Policy Analysis and~~
 1288 ~~Government Accountability shall discuss the examination with the~~
 1289 ~~official whose office is examined and submit to that official~~
 1290 ~~the Office of Program Policy Analysis and Government~~
 1291 ~~Accountability's preliminary findings. If the official is not~~
 1292 ~~available for receipt of the preliminary findings, clearly~~
 1293 ~~designated as such, delivery thereof is presumed to be made when~~
 1294 ~~it is delivered to his or her office. Whenever necessary, the~~
 1295 ~~Office of Program Policy Analysis and Government Accountability~~
 1296 ~~may request the official to submit his or her written statement~~
 1297 ~~of explanation or rebuttal within 15 days after the receipt of~~
 1298 ~~the findings. If the response time is not requested to be within~~
 1299 ~~15 days, the official shall submit his or her response within 30~~
 1300 ~~days after receipt of the preliminary findings.~~

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1301 **Section 11. Paragraph (g) of subsection (2) of section**
 1302 **14.32, Florida Statutes, is amended to read:**
 1303 14.32 Office of Chief Inspector General.—
 1304 (2) The Chief Inspector General shall:
 1305 (g) Report expeditiously to and cooperate fully with the
 1306 Department of Law Enforcement, the Chief Financial Officer, the
 1307 Department of Legal Affairs, and any other law enforcement
 1308 agency believed to have jurisdiction ~~agencies~~ when there are
 1309 recognizable grounds to believe that there has been a violation
 1310 of criminal law or that a civil action should be initiated.

1311 **Section 12. Subsections (1), (6), and (7) of section**
 1312 **112.3187, Florida Statutes, are amended to read:**
 1313 112.3187 Adverse action against employee for disclosing
 1314 information of specified nature prohibited; employee remedy and
 1315 relief.—
 1316 (1) SHORT TITLE.—Sections 112.3187-112.31901 ~~112.3187-~~
 1317 ~~112.31895~~ may be cited as the "Whistle-blower's Act."
 1318 (6) TO WHOM INFORMATION DISCLOSED.—The information
 1319 disclosed under this section must be disclosed to any agency or
 1320 federal government entity having the authority to investigate,
 1321 police, manage, or otherwise remedy the violation or act,
 1322 including, but not limited to, the Florida Accountability
 1323 Office, the Office of the Chief Inspector General, an agency
 1324 inspector general or the employee designated as agency inspector
 1325 general under s. 112.3189(1) or inspectors general under s.

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1326 20.055, the Florida Commission on Human Relations, and the
 1327 whistle-blower's hotline created under s. 112.3189. However, for
 1328 disclosures concerning a local governmental entity, including
 1329 any regional, county, or municipal entity, special district,
 1330 community college district, or school district or any political
 1331 subdivision of any of the foregoing, the information must be
 1332 disclosed to a chief executive officer as defined in s.
 1333 447.203(9) or other appropriate local official.

1334 (7) EMPLOYEES AND PERSONS PROTECTED.—This section protects
 1335 employees and persons who disclose information on their own
 1336 initiative in a written and signed complaint; who are requested
 1337 to participate in an investigation, hearing, or other inquiry
 1338 conducted by the Florida Accountability Office or any agency or
 1339 federal government entity; who refuse to participate in any
 1340 adverse action prohibited by this section; or who initiate a
 1341 complaint through the whistle-blower's hotline, ~~or~~ the hotline
 1342 of the Medicaid Fraud Control Unit of the Department of Legal
 1343 Affairs, or any communication to the Florida Accountability
 1344 Office; or employees who file any written complaint to their
 1345 supervisory officials or employees who submit a complaint to the
 1346 Florida Accountability Office, the Chief Inspector General in
 1347 the Executive Office of the Governor, ~~to~~ the employee designated
 1348 as agency inspector general under s. 112.3189(1), or ~~to~~ the
 1349 Florida Commission on Human Relations. ~~The provisions of This~~
 1350 section may not be used by a person while he or she is under the

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1351 care, custody, or control of the state correctional system or,
 1352 after release from the care, custody, or control of the state
 1353 correctional system, with respect to circumstances that occurred
 1354 during any period of incarceration. No remedy or other
 1355 protection under ss. 112.3187-112.31895 applies to any person
 1356 who has committed or intentionally participated in committing
 1357 the violation or suspected violation for which protection under
 1358 ss. 112.3187-112.31895 is being sought.

1359 **Section 13. Section 112.3188, Florida Statutes, is amended**
 1360 **to read:**

1361 112.3188 Confidentiality of information given to the
 1362 Florida Accountability Office, the Chief Inspector General,
 1363 internal auditors, inspectors general, local chief executive
 1364 officers, or other appropriate local officials.—

1365 (1) The name or identity of any individual who discloses
 1366 in good faith to the Florida Accountability Office, the Chief
 1367 Inspector General or an agency inspector general, a local chief
 1368 executive officer, or other appropriate local official
 1369 information that alleges that an employee or agent of an agency
 1370 or independent contractor:

1371 (a) Has violated or is suspected of having violated any
 1372 federal, state, or local law, rule, or regulation, thereby
 1373 creating and presenting a substantial and specific danger to the
 1374 public's health, safety, or welfare; or

1375 (b) Has committed or is suspected of having committed an

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1376 act of gross mismanagement, malfeasance, misfeasance, gross
 1377 waste of public funds, or gross neglect of duty

1378
 1379 may not be disclosed to anyone other than a member of the
 1380 Florida Accountability Office, Chief Inspector General
 1381 General's, agency inspector general general's, internal auditor
 1382 auditor's, local chief executive officer officer's, or other
 1383 appropriate local officer official's staff without the written
 1384 consent of the individual, unless the Florida Accountability
 1385 Office, Chief Inspector General, internal auditor, agency
 1386 inspector general, local chief executive officer, or other
 1387 appropriate local official determines that: the disclosure of
 1388 the individual's identity is necessary to prevent a substantial
 1389 and specific danger to the public's health, safety, or welfare
 1390 or to prevent the imminent commission of a crime; or the
 1391 disclosure is unavoidable and absolutely necessary during the
 1392 course of the audit, evaluation, or investigation.

1393 (2) (a) Except as specifically authorized by s. 112.3189,
 1394 all information received by the Florida Accountability Office,
 1395 the Chief Inspector General, or an agency inspector general or
 1396 information produced or derived from fact-finding or other
 1397 investigations conducted by the Florida Commission on Human
 1398 Relations or the Department of Law Enforcement is confidential
 1399 and exempt from s. 119.07(1) if the information is being
 1400 received or derived from allegations as set forth in paragraph

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1401 (1) (a) or paragraph (1) (b), and an investigation is active.

1402 (b) All information received by a local chief executive

1403 officer or appropriate local official or information produced or

1404 derived from fact-finding or investigations conducted pursuant

1405 to the administrative procedure established by ordinance by a

1406 local government as authorized by s. 112.3187(8) (b) is

1407 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

1408 of the State Constitution, if the information is being received

1409 or derived from allegations as set forth in paragraph (1) (a) or

1410 paragraph (1) (b) and an investigation is active.

1411 (c) Information deemed confidential under this section may

1412 be disclosed by the Florida Accountability Office, ~~the~~ Chief

1413 Inspector General, agency inspector general, local chief

1414 executive officer, or other appropriate local officer ~~official~~

1415 receiving the information if the recipient determines that the

1416 disclosure of the information is absolutely necessary to prevent

1417 a substantial and specific danger to the public's health,

1418 safety, or welfare or to prevent the imminent commission of a

1419 crime. Information disclosed under this subsection may be

1420 disclosed only to persons who are in a position to prevent the

1421 danger to the public's health, safety, or welfare or to prevent

1422 the imminent commission of a crime based on the disclosed

1423 information.

1424 1. An investigation is active under this section if:

1425 a. It is an ongoing investigation or inquiry or collection

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1426 of information and evidence and is continuing with a reasonable,

1427 good faith anticipation of resolution in the foreseeable future;

1428 or

1429 b. All or a portion of the matters under investigation or

1430 inquiry are active criminal intelligence information or active

1431 criminal investigative information as defined in s. 119.011.

1432 2. Notwithstanding sub-subparagraph 1.a., an investigation

1433 ceases to be active when:

1434 a. The written report required under s. 112.3189(9) has

1435 been sent by the Chief Inspector General to the recipients named

1436 in s. 112.3189(9);

1437 b. It is determined that an investigation is not necessary

1438 under s. 112.3189(5); or

1439 c. A final decision has been rendered by the local

1440 government or by the Division of Administrative Hearings

1441 pursuant to s. 112.3187(8) (b).

1442 3. Notwithstanding paragraphs (a), (b), and this

1443 paragraph, information or records received or produced under

1444 this section which are otherwise confidential under law or

1445 exempt from disclosure under chapter 119 retain their

1446 confidentiality or exemption.

1447 4. Any person who willfully and knowingly discloses

1448 information or records made confidential under this subsection

1449 commits a misdemeanor of the first degree, punishable as

1450 provided in s. 775.082 or s. 775.083.

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1451 **Section 14. Subsections (1) through (4) and paragraph (c)**
 1452 **of subsection (9) of section 112.3189, Florida Statutes, are**
 1453 **amended to read:**

1454 112.3189 Investigative procedures upon receipt of whistle-
 1455 blower information from certain state employees.—

1456 (1) This section only applies to the disclosure of
 1457 information as described in s. 112.3187(5) by an employee or
 1458 former employee of, or an applicant for employment with, a state
 1459 agency, as the term "state agency" is defined in s. 216.011, to
 1460 the Florida Accountability Office, ~~of~~ the Chief Inspector
 1461 General of the Executive Office of the Governor, ~~or to~~ the
 1462 agency inspector general. If an agency does not have an
 1463 inspector general, the head of the state agency, as defined in
 1464 s. 216.011, shall designate an employee to receive information
 1465 described in s. 112.3187(5). For purposes of this section and s.
 1466 112.3188 only, the employee designated by the head of the state
 1467 agency shall be deemed an agency inspector general.

1468 (2) To facilitate the receipt of information described in
 1469 subsection (1), the Chief Inspector General shall maintain an
 1470 in-state toll-free whistle-blower's hotline and shall circulate
 1471 among the various state agencies an advisory for all employees
 1472 which indicates the existence of the toll-free number and its
 1473 purpose and provides an address to which written whistle-blower
 1474 information may be forwarded. At least once per month, an
 1475 accurate summary of information received via the hotline shall

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1476 be communicated to the Florida Accountability Office and
 1477 maintained pursuant to s. 11.0431.

1478 (3) When a person alleges information described in s.
 1479 112.3187(5), the Florida Accountability Office, the Chief
 1480 Inspector General, or the agency inspector general actually
 1481 receiving such information shall within 20 days after ~~of~~
 1482 receiving such information determine:

1483 (a) Whether the information disclosed is the type of
 1484 information described in s. 112.3187(5).

1485 (b) Whether the source of the information is a person who
 1486 is an employee or former employee of, or an applicant for
 1487 employment with, a state agency, as defined in s. 216.011.

1488 (c) Whether the information actually disclosed
 1489 demonstrates reasonable cause to suspect that an employee or
 1490 agent of an agency or independent contractor has violated any
 1491 federal, state, or local law, rule, or regulation, thereby
 1492 creating and presenting a substantial and specific danger to the
 1493 public's health, safety, or welfare, or has committed an act of
 1494 gross mismanagement, malfeasance, misfeasance, gross waste of
 1495 public funds, or gross neglect of duty.

1496 (4) If the Florida Accountability Office, the Chief
 1497 Inspector General, or the agency inspector general under
 1498 subsection (3) determines that the information disclosed is not
 1499 the type of information described in s. 112.3187(5), or that the
 1500 source of the information is not a person who is an employee or

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1501 former employee of, or an applicant for employment with, a state
 1502 agency, as defined in s. 216.011, or that the information
 1503 disclosed does not demonstrate reasonable cause to suspect that
 1504 an employee or agent of an agency or independent contractor has
 1505 violated any federal, state, or local law, rule, or regulation,
 1506 thereby creating and presenting a substantial and specific
 1507 danger to the public's health, safety, or welfare, or has
 1508 committed an act of gross mismanagement, malfeasance,
 1509 misfeasance, gross waste of public funds, or gross neglect of
 1510 duty, the Florida Accountability Office, the Chief Inspector
 1511 General, or the agency inspector general shall notify the
 1512 complainant of such fact and copy and return, upon request of
 1513 the complainant, any documents and other materials that were
 1514 provided by the complainant.

1515 (9)

1516 (c) The Chief Inspector General shall transmit any final
 1517 report under this section, any comments provided by the
 1518 complainant, and any appropriate comments or recommendations by
 1519 the Chief Inspector General to the Governor, the Legislative
 1520 Auditing Committee, the Florida Accountability Office, the
 1521 investigating agency, and the Chief Financial Officer.

1522 **Section 15. Subsection (4) is added to section 112.31901,**
 1523 **Florida Statutes, to read:**

1524 112.31901 Investigatory records.—

1525 (4) This section shall not prevent the Florida

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1526 Accountability Office from reviewing any records of any
 1527 investigation under this section.

1528 **Section 16. Paragraph (r) of subsection (1) of section**
 1529 **216.011, Florida Statutes, is amended to read:**

1530 216.011 Definitions.—

1531 (1) For the purpose of fiscal affairs of the state,
 1532 appropriations acts, legislative budgets, and approved budgets,
 1533 each of the following terms has the meaning indicated:

1534 (r) "Fixed capital outlay" means the appropriation
 1535 category used to fund real property (land, buildings, including
 1536 appurtenances, fixtures and fixed equipment, structures, etc.),
 1537 including additions, replacements, major repairs, and
 1538 renovations to real property which materially extend its useful
 1539 life or materially improve or change its functional use and
 1540 including furniture and equipment necessary to furnish and
 1541 operate a new or improved facility, when appropriated by the
 1542 Legislature in the fixed capital outlay appropriation category.
 1543 Minor repairs and maintenance which do not materially extend the
 1544 useful life or materially improve or change the functional use
 1545 of a facility may be appropriated in an expense, contracted
 1546 services, or special appropriation category.

1547 **Section 17. Subsections (1) and (2) of section 216.023,**
 1548 **Florida Statutes, are amended to read:**

1549 216.023 Legislative budget requests to be furnished to
 1550 Legislature by agencies.—

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1551 (1) The head of each state agency, except as provided in
 1552 subsection (2), shall submit a final legislative budget request
 1553 to the Legislature and to the Governor, as chief budget officer
 1554 of the state, in the form and manner prescribed in the budget
 1555 instructions and at such time as specified by the Executive
 1556 Office of the Governor, based on the agency's independent
 1557 judgment of its needs. However, a state agency must ~~may not~~
 1558 submit its complete legislative budget request, including all
 1559 supporting forms and schedules required by this chapter, no
 1560 later than September 15 of each odd-numbered year and no later
 1561 than October 15 of each even-numbered year unless an alternative
 1562 date is agreed to be in the best interest of the state by the
 1563 Governor and the chairs of the legislative appropriations
 1564 committees.

1565 (2) The judicial branch and the Division of Administrative
 1566 Hearings shall submit their complete legislative budget requests
 1567 directly to the Legislature with a copy to the Governor, as
 1568 chief budget officer of the state, in the form and manner as
 1569 prescribed in the budget instructions. However, the complete
 1570 legislative budget requests, including all supporting forms and
 1571 schedules required by this chapter, shall be submitted no later
 1572 than September 15 of each odd-numbered year and no later than
 1573 October 15 of each even-numbered year unless an alternative date
 1574 is agreed to be in the best interest of the state by the
 1575 Governor and the chairs of the legislative appropriations

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1576 committees.

1577 **Section 18.** Section 216.052, Florida Statutes, is
 1578 repealed.

1579 **Section 19. Subsection (5) of section 216.134, Florida**
 1580 **Statutes, is amended to read:**

1581 216.134 Consensus estimating conferences; general
 1582 provisions.—

1583 (5) All sessions and meetings of a consensus estimating
 1584 conference shall be open to the public. At least 24 hours before
 1585 a scheduled session or meeting of a consensus estimating
 1586 conference, the Office of Economic and Demographic Research
 1587 shall make available to the public all materials, unless exempt
 1588 from s. 119.07(1), that will be considered by the conference.

1589 The President of the Senate and the Speaker of the House of
 1590 Representatives, jointly, shall be the sole judge for the
 1591 interpretation, implementation, and enforcement of this
 1592 subsection.

1593 **Section 20. Paragraph (b) of subsection (2) of section**
 1594 **216.177, Florida Statutes, is amended to read:**

1595 216.177 Appropriations acts, statement of intent,
 1596 violation, notice, review and objection procedures.—

1597 (2)

1598 (b) If the chair or the ~~and~~ vice chair of the Legislative
 1599 Budget Commission or the President of the Senate or ~~and~~ the
 1600 Speaker of the House of Representatives timely advises ~~advise~~,

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1601 in writing, the Executive Office of the Governor or the Chief
 1602 Justice of the Supreme Court that an action or a proposed
 1603 action, including any expenditure of funds resulting from the
 1604 settlement of litigation involving a state agency or officer,
 1605 regardless of whether subject to the notice and review
 1606 requirements of this chapter ~~or not~~, exceeds the delegated
 1607 authority of the Executive Office of the Governor for the
 1608 executive branch or the Chief Justice for the judicial branch,
 1609 respectively, or is contrary to legislative policy and intent,
 1610 the Governor or the Chief Justice of the Supreme Court shall
 1611 void such action and instruct the affected state agency or
 1612 entity of the judicial branch to change immediately its spending
 1613 action or spending proposal until the Legislative Budget
 1614 Commission or the Legislature addresses the issue. The written
 1615 documentation shall indicate the specific reasons that an action
 1616 or proposed action exceeds the delegated authority or is
 1617 contrary to legislative policy and intent.

1618 **Section 21. Subsection (6) of section 216.192, Florida**
 1619 **Statutes, is amended to read:**

1620 216.192 Release of appropriations; revision of budgets.—

1621 (6) All budget actions, including the approval of annual
 1622 release plans, taken pursuant to ~~the provisions of~~ this section
 1623 are subject to the notice and review procedures set forth in s.
 1624 216.177.

1625 **Section 22. Paragraph (b) of subsection (1) of section**

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1626 **216.222, Florida Statutes, is amended to read:**

1627 216.222 Budget Stabilization Fund; criteria for
 1628 withdrawing moneys.—

1629 (1) Moneys in the Budget Stabilization Fund may be
 1630 transferred to the General Revenue Fund for:

1631 (b) Providing funding for an emergency as defined in s.
 1632 252.34. The emergency must have been ~~declared by the Governor~~
 1633 ~~pursuant to s. 252.36 or~~ declared by law. Such a transfer must
 1634 be made pursuant to ~~s. 252.37, subject to the conditions in that~~
 1635 ~~section, or pursuant to~~ an appropriation by law.

1636 **Section 23. Paragraph (a) of subsection (1) of section**
 1637 **216.231, Florida Statutes, is amended to read:**

1638 216.231 Release of certain classified appropriations.—

1639 (1) (a) Any appropriation to the Executive Office of the
 1640 Governor which is classified as an emergency, as defined in s.
 1641 252.34, may be released only with the approval of the Governor.
 1642 The state agency, or the judicial branch, desiring the use of
 1643 the emergency appropriation shall submit to the Executive Office
 1644 of the Governor application in writing setting forth the facts
 1645 from which the alleged need arises. The Executive Office of the
 1646 Governor shall, at a public hearing, review such application
 1647 promptly and approve or disapprove the applications as the
 1648 circumstances may warrant. All actions of the Executive Office
 1649 of the Governor shall be reported to the legislative
 1650 appropriations committees, and the committees may advise the

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1651 Executive Office of the Governor relative to the release of such
 1652 funds. However, for an emergency that has been renewed pursuant
 1653 to s. 252.36, any additional appropriation of funds is subject
 1654 to the notice, review, and objection procedures set forth in s.
 1655 216.177.

1656 **Section 24. Subsection (4) of section 216.262, Florida**
 1657 **Statutes, is amended to read:**

1658 216.262 Authorized positions.—

1659 (4) Notwithstanding the provisions of this chapter
 1660 relating to increasing the number of authorized positions, ~~and~~
 1661 ~~for the 2024-2025 fiscal year only~~, if the actual inmate
 1662 population of the Department of Corrections in the current
 1663 fiscal year exceeds the inmate population projections of the
 1664 most recently adopted forecast published by the ~~December 15,~~
 1665 ~~2023,~~ Criminal Justice Estimating Conference for the current
 1666 fiscal year by 1 percent for 2 consecutive months or 2 percent
 1667 for any month, the Executive Office of the Governor, with the
 1668 approval of the Legislative Budget Commission, shall immediately
 1669 notify the Criminal Justice Estimating Conference, which shall
 1670 convene as soon as possible to revise the estimates. The
 1671 Department of Corrections may then submit a budget amendment
 1672 requesting the establishment of positions in excess of the
 1673 number authorized by the Legislature and additional
 1674 appropriations from unallocated general revenue sufficient to
 1675 provide for essential staff, fixed capital improvements, and

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1676 other resources to provide classification, security, food
 1677 services, health services, and other variable expenses within
 1678 the institutions to accommodate the estimated increase in the
 1679 inmate population. All actions taken pursuant to this subsection
 1680 are subject to review and approval by the Legislative Budget
 1681 Commission. ~~This subsection expires July 1, 2025.~~

1682 **Section 25. Paragraph (b) of subsection (1) of section**
 1683 **216.292, Florida Statutes, is redesignated as paragraph (c),**
 1684 **paragraph (a) of subsection (1), paragraph (a) of subsection**
 1685 **(2), and paragraph (d) of subsection (4) are amended, and a new**
 1686 **paragraph (b) is added to subsection (1) of that section, to**
 1687 **read:**

1688 216.292 Appropriations nontransferable; exceptions.—

1689 (1) (a) Funds provided in the General Appropriations Act or
 1690 as otherwise expressly provided by law shall be expended only
 1691 for the purpose for which appropriated, except that such moneys
 1692 may be transferred as provided in this section when it is
 1693 determined to be in the best interest of the state.
 1694 Appropriations for fixed capital outlay may not be expended for
 1695 any other purpose. Appropriations may not be transferred between
 1696 state agencies, or between a state agency and the judicial
 1697 branch, unless specifically authorized in the General
 1698 Appropriations Act or otherwise expressly provided by law.

1699 (b) The Executive Office of the Governor may transfer
 1700 funds within and between state agencies for the sole purpose of

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1701 implementing statewide distributions for Risk Management
 1702 Insurance, Human Resource Services, Department of Administrative
 1703 Hearings, and Data Processing Services. Transfers and
 1704 adjustments are subject to the notice, review, and objection
 1705 procedures of s. 216.177.

1706 (2) The following transfers are authorized to be made by
 1707 the head of each department or the Chief Justice of the Supreme
 1708 Court whenever it is deemed necessary by reason of changed
 1709 conditions:

1710 (a) The transfer of appropriations funded from identical
 1711 funding sources, except appropriations for fixed capital outlay,
 1712 and the transfer of amounts included within the total original
 1713 approved budget and plans of releases of appropriations as
 1714 furnished pursuant to ss. 216.181 and 216.192, as follows:

1715 1. Between categories of appropriations within a budget
 1716 entity, if no category of appropriation is increased or
 1717 decreased by more than 5 percent of the original approved budget
 1718 or \$250,000, whichever is greater, by all action taken under
 1719 this subsection.

1720 2. Between budget entities within identical categories of
 1721 appropriations, if no category of appropriation is increased or
 1722 decreased by more than 5 percent of the original approved budget
 1723 or \$250,000, whichever is greater, by all action taken under
 1724 this subsection.

1725 3. Any agency exceeding salary rate established pursuant

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1726 to s. 216.181(8) on June 30th of any fiscal year shall not be
 1727 authorized to make transfers pursuant to subparagraphs 1. and 2.
 1728 in the subsequent fiscal year.

1729 4. Notice of proposed transfers under subparagraphs 1. and
 1730 2. shall be provided to the Executive Office of the Governor and
 1731 the chairs of the legislative appropriations committees at least
 1732 3 days before ~~prior to~~ agency implementation in order to provide
 1733 an opportunity for review. The review shall be limited to
 1734 ensuring that the transfer is in compliance with the
 1735 requirements of this paragraph.

1736 5. ~~For the 2024-2025 fiscal year,~~ The review shall ensure
 1737 that transfers proposed pursuant to this paragraph comply with
 1738 this chapter, maximize the use of available and appropriate
 1739 trust funds, and are not contrary to legislative policy and
 1740 intent. ~~This subparagraph expires July 1, 2025.~~

1741 (4) The following transfers are authorized with the
 1742 approval of the Legislative Budget Commission. Unless waived by
 1743 the chair and vice chair of the commission, notice of such
 1744 transfers must be provided 14 days before the commission
 1745 meeting:

1746 (d) The transfers necessary to accomplish the purposes of
 1747 reorganization within state agencies or the judicial branch
 1748 ~~authorized by the Legislature when the necessary adjustments of~~
 1749 ~~appropriations and positions have not been provided in the~~
 1750 ~~General Appropriations Act.~~

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1751 **Section 26. Paragraph (b) of subsection (1) of section**
 1752 **252.36, Florida Statutes, is amended to read:**
 1753 252.36 Emergency management powers of the Governor.—
 1754 (1)
 1755 (b) Pursuant to the authority vested in her or him under
 1756 paragraph (a), the Governor may issue executive orders,
 1757 proclamations, and rules and may amend or rescind them. Such
 1758 executive orders, proclamations, and rules shall have the force
 1759 and effect of law. An executive order, a proclamation, or a rule
 1760 must be limited to a duration of not more than 60 days and may
 1761 be renewed as necessary during the duration of the emergency. If
 1762 renewed, the order, proclamation, or rule must specifically
 1763 state which provisions are being renewed. Notwithstanding ss.
 1764 216.231 and 252.37, the appropriation of funds for an emergency
 1765 that exceeds 60 days in duration is subject to the notice,
 1766 review, and objection procedures set forth in s. 216.177.
 1767 **Section 27. Subsection (5) is added to section 409.8134,**
 1768 **Florida Statutes, to read:**
 1769 409.8134 Program expenditure ceiling; enrollment; budget
 1770 amendments.—
 1771 (5) Notwithstanding ss. 216.181 and 216.292, the agency
 1772 and the department may each submit a budget amendment, subject
 1773 to the notice, review, and objection procedures of s. 216.177,
 1774 to realign funding within the Florida Kidcare program
 1775 appropriation categories, or to increase budget authority in the

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1776 Children's Medical Services network category, to address
 1777 projected surpluses and deficits within the program or to
 1778 maximize the use of state trust funds. A single budget amendment
 1779 may be submitted by the agency and the department in the last
 1780 quarter of the fiscal year.
 1781 **Section 28. Subsection (9) is added to section 409.902,**
 1782 **Florida Statutes, to read:**
 1783 409.902 Designated single state agency; payment
 1784 requirements; program title; release of medical records; budget
 1785 amendments.—
 1786 (9) Notwithstanding ss. 216.181 and 216.292, the agency
 1787 may submit a budget amendment, subject to the notice, review,
 1788 and objection procedures of s. 216.177, to realign funding
 1789 within the Medicaid program appropriation categories to address
 1790 projected surpluses and deficits within the program and to
 1791 maximize the use of state trust funds. A single budget amendment
 1792 may be submitted by the agency in the last quarter of the fiscal
 1793 year.
 1794 **Section 29. Paragraph (a) of subsection (7) of section**
 1795 **20.055, Florida Statutes, is amended to read:**
 1796 20.055 Agency inspectors general.—
 1797 (7) In carrying out the investigative duties and
 1798 responsibilities specified in this section, each inspector
 1799 general shall initiate, conduct, supervise, and coordinate
 1800 investigations designed to detect, deter, prevent, and eradicate

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1801 fraud, waste, mismanagement, misconduct, and other abuses in
 1802 state government. For these purposes, each inspector general
 1803 shall:

1804 (a) Receive complaints and coordinate all activities of
 1805 the agency as required by the Whistle-blower's Act pursuant to
 1806 ss. 112.3187-112.31901 ~~ss. 112.3187-112.31895~~.

1807 **Section 30. Subsection (13) of section 760.06, Florida**
 1808 **Statutes, is amended to read:**

1809 760.06 Powers of the commission.—Within the limitations
 1810 provided by law, the commission shall have the following powers:

1811 (13) To receive complaints and coordinate all activities
 1812 as required by the Whistle-blower's Act pursuant to ss.
 1813 112.3187-112.31901 ~~ss. 112.3187-112.31895~~.

1814 **Section 31. (1) (a)** Each state agency must review the
 1815 agency's rules imposing audit requirements on public or private
 1816 entities and report any such rule that is not specified in
 1817 statute to the Joint Legislative Auditing Committee.

1818 (b) The Auditor General, the Joint Legislative Auditing
 1819 Committee, and the Office of Program Policy Analysis and
 1820 Government Accountability must jointly review all statutory
 1821 audit requirements imposed on public or private entities.

1822 (2) (a) By October 1, 2026, the Auditor General, the Joint
 1823 Legislative Auditing Committee, and the Office of Program Policy
 1824 Analysis and Government Accountability shall deliver a report to
 1825 the President of the Senate, the Speaker of the House of

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1826 Representatives, and the Chief Inspector General that contains
 1827 the following information for each requirement identified in
 1828 subsection (1):

1829 1. The citation for the requirement.

1830 2. A recommendation as to the characterization of the
 1831 requirement as a financial audit, an operational audit, a
 1832 performance audit, or an examination.

1833 3. An estimate of the average annual personnel and
 1834 administrative costs of administering or overseeing the
 1835 requirement.

1836 4. A recommendation as to which unit of the Florida
 1837 Accountability Office should administer the requirement.

1838 5. Suggestions for any necessary revisions to the
 1839 requirement, the definitions in s. 11.45, Florida Statutes, and
 1840 related statutes to provide clarity and to better conform the
 1841 wording of such provisions to the principles and language of the
 1842 Government Accountability Office's Government Auditing
 1843 Standards, 2024 edition, or any other pertinent auditing or
 1844 investigation standards.

1845 (b) The President of the Senate and Speaker of the House
 1846 of Representatives may provide additional legislative personnel
 1847 and support as necessary to carry out this subsection.

1848 (3) The Administrative Procedures Committee and the
 1849 Division of Law Revision shall provide any assistance necessary
 1850 to carry out this section.

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1851 **Section 32.** Except as otherwise expressly provided in this
1852 act, 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 Committee on Appropriations

BILL: HB 5013

INTRODUCER: Budget Committee and Representative McClure

SUBJECT: State-funded Property Reinsurance Programs

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------------------|
| 1. Sanders | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5013 reduces, from \$2 billion to \$900 million, the General Revenue (GR) Fund transfers authorized under the Reinsurance to Assist Policyholders (RAP) Program to reimburse eligible insurers for covered losses. The bill repeals the Florida Optional Reinsurance Assistance (FORA) Program, including \$1 billion of authorized General Revenue Fund transfers that are available under the program to reimburse eligible insurers for covered losses.

By reducing the cap for transfers to the RAP program and repealing the FORA program, the bill increases the amount of unallocated General Revenue funds available by \$2.1 billion. **See Section V., Fiscal Impact Statement.**

The bill is effective upon becoming a law.

II. Present Situation:

Reinsurance to Assist Policyholders Program

During Special Session 2022D, the Florida Legislature created the RAP Program to authorize \$2 billion of reinsurance coverage to qualified property insurers at no cost to the insurers. The legislation required participating insurers to reduce rates to policyholders as a result of this reinsurance coverage.

Specifically the legislation authorized transfers of up to \$2 billion from the state's GR Fund for the RAP Program to be administered by the State Board of Administration (SBA). The funds may only be transferred to the SBA if the RAP Program must reimburse qualified insurers because of hurricane loss. The legislation also allowed for transfers of up to \$5 million from the GR Fund to the SBA for administration of the RAP program and post-event examinations. Any funds not used for the program must be returned to the GR Fund by July 1, 2029.

A total of 146 companies were eligible for RAP coverage. For the 2022-2023 contract year, 69 companies were required to participate, and 77 companies were required to defer coverage to the 2023-2024 contract year. There have been three covered events under the RAP Program: Hurricane Ian (Contract Year 2022), Hurricane Nicole (Contract Year 2022), and Hurricane Idalia (Contract Year 2023).

Following Hurricane Ian, \$800 million was transferred from the GR Fund to the SBA for the RAP Program. As of December 31, 2024, a total of 48 RAP insurers have been reimbursed a total of \$740.6 million for losses from Hurricane Ian. Of those 48 insurers, 39 have received their maximum RAP payout. The SBA expects 50 companies to receive their maximum RAP payout which is expected not to exceed \$860 million. Insurers must request reimbursements no later than June 1, 2028, unless commuted earlier.

Following Hurricane Nicole, no transfers were requested from the GR Fund to the SBA. Actuarial estimates based on losses reported by RAP insurers indicate that RAP reimbursements will not be necessary for this storm.

Following Hurricane Idalia, \$15 million was transferred from the GR Fund to the SBA for the RAP Program. Based on initial actuarial estimates, the SBA requested and received \$15 million from the GR fund for covered losses. As of December 31, 2024, two RAP insurers have been reimbursed a total of \$5.5 million. The SBA expects four companies to receive reimbursements. Insurers must request reimbursements no later than June 1, 2028, unless commuted earlier.

Florida Optional Reinsurance Program

During Special Session 2022A, the Florida Legislature created the FORA Program to provide optional layers of reinsurance at near market rates for the 2023 hurricane season.

The legislation authorized transfers of up to \$1 billion from the state's GR Fund for the FORA Program to be administered by the SBA. The funds may only be transferred to the SBA if the FORA Program must reimburse participating insurers for losses associated with a covered event. The bill also allows for a transfer of up to \$6 million from GR to the SBA for administration of the program and post-event examinations with \$2 million transferred up front. Any funds not used for the program must be returned to the GR Fund by July 1, 2026.

Five insurers elected coverage under the FORA Program. Hurricane Idalia is the only covered event for the 2023 hurricane season. As of December 31, 2024, no transfers have been made from the GR Fund to the SBA for the FORA Program. Based on minimal projected losses due to this storm, all five participants have commuted their FORA contracts. There are no further loss reimbursement liabilities under the FORA Program.

III. Effect of Proposed Changes:

The bill reduces, from \$2 billion to \$900 million, the General Revenue Fund transfers authorized under the RAP Program to reimburse eligible insurers for covered losses. The bill repeals s. 215.5525, F.S., relating to the FORA Program, including \$1 billion of authorized General

Revenue Fund transfers that are available under the program to reimburse eligible insurers for covered losses.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill reduces, from \$2 billion to \$900 million, the General Revenue Fund transfers authorized under the RAP Program to reimburse eligible insurers for covered losses. The bill repeals the FORA Program, including \$1 billion of authorized General Revenue Fund transfers that are available under the program to reimburse eligible insurers for covered losses. This reduction results in an increase of \$2.1 billion of unallocated General Revenue funds available for Fiscal Year 2024-2025.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.5551 of the Florida Statutes.

This bill repeals section 215.5552 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



711908

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

HB 5013

2025

1 A bill to be entitled
 2 An act relating to state-funded property reinsurance
 3 programs; amending s. 215.5551, F.S.; decreasing the
 4 authorized cumulative transfers from the General
 5 Revenue Fund to the State Board of Administration for
 6 the Reinsurance to Assist Policyholders program to
 7 reimburse certain insurers for insured losses caused
 8 by hurricanes; repealing s. 215.5552, F.S., relating
 9 to the Florida Optional Reinsurance Assistance
 10 program; providing an effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 **Section 1. Paragraph (a) of subsection (13) of section**
 15 **215.5551, Florida Statutes, is amended to read:**
 16 215.5551 Reinsurance to Assist Policyholders program.—
 17 (13) APPROPRIATION.—
 18 (a) Within 60 days after a covered event, the board shall
 19 submit written notice to the Executive Office of the Governor if
 20 the board determines that funds from the RAP program coverage
 21 established by this section will be necessary to reimburse RAP
 22 insurers for losses associated with the covered event. The
 23 initial notice, and any subsequent requests, must specify the
 24 amount necessary to provide RAP reimbursements. Upon receiving
 25 such notice, the Executive Office of the Governor shall instruct

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

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26 the Chief Financial Officer to draw a warrant from the General
 27 Revenue Fund for a transfer to the board for the RAP program in
 28 the amount requested. The Executive Office of the Governor shall
 29 provide written notification to the chair and vice chair of the
 30 Legislative Budget Commission at least 3 days before the
 31 effective date of the warrant. Cumulative transfers authorized
 32 under this paragraph may not exceed \$900 million ~~\$2 billion~~.
 33 **Section 2. Section 215.5552, Florida Statutes, is**
 34 **repealed.**
 35 **Section 3.** This act shall take effect upon becoming a law.

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

hb5013-00

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: HB 5015

INTRODUCER: Budget Committee and Representative Lopez

SUBJECT: State Group Insurance

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|--------------------|
| 1. Davis | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5015 removes prescription copayments from law and requires copayments to be established in the General Appropriations Act; requires the Department of Management Services (DMS) to implement formulary management for prescription drugs; and codifies the Administrative Health Insurance Assessment.

The bill has an indeterminate fiscal impact on state expenditures. **See Section V., Fiscal Impact Statement.**

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

II. Present Situation:

The State Group Insurance Program (SGI Program)

The SGI Program is created by s. 110.123, F.S., and is administered by the Division of State Group Insurance (DSGI) within the Department of Management Services (DMS). The SGI Program is an optional benefit for most state employees employed by executive branch agencies, state universities, the Florida College System, the court system, and the Legislature and includes health, life, dental, vision, disability, and other supplemental insurance benefits.

The SGI Program typically makes benefits changes on a plan year basis, January 1 through December 31. For plan year 2025, SGI Program enrollment is estimated at 196,217 members. In Fiscal Year 2024-25, the cost of the SGI program was \$3.9 billion. The Revenue Estimating Conference forecasts the SGI Program to cost \$4.5 billion in Fiscal Year 2025-26.5

Eligible Employees

The SGI Program is open to the following individuals:

- All state officers;

- All state employees paid from “salaries and benefits” appropriation categories, regardless of the number of hours worked;
- Retired state officers and state employees;
- Surviving spouses of deceased state officers and state employees;
- Certain terminated state officers and state employees; and
- Certain state employees paid from Other Personal Services (OPS) appropriation categories.

For OPS employees hired after April 1, 2013, to be eligible to participate in the health insurance program, the employee must:

- Be reasonably expected to work an average of at least 30 hours per week; and
- Have worked an average of at least 30 hours per week during the employee’s measurement period (which is 12 consecutive months of employment).

Employees enrolled in the SGI Program who separate from covered-employment are no longer covered by the benefits of the SGI Program. An exception would be continuation of SGI Program benefits under the federal COBRA (Consolidated Omnibus Reconciliation Act) law, which generally allows individuals who separate from employment to extend health care coverage for up to 18 months. Under COBRA, former employees must pay the full cost of insurance premiums, plus an administrative fee of two percent.

State Employee Prescription Drug Program

As part of the SGI Program, DMS is required to maintain the State Employee Prescription Drug Program (Prescription Drug Plan). Since July 1, 2017, copay pricing requirements for the Prescription Drug Plan have been provided in statute.

Formulary

A formulary is a list of prescription drugs covered by a health plan’s pharmacy benefit design. It dictates which drugs a health plan predetermines will be covered, and at what level, for reimbursement under the terms of its pharmacy benefit plan. Formularies distinguish between preferred or discouraged prescription drugs by dividing products into different tiers, designating different levels of patient out of pocket costs. A formulary may cover both generic and brand name prescription drugs. Formulary selection involves an assessment of both the clinical and financial elements of a prescription medication.

In 2019, the Legislature directed DMS to modify the State Group Insurance Program to use formulary management techniques to administer the Prescription Drug Plan beginning with the 2020 plan year. Prescription drugs are to be subject to formulary inclusion or exclusion but may not restrict access to the most clinically appropriate, clinically effective, and lowest net-cost prescriptions drugs and supplies. Section 110.12315(9)(a), F.S., authorizes excluded drugs to be made available for inclusion if a physician, advanced practice registered nurse, or physician assistant prescribing a pharmaceutical clearly states on the prescription that the excluded drug is medically necessary.

Administrative Health Insurance Assessment

Beginning July 1, 2023, the DMS is required to assess an administrative health insurance assessment to each state agency.¹ The assessment is equal to the employer's cost of individual employee health care coverage for each vacant position within such agency eligible for coverage through the Division of State Group Insurance. State agencies are defined to mean an agency within the State Personnel System, the Department of the Lottery, the Justice Administrative Commission, and all entities administratively housed in the Justice Administrative Commission, and the state courts system. Vacant positions that are fully or partially funded by state funds are subject to the assessment. For vacant positions that are partially funded with state funds, the assessment is equal to the percentage share of state funds provided for such vacancies.

For positions that are fully funded with federal funds, the assessment does not apply. For positions that are fully or partially funded with federal funds, agencies are required to take steps to include the administrative health insurance assessment in its indirect cost plan for the 2025-2026 fiscal year and each fiscal year thereafter. Agencies must notify DMS, the Executive Office of the Governor, the chair of the Senate Committee on Appropriations and the chair of the House of Representatives Appropriations Committee, upon approval of the updated indirect cost plan. If the agency is not able to obtain approval for the positions from the federal awarding agency, the agency must notify DMS, the Executive Office of the Governor, and the appropriations chairs no later than January 15, 2025.²

III. Effect of Proposed Changes:

Section 1 amends s. 110.12315, F.S., to remove the copayment requirement for the Employee Prescription Drug Program from statute. The bill specifies that copayments must be established annually in the General Appropriations Act.

Section 2 amends s. 110.12315(9)(a), F.S., to require DMS to implement formulary management for prescription drugs and supplies beginning with the 2026 plan year. The bill removes the requirement for drugs excluded from the formulary to be available for inclusion if a physician, advanced practice registered nurse, or physician assistant prescribing a pharmaceutical clearly states on the prescription that the excluded drug is medically necessary.

Section 3 creates s. 110.12316, F.S., to codify the Administrative Health Insurance Assessment that was included in the Fiscal Year 2024-2025 and Fiscal Year 2023-2024 Implementing Bills.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ Chapter 2023-240, s. 73, Laws of Fla.

² Chapter 2024-228, s. 88, Laws of Fla.

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 Administrative Health Insurance Assessment (Assessment) is currently contemplated by the Revenue Estimating Conference as part of the revenues into the State Group Health Trust Fund. For the Fiscal Year 2024-2025, the Assessment will transfer an estimated \$76.9 million to the Trust Fund. For Fiscal Year 2025-2026, the estimated Assessment is \$75.6 million, and for Fiscal Year 2026-2027 the estimated Assessment is \$75.2 million.

Any savings related to the formulary management required in the bill will depend on how such measures are implemented by DMS and therefore, such savings are indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 110.12315 of the Florida Statutes.

This bill creates section 110.12316 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



943470

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

HB 5015

2025

1 A bill to be entitled
 2 An act relating to state group insurance; amending s.
 3 110.12315, F.S.; providing for state group health
 4 insurance plan copayments, rather than State Group
 5 Health Insurance Standard Plan copayments, for
 6 prescription drugs; requiring that state group health
 7 insurance plan copayments for prescription drugs be
 8 established annually in the General Appropriations
 9 Act; removing provisions relating to formulary
 10 inclusions of specified drugs under certain
 11 circumstances; updating certain dates relating to
 12 prescription drugs and supplies; creating s.
 13 110.12316, F.S.; defining the term "state agency";
 14 requiring the Department of Management Services to
 15 make monthly administrative health insurance
 16 assessments against state agencies based on certain
 17 vacant positions within the agencies; requiring state
 18 agencies to remit to the State Employees Health
 19 Insurance Trust Fund the administrative health
 20 insurance assessments; requiring the department to
 21 certify to the Chief Financial Officer the amounts due
 22 under specified circumstances; requiring the Chief
 23 Financial Officer to transfer to the department the
 24 amounts under specified circumstances; providing
 25 applicability; providing assessment calculations;

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HB 5015

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26 requiring state agencies to provide the department
 27 with a list of certain positions by position numbers,
 28 include certain information in the list, and update
 29 the list monthly; requiring state agencies to take
 30 steps to include administrative health insurance
 31 assessments in their indirect cost plans for each
 32 fiscal year; requiring state agencies to notify
 33 certain entities on updated indirect cost plans;
 34 authorizing the Executive Office of the Governor to
 35 transfer certain budget authority between state
 36 agencies for a specified purpose; providing an
 37 effective date.

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

41 **Section 1. Subsections (8) and (9) of section 110.12315,**
 42 **Florida Statutes, are amended to read:**

43 110.12315 Prescription drug program.—The state employees'
 44 prescription drug program is established. This program shall be
 45 administered by the Department of Management Services, according
 46 to the terms and conditions of the plan as established by the
 47 relevant provisions of the annual General Appropriations Act and
 48 implementing legislation, subject to the following conditions:

49 (8) ~~(a) Effective July 1, 2017, for~~ The state group health
 50 insurance ~~Standard~~ plan, copayments shall be established

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51 annually in the General Appropriations Act. must be made as
 52 follows:

53 1. For a supply for up to 30 days from a retail pharmacy:

54 a. For generic drug\$7.

55 b. For preferred brand name drug\$30.

56 c. For nonpreferred brand name drug\$50.

57 2. For a supply for up to 90 days from a mail order
 58 pharmacy or a retail pharmacy:

59 a. For generic drug.....\$14.

60 b. For preferred brand name drug.....\$60.

61 c. For nonpreferred brand name drug.....\$100.

62 (b) Effective July 1, 2017, for the State Group Health
 63 Insurance High Deductible Plan, coinsurance must be paid as
 64 follows:

65 1. For a supply for up to 30 days from a retail pharmacy:

66 a. For generic drug30%.

67 b. For preferred brand name drug30%.

68 c. For nonpreferred brand name drug50%.

69 2. For a supply for up to 90 days from a mail order
 70 pharmacy or a retail pharmacy:

71 a. For generic drug.....30%.

72 b. For preferred brand name drug.....30%.

73 c. For nonpreferred brand name drug.....50%.

74 (9) (a) Beginning with the 2026 2020 plan year, the
 75 department must implement formulary management for prescription

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HB 5015

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76 drugs and supplies. Such management practices must require
 77 prescription drugs to be subject to formulary inclusion or
 78 exclusion but may not restrict access to the most clinically
 79 appropriate, clinically effective, and lowest net-cost
 80 prescription drugs and supplies. Drugs excluded from the
 81 formulary must be available for inclusion if a physician,
 82 advanced practice registered nurse, or physician assistant
 83 prescribing a pharmaceutical clearly states on the prescription
 84 that the excluded drug is medically necessary. Prescription
 85 drugs and supplies first made available in the marketplace after
 86 January 1, 2026 2020, may not be covered by the prescription
 87 drug program until specifically included in the list of covered
 88 prescription drugs and supplies.

89 (b) No later than October 1, 2025 2019, and by each
 90 October 1 thereafter, the department must submit to the
 91 Governor, the President of the Senate, and the Speaker of the
 92 House of Representatives the list of prescription drugs and
 93 supplies that will be excluded from program coverage for the
 94 next plan year. If the department proposes to exclude
 95 prescription drugs and supplies after the plan year has
 96 commenced, the department must provide notice to the Governor,
 97 the President of the Senate, and the Speaker of the House of
 98 Representatives of such exclusions at least 60 days before
 99 implementation of such exclusions.

100 **Section 2. Section 110.12316, Florida Statutes, is created**

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

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101 to read:

102 110.12316 Administrative health insurance assessments
 103 against state agencies for vacant positions.-

104 (1) As used in this section, the term "state agency" means
 105 an agency within the State Personnel System, the Department of
 106 the Lottery, the Justice Administrative Commission and all
 107 entities administratively housed in the Justice Administrative
 108 Commission, and the state courts system.

109 (2) Effective July 1, 2025, and on the first day of each
 110 month thereafter, the Department of Management Services shall
 111 make an administrative health insurance assessment against each
 112 state agency equal to the employer's cost of individual employee
 113 health care coverage for each vacant position within the state
 114 agency eligible for coverage through the Division of State Group
 115 Insurance.

116 (3) Within 30 days after receipt of the administrative
 117 health insurance assessment under subsection (2) from the
 118 department, each state agency shall remit to the State Employees
 119 Health Insurance Trust Fund the assessment for the state group
 120 insurance program, as provided in ss. 110.123 and 110.1239, from
 121 currently allocated moneys for salaries and benefits. If a state
 122 agency becomes more than 60 days delinquent in payment of the
 123 assessment, the department shall certify to the Chief Financial
 124 Officer the amount due and the Chief Financial Officer shall
 125 transfer to the department the amount due.

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126 (4) The administrative health insurance assessment must
 127 apply to all vacant positions funded with state funds, whether
 128 fully or partially funded with state funds. Vacant positions
 129 partially funded with state funds must pay a percentage of the
 130 assessment imposed in subsection (2) equal to the percentage
 131 share of state funds provided for the vacant positions. The
 132 assessment does not apply to vacant positions that are fully
 133 funded with federal funds. By July 31, 2025, each state agency
 134 shall provide the department with a complete list of all
 135 positions by position number which are fully or partially funded
 136 with federal funds, and shall include the percentage of federal
 137 funding for each position. Thereafter, each state agency shall
 138 update the list on the last day of each month. For vacant
 139 positions that are fully or partially funded with federal funds,
 140 each state agency shall immediately take steps to include the
 141 administrative health insurance assessment in its indirect cost
 142 plan for the 2025-2026 fiscal year and each fiscal year
 143 thereafter. A state agency shall notify the department, the
 144 Executive Office of the Governor, and the chair and vice chair
 145 of the Legislative Budget Commission of the updated indirect
 146 cost plan, upon approval from the federal awarding agency. If
 147 the state agency cannot obtain approval from its federal
 148 awarding agency, the state agency shall notify the department,
 149 the Executive Office of the Governor, and the chair and vice
 150 chair of the Legislative Budget Commission no later than January

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

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HB 5015

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151 15 of each calendar year.
 152 (5) Pursuant to the notice, review, and objection
 153 procedures of s. 216.177, the Executive Office of the Governor
 154 may transfer budget authority appropriated in the Salaries and
 155 Benefits appropriation category between state agencies in order
 156 to align the appropriations granted with the assessment that
 157 must be paid by each state agency to the department for the
 158 administrative health insurance assessment.
 159 **Section 3.** 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 Committee on Appropriations

BILL: HB 5201

INTRODUCER: State Administration Budget Subcommittee and Representative V. Lopez

SUBJECT: State Financial Accounting

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|--------------------|
| 1. Hunter | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5201 deletes statutory references to the state's current accounting and financial management system known as the Florida Accounting Information Resource (FLAIR) that is set to retire in Fiscal Year 2026-2027. The bill conforms statutes in accordance with the new Planning and Ledger Management (PALM) system that will replace FLAIR.

II. Present Situation:

State Automated Management Accounting Subsystem

In 1980, the Florida Legislature enacted the Florida Fiscal Accounting Management Information System Act.¹ This act standardized the financial management and accounting practices for the state and was meant to provide well timed date for statewide financial statements. The State Automated Management Accounting Subsystem (SAMAS) was developed from 1983-1986 and agencies began implementing SAMAS to manage their financial accounting.²

Florida Accounting Information Resource Subsystem

In 1997, SAMAS was renamed as the Florida Accounting Information Resource Subsystem (FLAIR).³ FLAIR is a mainframe computer-based ledger accounting system utilized by the state to process financial transactions and record accurate data.⁴ The Department of Financial Services (DFS) operates and maintains the FLAIR system and is the functional owner of FLAIR⁵. The Division of Information Systems operates the Chief Financial Officer's Data Center that maintains FLAIR. FLAIR is also used to create the state's Annual Comprehensive Financial

¹Chapter 80-45, Laws of Fla.

² Florida Auditor General, *Florida Accounting Information Resource Subsystem (FLAIR)*, flauditor.gov/pages/pdf_files/2016-032.pdf (last visited Mar. 17, 2025).

³Chapter 97-286, Laws of Fla.

⁴Department of Financial Services, *Florida Accounting Resource (FLAIR)*, <https://flair.dbf.state.fl.us/> (last visited Mar. 17, 2025).

⁵Section 215.94(2), F.S.

Report pursuant to s. 216.102(3), F.S. All state agencies' payroll, expense processing, retirement, reemployment compensation, and public assistance are processed and tracked through FLAIR.

Florida Planning and Ledger Management

In October 2013, the DFS procured a study of FLAIR to obtain a recommendation to either replace or enhance FLAIR. The FLAIR Study was delivered to the DFS in March 2014, and the DFS reviewed and published the FLAIR Study in April 2014. Based on the analysis completed in the FLAIR Study, the consultant recommended that the state replace FLAIR and the DFS' Cash Management System (CMS) with a commercial off-the-shelf Enterprise Resource Planning (ERP) solution. The CMS allows state agencies to deposit funds directly into the treasury bank account across hundreds of bank locations and receive interest on account balances and operate small disbursement accounts with no service charges.

In 2014, the DFS created the Florida Planning, Accounting, and Ledger Management (Florida PALM) project to replace FLAIR and the cash management and accounting management components of the CMS with a cloud-hosted enterprise resource planning financial management solution designed to modernize the state's financial management processes and system. Beginning with the CMS implementation (CMS Wave) in July 2021, this multi-year project was designed to transition FLAIR and CMS functions, as well as additional functionality. The CMS Wave transitioned the functions related to the management of bank cash, participant invested cash, and treasury investments from the CMS to Florida PALM.

The Florida PALM project has a current go-live date of July 2026 with a contingency to move the go-live date to January 2027 at the discretion of the project's executive steering committee.

Charts of Account

The CFO maintains the charts of account for state agencies. Charts of account is a compilation of uniform data codes that are used for reporting governmental assets, liabilities, equities, revenues, and expenditures to the CFO.⁶ Chapter 2011-44, L.O.F., required the CFO to include entities that were previously not included in the charts of account, such as educational entities and higher education institutions, to establish uniform reporting requirements. The CFO was required to conduct workshops with affected governmental entities to gather reporting requirements, and to issue proposed charts of account by July 1, 2013. Comments to the proposed accounts were to be received by November 1, 2013. By January 15, 2014, the CFO submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives a final report recommending uniform charts of account meeting the specified conditions. The Legislature did not adopt the recommendations.

Public Records

Article I, s. 24(a) of the State Constitution, sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature,

⁶ Section 215.89(2)(a), F.S.

however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution.⁷ The general law must state with specificity the public necessity justifying the exemption⁸ and must be no broader than necessary to accomplish its purpose.⁹

As functional owners of the state accounting system, the DFS is responsible for the security of all data records existing within and transferred from their information subsystems.¹⁰ Each agency is responsible for the accuracy of the information entered into the accounting subsystem. Currently, the DFS is subject to public records requests as the functional owner of the state accounting system.

III. Effect of Proposed Changes:

Sections 1, 2, 3, 7, 8, 9, 10, 11, and 12 delete statutory references to Florida's current accounting system known as the Florida Accounting Information Resource (FLAIR) and replace it with a reference to the Financial Management subsystem.

Section 4 clarifies that if interest is incurred on an invoice owed by the state, but the original appropriation is no longer available or has been depleted, the agency may pay the interest with a similar appropriation category.

Section 5 removes obsolete requirements of the Chief Financial Officer (CFO) to accept comments from specific parties regarding proposed charts of account and directs the CFO to provide various parties a report recommending a uniform chart of accounts. These requirements of the CFO have been accomplished and are no longer needed in statute.

Section 6 specifies that a public records request or subpoena for a document or accounting record must be made to the entity that the document or accounting record was recorded.

Section 13 provides that 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.

⁷Article I, s. 24, Fla. Const.

⁸This portion of a public record exemption is commonly referred to as a "public necessity statement."

⁹Article I, s. 24, Fla. Const.

¹⁰Section 215.93(5), F.S.

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: 17.11, 17.13, 110.113, 215.422, 215.89, 215.93, 215.94, 215.985, 216.102, 216.141, 1001.281, and 1001.282.

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.



116496

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

HB 5201

2025

1 A bill to be entitled
 2 An act relating to state financial accounting;
 3 amending s. 17.11, F.S.; revising the subsystem used
 4 for a certain report of disbursements made; amending
 5 s. 17.13, F.S.; requiring the replacement of lost or
 6 destroyed warrants; amending s. 110.113, F.S.;
 7 deleting the Department of Financial Services'
 8 authority to make semimonthly salary payments;
 9 amending s. 215.422, F.S.; requiring agencies to pay
 10 interest from available appropriations under certain
 11 circumstances; amending s. 215.89, F.S.; deleting
 12 obsolete provisions; amending s. 215.93, F.S.;
 13 revising the subsystems of the Florida Financial
 14 Management Information System; requiring certain
 15 requests for records to be made to a specified entity;
 16 prohibiting such requests from being made to the
 17 functional owner of the subsystem; providing an
 18 exception; amending s. 215.94, F.S.; providing that
 19 the department is the functional owner of the
 20 Financial Management Subsystem; revising the functions
 21 of such subsystem; amending ss. 215.985, 216.102,
 22 216.141, 1001.281, and 1001.282, F.S.; conforming
 23 provisions to changes made by the act; providing an
 24 effective date.
 25

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

27

28 **Section 1. Subsection (2) of section 17.11, Florida**
 29 **Statutes, is amended to read:**

30 17.11 To report disbursements made.—

31 (2) The Chief Financial Officer shall also cause to have
 32 reported from the Financial Management ~~Florida Accounting~~
 33 ~~Information Resource~~ Subsystem no less than quarterly the
 34 disbursements which agencies made to small businesses, as
 35 defined in the Florida Small and Minority Business Assistance
 36 Act; to certified minority business enterprises in the
 37 aggregate; and to certified minority business enterprises broken
 38 down into categories of minority persons, as well as gender and
 39 nationality subgroups. This information shall be made available
 40 to the agencies, the Office of Supplier Diversity, the Governor,
 41 the President of the Senate, and the Speaker of the House of
 42 Representatives. Each agency shall be responsible for the
 43 accuracy of information entered into the Financial Management
 44 ~~Florida Accounting Information Resource~~ Subsystem for use in
 45 this reporting.

46 **Section 2. Section 17.13, Florida Statutes, is amended to**
 47 **read:**

48 17.13 To replace ~~duplicate~~ warrants lost or destroyed.—

49 (1) The Chief Financial Officer is required to replace
 50 ~~duplicate~~ any Chief Financial Officer's warrants that may have

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51 been lost or destroyed, or may hereafter be lost or destroyed,
 52 upon the owner thereof or the owner's agent or attorney
 53 presenting the Chief Financial Officer the statement, under
 54 oath, reciting the number, date, and amount of any warrant or
 55 the best and most definite description in his or her knowledge
 56 and the circumstances of its loss; if the Chief Financial
 57 Officer deems it necessary, the owner or the owner's agent or
 58 attorney shall file in the office of the Chief Financial Officer
 59 a surety bond, or a bond with securities, to be approved by one
 60 of the judges of the circuit court or one of the justices of the
 61 Supreme Court, in a penalty of not less than twice the amount of
 62 any warrants so replaced ~~duplicate~~, conditioned to indemnify
 63 the state and any innocent holders thereof from any damages that
 64 may accrue from such replacement ~~duplication~~.

65 (2) The Chief Financial Officer is required to replace
 66 ~~duplicate~~ any Chief Financial Officer's warrant that may have
 67 been lost or destroyed, or may hereafter be lost or destroyed,
 68 when sent to any payee via any state agency when such warrant is
 69 lost or destroyed prior to being received by the payee and
 70 provided the director of the state agency to whom the warrant
 71 was sent presents to the Chief Financial Officer a statement,
 72 under oath, reciting the number, date, and amount of the warrant
 73 lost or destroyed, the circumstances surrounding the loss or
 74 destruction of such warrant, and any additional information that
 75 the Chief Financial Officer shall request in regard to such

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76 warrant.
 77 (3) Any replacement ~~duplicate~~ Chief Financial Officer's
 78 warrant issued in pursuance of the above provisions shall be of
 79 the same validity as the original was before its loss.

80 **Section 3. Subsection (1) of section 110.113, Florida**
 81 **Statutes, is amended to read:**

82 110.113 Pay periods for state officers and employees;
 83 salary payments by direct deposit.—

84 (1) The normal pay period for salaries of state officers
 85 and employees shall be 1 month. The Department of Financial
 86 Services shall issue either monthly or biweekly salary payments
 87 by state warrants or by direct deposit pursuant to s. 17.076 ~~or~~
 88 ~~make semimonthly salary payments by direct deposit pursuant to~~
 89 ~~s. 17.076~~, as requested by the head of each state agency and
 90 approved by the Executive Office of the Governor and the
 91 Department of Financial Services.

92 **Section 4. Subsection (16) of section 215.422, Florida**
 93 **Statutes, is amended to read:**

94 215.422 Payments, warrants, and invoices; processing time
 95 limits; dispute resolution; agency or judicial branch
 96 compliance.—

97 (16) Nothing contained in this section shall be construed
 98 to be an appropriation. Any interest which becomes due and owing
 99 pursuant to this section must be paid ~~shall only be payable~~ from
 100 the appropriation charged for such goods or services. However,

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101 if insufficient funds are available within the appropriation
 102 charged for such goods or services, the agency must pay the
 103 interest from a similar or appropriate appropriation category.

104 **Section 5. Subsection (3) of section 215.89, Florida**
 105 **Statutes, is amended to read:**

106 215.89 Charts of account.—

107 ~~(3) REPORTING STRUCTURE.—~~

108 ~~(a) The Chief Financial Officer shall accept comments from~~
 109 ~~state agencies, local governments, educational entities,~~
 110 ~~entities of higher education, and other interested parties~~
 111 ~~regarding the proposed charts of account until November 1, 2013.~~

112 ~~(b) By January 15, 2014, the Chief Financial Officer,~~
 113 ~~after consultation with affected state agencies, local~~
 114 ~~governments, educational entities, entities of higher education,~~
 115 ~~and the Auditor General, shall submit to the Governor, the~~
 116 ~~President of the Senate, and the Speaker of the House of~~
 117 ~~Representatives a report recommending a uniform charts of~~
 118 ~~account which requires specific enterprise wide information~~
 119 ~~related to revenues and expenditures of state agencies, local~~
 120 ~~governments, educational entities, and entities of higher~~
 121 ~~education. The report must include the estimated cost of~~
 122 ~~adopting and implementing a uniform enterprise-wide charts of~~
 123 ~~account.~~

124 **Section 6. Subsections (1) and (5) of section 215.93,**
 125 **Florida Statutes, are amended to read:**

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126 215.93 Florida Financial Management Information System.—

127 (1) To provide the information necessary to carry out the
 128 intent of the Legislature, there shall be a Florida Financial
 129 Management Information System. The Florida Financial Management
 130 Information System shall be fully implemented and shall be
 131 upgraded as necessary to ensure the efficient operation of an
 132 integrated financial management information system and to
 133 provide necessary information for the effective operation of
 134 state government. Upon the recommendation of the coordinating
 135 council and approval of the board, the Florida Financial
 136 Management Information System may require data from any state
 137 agency information system or information subsystem or may
 138 request data from any judicial branch information system or
 139 information subsystem that the coordinating council and board
 140 have determined to have statewide financial management
 141 significance. Each functional owner information subsystem within
 142 the Florida Financial Management Information System shall be
 143 developed in such a fashion as to allow for timely, positive,
 144 preplanned, and prescribed data transfers between the Florida
 145 Financial Management Information System functional owner
 146 information subsystems and from other information systems. The
 147 principal unit of the system shall be the functional owner
 148 information subsystem, and the system shall include, but shall
 149 not be limited to, the following:

150 (a) Planning and Budgeting Subsystem.

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151 ~~(b) — Florida Accounting Information Resource Subsystem.~~
 152 (b)(e) Financial Management Subsystem.
 153 (c)(d) Purchasing Subsystem.
 154 (d)(e) Personnel Information System.
 155 (5) Functional owners are legally responsible for the
 156 security and integrity of all data records existing within or
 157 transferred from their information subsystems. Each agency and
 158 the judicial branch shall be responsible for the accuracy of the
 159 information entered into the Florida Financial Management
 160 Information System. A request for a copy of a document or an
 161 accounting record, whether by public records request or
 162 subpoena, must be made to the state entity for which the
 163 document or accounting record is recorded. The request may not
 164 be made to the functional owner of the subsystem unless the
 165 document or accounting record was recorded for such entity.
 166 **Section 7. Subsections (4) through (7) of section 215.94,**
 167 **Florida Statutes, are renumbered as subsections (3) through (6),**
 168 **respectively, and subsection (2) and present subsection (3) of**
 169 **that section are amended to read:**
 170 215.94 Designation, duties, and responsibilities of
 171 functional owners.—
 172 (2) The Department of Financial Services shall be the
 173 functional owner of the Financial Management ~~Florida Accounting~~
 174 ~~Information Resource~~ Subsystem established pursuant to ss.
 175 17.03, 215.86, 216.141, and 216.151 and further developed in

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176 accordance with the provisions of ss. 215.90-215.96. The
 177 subsystem shall include, but shall not be limited to, the
 178 following functions:
 179 (a) Accounting and reporting so as to provide timely data
 180 for producing financial statements for the state in accordance
 181 with generally accepted accounting principles.
 182 (b) Auditing and settling claims against the state.
 183 ~~(3) The Chief Financial Officer shall be the functional~~
 184 ~~owner of the Financial Management Subsystem. The Chief Financial~~
 185 ~~Officer shall design, implement, and operate the subsystem in~~
 186 ~~accordance with the provisions of ss. 215.90-215.96. The~~
 187 ~~subsystem shall include, but shall not be limited to, functions~~
 188 ~~for:~~
 189 (c)(a) Recording and reconciling credits and debits to
 190 treasury fund accounts.
 191 (d)(b) Monitoring cash levels and activities in state bank
 192 accounts.
 193 (e)(c) Monitoring short-term investments of idle cash.
 194 (f)(d) Administering the provisions of the Federal Cash
 195 Management Improvement Act of 1990.
 196 **Section 8. Paragraph (a) of subsection (4) of section**
 197 **215.985, Florida Statutes, is amended to read:**
 198 215.985 Transparency in government spending.—
 199 (4) The Executive Office of the Governor, in consultation
 200 with the appropriations committees of the Senate and the House

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201 of Representatives, shall establish and maintain a website that
 202 provides information relating to the approved operating budget
 203 for each branch of state government and state agency.

204 (a) At a minimum, the information must include:

205 1. Disbursement data for each appropriation by the account
 206 value ~~object code~~ associated with each expenditure established
 207 within the Financial Management Florida Accounting Information
 208 ~~Resource~~ Subsystem. Expenditure data must include the name of
 209 the payee, the date of the expenditure, the amount of the
 210 expenditure, and the voucher ~~statewide document~~ number. Such
 211 data must be searchable by the name of the payee, the paying
 212 agency, and fiscal year, and must be downloadable in a format
 213 that allows offline analysis.

214 2. For each appropriation, any adjustments, including
 215 vetoes, approved supplemental appropriations included in
 216 legislation other than the General Appropriations Act, budget
 217 amendments, other actions approved pursuant to chapter 216, and
 218 other adjustments authorized by law.

219 3. Status of spending authority for each appropriation in
 220 the approved operating budget, including released, unreleased,
 221 reserved, and disbursed balances.

222 4. Position and rate information for positions provided in
 223 the General Appropriations Act or approved through an amendment
 224 to the approved operating budget and position information for
 225 positions established in the legislative branch.

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226 5. Allotments for planned expenditures of state
 227 appropriations established by state agencies in the Financial
 228 Management Florida Accounting Information Resource Subsystem,
 229 and the current balances of such allotments.

230 6. Trust fund balance reports, including cash available,
 231 investments, and receipts.

232 7. General revenue fund balance reports, including revenue
 233 received and amounts disbursed.

234 8. Fixed capital outlay project data, including original
 235 appropriation and disbursements throughout the life of the
 236 project.

237 9. A 10-year history of appropriations indicated by
 238 agency.

239 10. Links to state audits or reports related to the
 240 expenditure and dispersal of state funds.

241 11. Links to program or activity descriptions for which
 242 funds may be expended.

243 **Section 9. Subsections (1) and (2) and paragraph (f) of**
 244 **subsection (3) of section 216.102, Florida Statutes, are amended**
 245 **to read:**

246 216.102 Filing of financial information; handling by Chief
 247 Financial Officer; penalty for noncompliance.—

248 (1) By September 30 of each year, each agency supported by
 249 any form of taxation, licenses, fees, imposts, or exactions, the
 250 judicial branch, and, for financial reporting purposes, each

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251 component unit of the state as determined by the Chief Financial
 252 Officer shall prepare, using generally accepted accounting
 253 principles, and file with the Chief Financial Officer the
 254 financial and other information necessary for the preparation of
 255 annual financial statements for the State of Florida as of June
 256 30. In addition, each such agency and the judicial branch shall
 257 prepare financial statements showing the financial position and
 258 results of agency or branch operations as of June 30 for
 259 internal management purposes.

260 (a) Each state agency and the judicial branch shall record
 261 the receipt and disbursement of funds from federal sources in a
 262 form and format prescribed by the Chief Financial Officer. The
 263 access to federal funds by the administering agencies or the
 264 judicial branch may not be authorized until:

265 1. The deposit has been recorded in the Financial
 266 Management ~~Florida Accounting Information Resource~~ Subsystem
 267 using proper, consistent codes that designate deposits as
 268 federal funds.

269 2. The deposit and appropriate recording required by this
 270 paragraph have been verified by the office of the Chief
 271 Financial Officer.

272 (b) The Chief Financial Officer shall publish a statewide
 273 policy detailing the requirements for recording receipt and
 274 disbursement of federal funds into the Financial Management
 275 ~~Florida Accounting Information Resource~~ Subsystem and provide

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276 technical assistance to the agencies and the judicial branch to
 277 implement the policy.

278 (2) Financial information must be contained within the
 279 Financial Management ~~Florida Accounting Information Resource~~
 280 Subsystem. Other information must be submitted in the form and
 281 format prescribed by the Chief Financial Officer.

282 (a) Each component unit shall file financial information
 283 and other information necessary for the preparation of annual
 284 financial statements with the agency or branch designated by the
 285 Chief Financial Officer by the date specified by the Chief
 286 Financial Officer.

287 (b) The state agency or branch designated by the Chief
 288 Financial Officer to receive financial information and other
 289 information from component units shall include the financial
 290 information in the Financial Management ~~Florida Accounting~~
 291 ~~Information Resource~~ Subsystem and shall include the component
 292 units' other information in its submission to the Chief
 293 Financial Officer.

294 (3) The Chief Financial Officer shall:

295 (f) Consult with and elicit comments from the Executive
 296 Office of the Governor on changes to the Financial Management
 297 ~~Florida Accounting Information Resource~~ Subsystem which clearly
 298 affect the accounting of federal funds, so as to ensure
 299 consistency of information entered into the Federal Aid Tracking
 300 System by state executive and judicial branch entities. While

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HB 5201

2025

301 efforts shall be made to ensure the compatibility of the
 302 Financial Management Florida Accounting Information Resource
 303 Subsystem and the Federal Aid Tracking System, any successive
 304 systems serving identical or similar functions shall preserve
 305 such compatibility.

306
 307 The Chief Financial Officer may furnish and publish in
 308 electronic form the financial statements and the annual
 309 comprehensive financial report required under paragraphs (a),
 310 (b), and (c).

311 **Section 10. Subsection (3) of section 216.141, Florida**
 312 **Statutes, is amended to read:**

313 216.141 Budget system procedures; planning and programming
 314 by state agencies.—

315 (3) The Chief Financial Officer, as chief fiscal officer,
 316 shall use the Financial Management Florida Accounting
 317 Information Resource Subsystem developed pursuant to s.
 318 215.94(2) for account purposes in the performance of and
 319 accounting for all of his or her constitutional and statutory
 320 duties and responsibilities. However, state agencies and the
 321 judicial branch continue to be responsible for maintaining
 322 accounting records necessary for effective management of their
 323 programs and functions.

324 **Section 11. Subsection (1) of section 1001.281, Florida**
 325 **Statutes, is amended to read:**

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HB 5201

2025

326 1001.281 Operating Trust Fund.—

327 (1) The Operating Trust Fund, ~~FLAIR number 48-2-510~~, is
 328 created within the Department of Education.

329 **Section 12. Subsection (1) of section 1001.282, Florida**
 330 **Statutes, is amended to read:**

331 1001.282 Administrative Trust Fund.—

332 (1) The Administrative Trust Fund, ~~FLAIR number 48-2-021~~,
 333 is created within the Department of Education.

334 **Section 13.** This act shall take effect July 1, 2025.

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

hb5201-00

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: HB 5203

INTRODUCER: State Administration Budget Subcommittee and Representative V. Lopez

SUBJECT: Capitol Center

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----------|----------------|-----------|--------------------|
| 1. Davis | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5203 provides for certain rights and duties concerning the occupation and management of the Capitol Center. The bill specifies that the Governor, Cabinet officers, and Legislature are permanent tenants of the Capitol Center. The bill ensures that the Legislature is aware of and has the opportunity to approve any project in the Capitol Center that might impact their respective tenancies.

To the extent that direct control over utilities for any space for which the Legislature is the tenant includes the responsibility for funding the costs for maintenance, the Legislature may be required to expend additional funds. See Section V., Fiscal Impact Statement.

The bill will take effect July 1, 2025.

II. Present Situation:

Capitol Center and Capitol Complex

Chapter 272, F.S., provides that the Capitol Center is under the general control and supervision of the DMS, which includes the management and maintenance of both grounds and buildings. The DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.

The term "Capitol Complex" is defined to include: that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, the Elliot Building, the R.A. Gray building, and the associated parking garages curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola, Martin Luther King Jr. Boulevard, and Gaines Street. The term does not include the Supreme Court Building or the public streets adjacent thereto. The portion of the Capitol

Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street shall be known as “Memorial Park.”

The DMS is responsible for the management, maintenance, and upkeep of the Capital Complex and has authority to employ a superintendent of the grounds and other employees, and to designate or appoint a non-salaried advisory committee to advise them.

III. Effect of Proposed Changes:

The bill provides for certain rights and duties concerning the occupation and management of the Capitol Center.

Section 1 amends s. 272.04, F.S., to specify that the Governor, Cabinet officers, and the Legislature are permanent tenants of the Capitol Center. The bill states that interior space allocated to each tenant on January 1, 2025, may not be reduced or moved without approval of the tenant. The bill specifies that the Legislature has the first right of refusal for use of any additional space in the Capitol Center that becomes vacant.

Section 2 amends s. 272.09, F.S., to require that before the DMS, plans or schedules any project that impacts space occupied by a permanent tenant other than the Governor, the DMS must coordinate and receive the tenant’s approval on the scope, design, and timeline of the project. For projects that would impact space in which the Legislature is the tenant, the DMS must coordinate with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate. For any project that impacts space in which the Legislature is the tenant, the DMS must consider the schedule and time constraints of the Legislature, as well as the Legislature's needs. Additionally, the bill states that the Legislature may renovate any space allocated to their chamber without approval from the DMS.

Section 3 amends s. 272.121, F.S., to specify that the DMS must solicit feedback of all permanent tenants of the Capitol Center, when completing the Capitol Center’s long-range plan report. The bill also specifies that the DMS must consult with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate, before including in the DMS’ Capitol Center’s long-range plan report, any project that impacts any space in the Capitol Center in which the Legislature is the tenant.

Section 4 amends s. 272.16, F.S., to specify that parking spaces allocated to the Legislature on January 1, 2025, may not be reduced or reassigned without the express consent of the Legislature. In addition, the Legislature has the first right of refusal for the use of spaces upon availability.

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:

To the extent that direct control over utilities for any space for which the Legislature is the tenant includes the responsibility for funding the costs for maintenance, the Legislature may be required to expend additional funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 272.04, 272.09, 272.121, and 272.16.

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.



671950

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

HB 5203

2025

1 A bill to be entitled
 2 An act relating to the Capitol Center; amending s.
 3 272.04, F.S.; providing that the Governor, the Cabinet
 4 officers, and the Legislature are permanent tenants of
 5 the Capital Complex; prohibiting Capital Complex
 6 interior space from being reduced or moved without
 7 express consent of the tenants; providing the
 8 Legislature with the first right of refusal of such
 9 interior space; amending s. 272.09, F.S.; requiring
 10 the Department of Management Services to coordinate
 11 with and receive approval of certain tenants before
 12 planning or scheduling certain projects; requiring the
 13 department to consider the Legislature's schedule,
 14 time constraints, and needs for projects that impact
 15 certain space; authorizing the President of the Senate
 16 and the Speaker of the House of Representatives to
 17 take certain actions in relation to certain spaces
 18 without approval by the department; providing that the
 19 President of the Senate and the Speaker of the House
 20 of Representatives have direct control over utilities
 21 for certain spaces; requiring the department to
 22 consult with and receive approval from the President
 23 of the Senate or the Speaker of the House of
 24 Representatives, as appropriate, before including
 25 certain projects in a specified report; amending s.

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26 272.121, F.S.; requiring the department to solicit
 27 feedback on the development of certain state-owned
 28 property from all permanent tenants of the Capitol
 29 Center; amending s. 272.16, F.S.; prohibiting certain
 30 parking spaces from being reduced or reassigned
 31 without express consent of the Legislature; providing
 32 the Legislature with the first right of refusal if
 33 additional parking spaces become available; providing
 34 an effective date.

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

37
 38 **Section 1. Section 272.04, Florida Statutes, is amended to**
 39 **read:**

40 272.04 Department to allocate space.—
 41 (1) The Department of Management Services shall have
 42 authority to allocate space to house the various departments,
 43 agencies, boards, and commissions in said buildings, excepting,
 44 however, the new Supreme Court Building, for which authority
 45 shall be vested in the justices of the Supreme Court.
 46 (2) Notwithstanding any other law, the Governor, the
 47 Cabinet officers, and the Legislature are permanent tenants of
 48 the Capitol Complex. The interior space allocated to each tenant
 49 on January 1, 2025, may not be reduced or moved without express
 50 consent of the tenant. If additional interior space becomes

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vacant, the Legislature has the first right of refusal for use of the space.

Section 2. Subsection (4) of section 272.09, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

272.09 Management, maintenance, and upkeep of Capitol Center.—

(4)(a) Before the Department of Management Services may plan for or schedule any project that impacts space occupied by a permanent tenant of the Capitol Center other than the Governor, the Department of Management Services must coordinate with the tenant and receive the tenant's approval on the scope, design, and timeline of the project. For purposes of space in which the Legislature is the tenant, the Department of Management Services must coordinate with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate. For any project that impacts space in which the Legislature is the tenant, the Department of Management Services must consider the schedule and time constraints of the Legislature, as well as the Legislature's needs.

(b) The President of the Senate and the Speaker of the House of Representatives may design, redesign, renovate, or upgrade any space allocated to his or her chamber in which the Senate or the House of Representatives is the tenant without

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approval by the Department of Management Services. The President of the Senate and the Speaker of the House of Representatives have direct control over the utilities, including lighting, heating, and air-conditioning, for any space in which the Legislature is the tenant.

(c) The Department of Management Services must consult with and receive approval from the President of the Senate or the Speaker of the House of Representatives, or both, as appropriate, before including in the report required under subsection (3) any project that impacts any space in the Capitol Complex in which the Legislature is the tenant.

Section 3. Subsection (3) of section 272.121, Florida Statutes, is amended to read:

272.121 Capitol Center long-range planning.—

(3) In carrying out the provisions of the foregoing, the department shall request the cooperation of those state and private architects, engineers, and interior designers determined by the department to possess expertise or information helpful to the development of a Capitol Plan and solicit and accept information, suggestions, and recommendations from all interested parties. The department must solicit feedback from all permanent tenants of the Capitol Center, including the Governor, the Chief Financial Officer, the Attorney General, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives.

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101 **Section 4. Subsection (2) of section 272.16, Florida**
 102 **Statutes, is amended to read:**
 103 272.16 Parking areas within Capitol Center area.—
 104 (2) (a) The presiding officer of each house of the
 105 Legislature shall be responsible for the assignment of parking
 106 spaces in its respective office building.
 107 (b) The parking spaces allocated to the Legislature on
 108 January 1, 2025, may not be reduced or reassigned without the
 109 express consent of the Legislature. If additional parking spaces
 110 become available for assignment, the Legislature has the first
 111 right of refusal for the use of the parking spaces.
 112 **Section 5.** 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 Committee on Appropriations

BILL: HB 5501

INTRODUCER: Transportation & Economic Development Budget Subcommittee and Representative Shoaf

SUBJECT: Documentary Stamp Tax Distributions

DATE: April 16, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------------------|
| 1. Griffin | Sadberry | AP | Pre-meeting |

I. Summary:

HB 5501 revises the distribution of documentary stamp taxes by redirecting a portion of the collections that are currently deposited in state trust funds and deposits those revenues in the General Revenue Fund. The bill also repeals sections of the ch. 2023-17, Laws of Florida, the Live Local Act, which outlines the allocation of the portion of these revenues dedicated for housing programs.

The amended documentary stamp tax distributions provided for in the bill would reinstate the general revenue service charge previously assessed on documentary stamp taxes and eliminate an additional \$150 million allocation for affordable housing purposes.

The bill also eliminates the distribution of documentary stamp taxes deposited in the State Transportation Trust Fund and directs those proceeds to the General Revenue Fund. This would have a significant negative impact on the State Transportation Trust Fund. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Documentary Stamp Tax

The documentary stamp tax levies an excise tax on deeds or other documents that convey an interest in Florida real property. The tax comprises two taxes imposed on different bases at different tax rates. The first tax rate is 70 cents on each \$100 of consideration for deeds, instruments, or writings whereby lands, tenements, or other real property or interests that are granted, assigned, transferred, conveyed, or vested in a purchaser.¹ The second tax rate is 35 cents per each \$100 of consideration for certificates of indebtedness, promissory notes, wage

¹ Section 201.02, F.S.

assignments, and retail charge account agreements.² Revenue collected from the documentary stamp tax is divided between the General Revenue Fund and various trust funds³ according to the statutory formula in s. 201.15, F.S.

Section 201.15, F.S., prescribes the distribution of revenues from the documentary stamp tax, after payments on certain outstanding bonds and the constitutionally required distribution to the Land Acquisition Trust Fund. The remaining revenues from the excise tax on documents are distributed to various trust funds, including the State Housing and Local Government Housing Trust Funds and the State Transportation Trust Fund.

Documentary Stamp Tax Distributions – Affordable Housing

Since 1992, documentary stamp tax collections have been annually deposited into the State Housing Trust Fund and the Local Government Housing Trust Fund for affordable housing programs. For Fiscal Year 2024-2025 this is estimated to total \$154.2 million deposited into the Local Government Housing Trust Fund and \$65.7 million into the State Housing Trust Fund. These funds have historically been appropriated each year for the State Housing Initiatives Partnership (SHIP) program and the State Apartment Incentive Loan (SAIL) program.⁴

Additionally, since 2023 the lesser of eight percent or \$150 million of remaining documentary stamp tax proceeds in each fiscal year is required to be deposited into the State Housing Trust Fund.⁵ If eight percent of the remainder is greater than \$150 million, the excess amount is paid into the General Revenue Fund. For Fiscal Year 2024-2025 the estimate amount in excess of \$150 million is \$48 million. The funds deposited into the State Housing Trust Fund are to be expended by the Florida Housing Finance Corporation (FHFC) as prescribed in s. 420.50871, F.S., as follows:

The FHFC must use 70 percent of the funds to issue competitive requests for application to finance projects that:

- Redevelop an existing affordable housing development while also allowing for the construction of a new development within close proximity to the existing development to be rehabilitated. This process entails first constructing a new affordable housing development, relocating the tenants from the existing development to the new development, and then demolishing the existing development to allow for reconstruction of an affordable housing development with more overall and affordable units;
- Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property;
- Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses; or

² Sections 207.07 and 201.08, F.S.

³ The Land Acquisition Trust Fund, the State Transportation Trust Fund, the State Economic Enhancement and Development Trust Fund, the General Inspection Trust Fund, the Water Protection and Sustainability Program Trust Fund, the Resilient Florida Trust Fund, the State Housing Trust Fund, the Local Government Housing Trust Fund, and the Grants and Donations Trust Fund in COM.

⁴ Section 201.15(4)(c)(d), F.S.

⁵ Section 201.15(4), F.S.

- Provide housing near military installations in this state.⁶

The remaining 30 percent must be used to finance projects that:

- Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes;
- Address needs of young adults who age out of the foster care system;
- Meet the needs of elderly persons; or
- Provide housing to meet the needs in areas of rural opportunity.

Beginning in 2033 this distribution expires and this funding will be deposited into the General Revenue Fund.

Documentary Stamp Tax Distributions – Transportation

The Department of Transportation receives distributions of the lesser of \$466.75 million or 20.5453 percent in each fiscal year to the credit of the State Transportation Trust Fund. These funds are to be utilized as follows:

- Ten percent of the funds must be used for capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, F.S., which is designed to assist local governments in developing and constructing fixed-guideway and bus rapid transit projects in Florida.
- Ten percent of the funds must be used for the Small County Outreach Program (SCOP) as specified in s. 339.2818, F.S. This program assists small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.
- Seventy five percent of the funds, after deduction of the payments required for the New Starts Transit Program and the Small County Outreach Program, must be used for the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, F.S.
- Twenty five percent of the funds, after deduction of the payments required for the New Starts Transit Program and the Small County Outreach Program, must be used for the Transportation Regional Incentive Program specified in s. 339.2819, F.S. The first \$60 million of the funds allocated must be allocated annually to the Florida Rail Enterprise.⁷

General Revenue Service Charge

A service charge of eight percent is assessed on revenue income from most trust funds in the state and is deposited into the General Revenue Fund. This service charge represents the estimated pro rata share of the cost of general government paid from the General Revenue Fund. Revenue income includes all earnings received or credited by such trust funds, including the

⁶ Section 420.50871, F.S.

⁷ Section 201.15(4)(a), F.S.

interest or benefit received from the investment of the principal of such trust funds as may be permitted by law.⁸ Certain income and trust funds are exempt from this service charge.⁹

Housing Trust Funds

The State Housing Trust Fund, administered by the FHFC,¹⁰ is “to be used for new construction and substantial rehabilitation of housing, to improve the state’s ability to serve first-time homebuyers, and to increase the affordability and availability of the housing stock in the State of Florida.”¹¹ The 1992 Sadowski Act increased documentary stamp tax rates and provided for a certain proportion of documentary stamp tax revenues to be distributed to the State Housing Trust Fund. A large portion of these funds are utilized in the (SAIL) Program.

The Local Government Housing Trust Fund, administered by the FHFC,¹² is used to fund the (SHIP) Program, which was created “for the purpose of providing funds to local governments as an incentive for the creation of partnerships to produce and preserve affordable housing.”¹³ A certain proportion of documentary stamp tax revenues are distributed to the Local Government Housing Trust Fund.

Florida Housing Finance Corporation

The Florida Housing Finance Corporation was created in 1997 as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians. The FHFC is a corporation held by the state and housed within the Department of Commerce (COM). The FHFC is a separate budget entity and its operations are not subject to control, supervision, or direction by COM.¹⁴

The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes by stimulating investment of private capital and encouraging public and private sector housing partnerships. As a financial institution, the FHFC administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payment assistance.

State Apartment Incentive Loan Program (SAIL)

The SAIL program is administered by the FHFC and provides low-interest loans on a competitive basis to multifamily affordable housing developers.¹⁵ These funds often serve to bridge the gap between the development’s primary financing and the total cost of the

⁸ Section 215.20, F.S.

⁹ See s. 215.22, F.S., for list of exempt revenue and trust funds.

¹⁰ Chapter 92-317, ss. 1-35, Laws of Fla.; s. 420.0005, F.S.

¹¹ Section 420.003(5), F.S. (1988).

¹² Section 420.9079, F.S.

¹³ Chapter 92-317, s. 32, Laws of Fla.; s. 420.9072, F.S. (1992).

¹⁴ Section 420.504, F.S.

¹⁵ Section 420.5087, F.S.

development. The SAIL program dollars are available for developers proposing to construct or substantially rehabilitate multifamily rental housing.¹⁶

The SAIL program funding is distributed by the FHFC through a competitive solicitation process.¹⁷ Each year the FHFC issues several requests for application, formal offers of funding that require aspirant developers to provide the FHFC with detailed information related to the development. These requests for application vary by geography and the needs of the community, based on a statewide market study.¹⁸ Applications are then reviewed and scored by the FHFC based on a number of criteria, and awards are made from the highest scoring applications.

Current law allows the FHFC to prioritize a portion of SAIL program funding set aside for persons with special needs to provide funding for the development of newly constructed permanent rental housing on a campus that provides housing for persons in foster care or persons aging out of foster care.¹⁹ This housing must promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood.

State Housing Initiatives Partnership Program (SHIP)

The SHIP program was created in 1992²⁰ to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The SHIP program provides funds to all 67 counties and 52 Community Development Block Grant²¹ entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.²² The SHIP program funds may be used to pay for emergency repairs, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buydowns, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.²³

Funds are expended per each local government's adopted Local Housing Assistance Plan (LHAP), which details the housing strategies it will use. Local governments submit their LHAPs to the FHFC for review to ensure they meet the broad statutory guidelines and the requirements of the program rules. The FHFC must approve an LHAP before a local government may receive SHIP program funding.

¹⁶ Florida Housing Finance Corporation, *State Apartment Incentive Loan*, (2025), <https://floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan> (last visited Apr. 13, 2025).

¹⁷ Section 420.5087(1), F.S.

¹⁸ *Id.*

¹⁹ Section 420.5087(10), F.S.

²⁰ Chapter 92-317, Laws of Fla.

²¹ The CDBG program is a federal program created in 1974 that provides funding for housing and community development activities.

²² See ss. 420.907, F.S., through 420.9089, F.S.

²³ Section 420.9075(1)(b), F.S.

State Transportation Trust Fund (Department of Transportation)

Section 206.46, F.S., authorizes the creation of the State Transportation Trust Fund (STTF), which is used by the FDOT to account for the administration of the maintenance and development of the state highway system and other transportation related projects. The STTF's primary revenue sources from state taxes and fees include fuel taxes and motor vehicle license related fees.²⁴ Current projections by the Revenue Estimating Conference of these state revenues deposited into the STTF total over \$4.7 billion for Fiscal Year 2025-2026.²⁵

New Starts Transit Program

The New Starts Transit Program was established by the 2005 Florida Legislature to assist local governments in developing and constructing fixed-guideway and bus rapid transit projects to accommodate and manage urban growth and development. The New Starts Transit Program was designed to allow for the leverage of state funds to generate local transportation revenues and secure Federal Transit Administration New Starts Program funding for Florida projects.²⁶

The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.²⁷

State funding to support the New Starts Transit Program comes from documentary stamp tax distributions and certain motor vehicle registration transactions.²⁸

Small County Outreach Program

The Small County Outreach Program was created with the purpose of assisting small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads.

Small counties are eligible to compete for funds that have been designated for the Small County Outreach Program (SCOP) for projects on county roads. Available funds are allocated to the districts based on the number of eligible counties. The Department of Transportation funds 75 percent of the cost of projects on county roads funded under the program. Funding to support the

²⁴ Florida Department of Transportation, *Florida's Transportation Tax Sources*, (2025), <https://fdotewp1.dot.state.fl.us/FMSupportApps/Documents/prs/Primer.pdf> (last visited Apr. 13, 2025).

²⁵ Office of Economic & Demographic Research, Revenue Estimating Conference, *Revenues to State Transportation Trust Fund Forecast*, (March 3, 2025), <https://edr.state.fl.us/content/conferences/transportation/Transresults.pdf> (last visited Apr. 14, 2025).

²⁶ Florida Department of Transportation, *Resource Guide for Transit and Transit-Related Programs*, (October 2011), https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/transit/documents/transitresourceguide_fb4d59a5-c4d5-453d-98eb-85b33b526588.pdf?sfvrsn=a4a21cda_0 (last visited Apr. 13, 2025).

²⁷ Florida Department of Transportation, *Vital Few – Enhancing Mobility, State New Starts Transit Program*, (August 2021), https://floridatransit.org/wp-content/uploads/State-New-Starts_FDOT_Aug2021.pdf (last visited Apr. 13, 2025).

²⁸ Section 320.072, F.S.

SCOP comes from documentary stamp tax distributions, local option fuel taxes,²⁹ and certain motor vehicle registration transactions.³⁰ Section 339.08, F.S., also authorizes the FDOT to use funds in the State Transportation Trust Fund on SCOP.

Strategic Intermodal System

The Strategic Intermodal System (SIS) is Florida's high priority network of transportation facilities that are important to the state's economy and mobility. The SIS was established in 2003 to focus the state's limited transportation resources on the facilities most significant for interregional, interstate, and international travel. The SIS is the state's highest priority for transportation capacity investments and a primary focus for implementing the Florida Transportation Plan, the state's long-range transportation vision and policy plan.³¹

State funding for the SIS comes from documentary stamp tax distributions, and certain motor vehicle registration transactions.³² The FDOT is also required to allocate at least 50 percent of any new discretionary highway capacity funds to the SIS.³³ Section 339.08, F.S., also authorizes the FDOT to use funds in the State Transportation Trust Fund on the SIS.

Transportation Regional Incentive Program

The Transportation Regional Incentive Program was created as part of major growth management legislation enacted during the 2005 Legislative Session. The purpose of the program is to encourage regional planning by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by regional partners. The FDOT funds 50 percent of the project cost.

Projects to be funded with Transportation Regional Incentive Program funds must, at a minimum:

- Serve national, statewide, or regional functions and operate as part of an integrated regional transportation system.
- Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of ch. 163, F.S., after July 1, 2005. Further, the project must be in compliance with local government comprehensive plan policies relative to corridor management.
- Be consistent with the Strategic Intermodal System Plan developed under s. 339.64, F.S.
- Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.³⁴

²⁹ Section 215.211, F.S.

³⁰ Section 320.072, F.S.

³¹ Florida Department of Transportation, *Florida's Strategic Intermodal System (SIS)*, (2025), <https://www.fdot.gov/planning/systems/sis> (last visited Apr. 13, 2025).

³² Section 320.072, F.S.

³³ Section 339.135 (4)(a)2., F.S.

³⁴ Section 339.2819, F.S.

III. Effect of Proposed Changes:

The bill amends s. 201.15, F.S., to modify the distribution of documentary stamp taxes by redirecting a portion of the collections that are currently deposited in state trust funds and deposits those revenues in the General Revenue Fund.

The bill reinstates the general revenue service charge previously assessed on the documentary stamp tax which eliminates a \$150 million distribution to the State Housing Trust Fund. This additional distribution was time-limited between 2023 to 2033, and allocated for housing programs as provided in s. 420.50871, F.S. These additional distributions were created and implemented pursuant to ch. 2023-17, Laws of Florida, the Live Local Act.

The bill repeals s. 420.50871, F.S., which provides that 70 percent of the temporarily redistributed funds must finance projects that:

- Redevelop an existing affordable housing development while also allowing for the construction of a new development within close proximity to the existing development to be rehabilitated;
- Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property;
- Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses; or
- Provide housing near military installations in this state.

The remaining 30 percent must be used to finance projects that:

- Propose using or leasing public lands;
- Address needs of young adults who age out of the foster care system;
- Meet the needs of elderly persons; or
- Provide housing to meet the needs in areas of rural opportunity.

The bill also amends s. 201.15, F.S., to redirect the distribution of documentary stamp tax proceeds from the Department of Transportation to general revenue in the amount of \$466.75 million or 20.5453 percent of remaining revenues after required distributions in each fiscal year is deposited into the State Transportation Trust Fund for the New Starts Transit Program, the Small County Outreach Program, the Strategic Intermodal System, and the Transportation Regional Incentive Program.

The bill makes conforming changes by repealing section 11 of ch. 2023-17, Laws of Florida (LOF), which provides that the service charge on documentary stamp tax that was diverted for affordable housing programs in 2023 would sunset on July 1, 2033, and repealing section 45 of ch. 2024-6, LOF, which amends language that would have been reverted upon expiration of certain provisions. The bill further amends ss. 201.0205, 339.0801, 339.55, 341.303, 343.58, 420.5092, and 420.9073, F.S., to conform cross-references and provisions to changes made by the bill.

The bill has 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:

Private sector developers and the construction industry may have less funding to aid in the construction and rehabilitation of affordable housing and transportation facilities.

C. Government Sector Impact:

The bill reinstates the general revenue service charge previously assessed on documentary stamp taxes and eliminates an additional, time-limited distribution from these revenues being deposited in the State Housing Trust Fund which is scheduled to sunset in 2033. This eliminates a \$150 million distribution to the trust fund and increases deposits in the General Revenue Fund by the same amount. The bill does not have any impact on the documentary stamp tax distributions for affordable housing programs, referred to as the Sadowski funds, which for Fiscal Year 2024-2025, is estimated to total \$154.2 million for the Local Government Housing Trust Fund and \$65.7 million for the State Housing Trust Fund.

The bill also eliminates the distribution of documentary stamp taxes deposited in the State Transportation Trust Fund and directs those proceeds to general revenue. This will have a negative impact of \$466.8 million on the State Transportation Trust Fund with a positive impact on the General Revenue Fund of the same amount. Current law allocates

these funds among the New Starts Transit Program, the Small County Outreach Program, the Strategic Intermodal System and the Transportation Regional Incentive Program. The bill does not affect other funding sources for these programs or inhibit the department from utilizing additional funding sources. Currently other funding sources used by these programs include local option fuel taxes, motor vehicle title fees and motor vehicle registration fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 201.15, 201.0205, 339.0801, 339.55, 341.303, 343.58, 420.5092, and 420.9073.

This bill repeals section 420.50871 of the Florida Statutes.

This bill repeals the following sections of Florida law: s. 11 of ch. 2023-17 and s. 45 of ch. 2024-6.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause.

===== 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.

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1 A bill to be entitled
 2 An act relating to documentary stamp tax
 3 distributions; amending s. 201.15, F.S.; requiring
 4 certain taxes to be collected subject to a specified
 5 service charge; revising how the remainder of such
 6 taxes is distributed; repealing s. 420.50871, F.S.,
 7 relating to allocation of increased documentary stamp
 8 tax revenues; repealing s. 11 of chapter 2023-17, Laws
 9 of Florida, which creates an expiration date for
 10 certain amendments; repealing s. 45 of chapter 2024-6,
 11 Laws of Florida, which amends language that would have
 12 been reverted upon the expiration of certain
 13 provisions; amending ss. 201.0205, 339.0801, 339.55,
 14 341.303, 343.58, 420.5092, and 420.9073, F.S.;
 15 conforming cross-references and provisions to changes
 16 made by the act; providing an effective date.

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

19
 20 **Section 1. Section 201.15, Florida Statutes, is amended to**
 21 **read:**

22 201.15 Distribution of taxes collected.—All taxes
 23 collected under this chapter are hereby pledged and shall be
 24 first made available to make payments when due on bonds issued
 25 pursuant to s. 215.618 or s. 215.619, or any other bonds

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26 authorized to be issued on a parity basis with such bonds. Such
 27 pledge and availability for the payment of these bonds shall
 28 have priority over any requirement for the payment of service
 29 charges or costs of collection and enforcement under this
 30 section. All taxes collected under this chapter, except taxes
 31 distributed to the Land Acquisition Trust Fund pursuant to
 32 subsections (1) and (2), are subject to the service charge
 33 imposed in s. 215.20(1). Before distribution pursuant to this
 34 section, the Department of Revenue shall deduct amounts
 35 necessary to pay the costs of the collection and enforcement of
 36 the tax levied by this chapter. The costs and service charge may
 37 not be levied against any portion of taxes pledged to debt
 38 service on bonds to the extent that the costs and service charge
 39 are required to pay any amounts relating to the bonds. All of
 40 the costs of the collection and enforcement of the tax levied by
 41 this chapter and service charge shall be available and
 42 transferred to the extent necessary to pay debt service and any
 43 other amounts payable with respect to bonds authorized before
 44 January 1, 2017, secured by revenues distributed pursuant to
 45 this section. All taxes remaining after deduction of costs shall
 46 be distributed as follows:

47 (1) Amounts necessary to make payments on bonds issued
 48 pursuant to s. 215.618 or s. 215.619, as provided under
 49 paragraphs (3)(a) and (b), or on any other bonds authorized to
 50 be issued on a parity basis with such bonds shall be deposited

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51 into the Land Acquisition Trust Fund.

52 (2) If the amounts deposited pursuant to subsection (1)
53 are less than 33 percent of all taxes collected after first
54 deducting the costs of collection, an amount equal to 33 percent
55 of all taxes collected after first deducting the costs of
56 collection, minus the amounts deposited pursuant to subsection
57 (1), shall be deposited into the Land Acquisition Trust Fund.

58 (3) Amounts on deposit in the Land Acquisition Trust Fund
59 shall be used in the following order:

60 (a) Payment of debt service or funding of debt service
61 reserve funds, rebate obligations, or other amounts payable with
62 respect to Florida Forever bonds issued pursuant to s. 215.618.
63 The amount used for such purposes may not exceed \$300 million in
64 each fiscal year. It is the intent of the Legislature that all
65 bonds issued to fund the Florida Forever Act be retired by
66 December 31, 2040. Except for bonds issued to refund previously
67 issued bonds, no series of bonds may be issued pursuant to this
68 paragraph unless such bonds are approved and the debt service
69 for the remainder of the fiscal year in which the bonds are
70 issued is specifically appropriated in the General
71 Appropriations Act or other law with respect to bonds issued for
72 the purposes of s. 373.4598.

73 (b) Payment of debt service or funding of debt service
74 reserve funds, rebate obligations, or other amounts due with
75 respect to Everglades restoration bonds issued pursuant to s.

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76 215.619. Taxes distributed under paragraph (a) and this
77 paragraph must be collectively distributed on a pro rata basis
78 when the available moneys under this subsection are not
79 sufficient to cover the amounts required under paragraph (a) and
80 this paragraph.

81
82 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally
83 and ratably secured by moneys distributable to the Land
84 Acquisition Trust Fund.

85 (4) After the required distributions to the Land
86 Acquisition Trust Fund pursuant to subsections (1) and (2) and
87 deduction of the service charge imposed pursuant to s.
88 215.20(1), the lesser of 8 percent of the remainder or \$150
89 million in each fiscal year shall be paid into the State
90 Treasury to the credit of the State Housing Trust Fund and shall
91 be expended pursuant to s. 420.50871. If 8 percent of the
92 remainder is greater than \$150 million in any fiscal year, the
93 difference between 8 percent of the remainder and \$150 million
94 shall be paid into the State Treasury to the credit of the
95 General Revenue Fund. the remainder shall be distributed as
96 follows:

97 ~~(a) The lesser of 20.5453 percent of the remainder or~~
98 ~~\$466.75 million in each fiscal year shall be paid into the State~~
99 ~~Treasury to the credit of the State Transportation Trust Fund.~~
100 ~~Notwithstanding any other law, the amount credited to the State~~

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101 ~~Transportation Trust Fund shall be used for:~~
 102 ~~1. Capital funding for the New Starts Transit Program,~~
 103 ~~authorized by Title 49, U.S.C. s. 5309 and specified in s.~~
 104 ~~341.051, in the amount of 10 percent of the funds;~~
 105 ~~2. The Small County Outreach Program specified in s.~~
 106 ~~339.2818, in the amount of 10 percent of the funds;~~
 107 ~~3. The Strategic Intermodal System specified in ss.~~
 108 ~~339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent~~
 109 ~~of the funds after deduction of the payments required pursuant~~
 110 ~~to subparagraphs 1. and 2.; and~~
 111 ~~4. The Transportation Regional Incentive Program specified~~
 112 ~~in s. 339.2819, in the amount of 25 percent of the funds after~~
 113 ~~deduction of the payments required pursuant to subparagraphs 1.~~
 114 ~~and 2. The first \$60 million of the funds allocated pursuant to~~
 115 ~~this subparagraph shall be allocated annually to the Florida~~
 116 ~~Rail Enterprise for the purposes established in s. 341.303(5).~~
 117 (a) 1. (b) The lesser of 0.1456 percent of the remainder or
 118 \$3.25 million in each fiscal year shall be paid into the State
 119 Treasury to the credit of the Grants and Donations Trust Fund in
 120 the Department of Commerce to fund technical assistance to local
 121 governments.
 122 2. Moneys distributed pursuant to this paragraph
 123 ~~paragraphs (a) and (b)~~ may not be pledged for debt service
 124 unless such pledge is approved by referendum of the voters.
 125 (b) (e) An amount equaling 4.5 percent of the remainder in

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126 each fiscal year shall be paid into the State Treasury to the
 127 credit of the State Housing Trust Fund. The funds shall be used
 128 as follows:
 129 1. Half of that amount shall be used for the purposes for
 130 which the State Housing Trust Fund was created and exists by
 131 law.
 132 2. Half of that amount shall be paid into the State
 133 Treasury to the credit of the Local Government Housing Trust
 134 Fund and used for the purposes for which the Local Government
 135 Housing Trust Fund was created and exists by law.
 136 (c) (d) An amount equaling 5.20254 percent of the remainder
 137 in each fiscal year shall be paid into the State Treasury to the
 138 credit of the State Housing Trust Fund. Of such funds:
 139 1. Twelve and one-half percent of that amount shall be
 140 deposited into the State Housing Trust Fund and expended by the
 141 Department of Commerce and the Florida Housing Finance
 142 Corporation for the purposes for which the State Housing Trust
 143 Fund was created and exists by law.
 144 2. Eighty-seven and one-half percent of that amount shall
 145 be distributed to the Local Government Housing Trust Fund and
 146 used for the purposes for which the Local Government Housing
 147 Trust Fund was created and exists by law. Funds from this
 148 category may also be used to provide for state and local
 149 services to assist the homeless.
 150 (d) (e) The lesser of 0.017 percent of the remainder or

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151 \$300,000 in each fiscal year shall be paid into the State
 152 Treasury to the credit of the General Inspection Trust Fund to
 153 be used to fund oyster management and restoration programs as
 154 provided in s. 379.362(3).

155 (e) ~~(f)~~ A total of \$75 million shall be paid into the State
 156 Treasury to the credit of the State Economic Enhancement and
 157 Development Trust Fund within the Department of Commerce.

158 (f) ~~(g)~~ An amount equaling 5.4175 percent of the remainder
 159 shall be paid into the Resilient Florida Trust Fund to be used
 160 for the purposes for which the Resilient Florida Trust Fund was
 161 created and exists by law. Funds may be used for planning and
 162 project grants.

163 (g) ~~(h)~~ An amount equaling 5.4175 percent of the remainder
 164 shall be paid into the Water Protection and Sustainability
 165 Program Trust Fund to be used to fund water quality improvement
 166 grants as specified in s. 403.0673.

167 (5) Notwithstanding s. 215.32(2)(b)4.a., funds distributed
 168 to the State Housing Trust Fund ~~and expended pursuant to s.~~
 169 ~~420.50871 and funds distributed to the State Housing Trust Fund~~
 170 ~~and the Local Government Housing Trust Fund pursuant to~~
 171 ~~paragraph (4)(c) paragraphs (4)(c) and (d)~~ may not be
 172 transferred to the General Revenue Fund in the General
 173 Appropriations Act.

174 (6) After the distributions provided in the preceding
 175 subsections, any remaining taxes shall be paid into the State

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176 Treasury to the credit of the General Revenue Fund.

177 **Section 2.** Section 420.50871, Florida Statutes, is
 178 repealed.

179 **Section 3.** Section 11 of chapter 2023-17, Laws of Florida,
 180 is repealed.

181 **Section 4.** Section 45 of chapter 2024-6, Laws of Florida,
 182 is repealed.

183 **Section 5. Section 201.0205, Florida Statutes, is amended**
 184 **to read:**

185 201.0205 Counties that have implemented ch. 83-220;
 186 inapplicability of 10-cent tax increase by s. 2, ch. 92-317.—The
 187 10-cent tax increase in the documentary stamp tax levied by s.
 188 2, chapter 92-317, Laws of Florida, does not apply to deeds and
 189 other taxable instruments relating to real property located in
 190 any county that has implemented the provisions of chapter 83-
 191 220, Laws of Florida, as amended by chapters 84-270, 86-152, and
 192 89-252, Laws of Florida. Each such county and each eligible
 193 jurisdiction within such county may not participate in programs
 194 funded pursuant to s. 201.15(4)(b) ~~s. 201.15(4)(e)~~. However,
 195 each such county and each eligible jurisdiction within such
 196 county may participate in programs funded pursuant to s.
 197 201.15(4)(c) ~~s. 201.15(4)(d)~~.

198 **Section 6. Subsection (3) of section 339.0801, Florida**
 199 **Statutes, is amended to read:**

200 339.0801 Allocation of increased revenues derived from

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201 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
 202 from increased revenues to the State Transportation Trust Fund
 203 derived from the amendments to s. 319.32(5)(a) made by this act
 204 must be used annually, first as set forth in subsection (1) and
 205 then as set forth in subsections (2)-(4), notwithstanding any
 206 other provision of law:

207 (3) Beginning in the 2013-2014 fiscal year and annually
 208 thereafter, \$10 million shall be allocated to the Small County
 209 Outreach Program to be used as specified in s. 339.2818. ~~These~~
 210 ~~funds are in addition to the funds provided for the program~~
 211 ~~pursuant to s. 201.15(4)(a)2.~~

212 **Section 7. Subsection (9) of section 339.55, Florida**
 213 **Statutes, is amended to read:**

214 339.55 State-funded infrastructure bank.—
 215 ~~(9) Funds paid into the State Transportation Trust Fund~~
 216 ~~pursuant to s. 201.15(4)(a) for the purposes of the State~~
 217 ~~Infrastructure Bank are hereby annually appropriated for~~
 218 ~~expenditure to support that program.~~

219 **Section 8. Subsection (5) of section 341.303, Florida**
 220 **Statutes, is amended to read:**

221 341.303 Funding authorization and appropriations;
 222 eligibility and participation.—

223 (5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—The
 224 department, through the Florida Rail Enterprise, is authorized
 225 to use funds provided pursuant to s. 201.15(4)(a)4. before July

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226 1, 2025, to fund:

227 (a) Up to 50 percent of the nonfederal share of the costs
 228 of any eligible passenger rail capital improvement project.

229 (b) Up to 100 percent of planning and development costs
 230 related to the provision of a passenger rail system, including,
 231 but not limited to, preliminary engineering, revenue studies,
 232 environmental impact studies, financial advisory services,
 233 engineering design, and other appropriate professional services.

234 (c) The high-speed rail system.

235 (d) Projects necessary to identify or address anticipated
 236 impacts of increased freight rail traffic resulting from the
 237 implementation of passenger rail systems as provided in s.
 238 341.302(3)(b).

239 **Section 9. Paragraph (b) of subsection (4) of section**
 240 **343.58, Florida Statutes, is amended to read:**

241 343.58 County funding for the South Florida Regional
 242 Transportation Authority.—

243 (4) Notwithstanding any other provision of law to the
 244 contrary and effective July 1, 2010, until as provided in
 245 paragraph (d), the department shall transfer annually from the
 246 State Transportation Trust Fund to the South Florida Regional
 247 Transportation Authority the amounts specified in subparagraph
 248 (a)1. or subparagraph (a)2.

249 (b) Funding required by this subsection may not be
 250 provided from the funds dedicated to the Florida Rail Enterprise

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251 ~~as described in s. 341.303(5) pursuant to s. 201.15(4)(a)4.~~

252 **Section 10. Subsections (5) and (6) of section 420.5092,**

253 **Florida Statutes, are amended to read:**

254 420.5092 Florida Affordable Housing Guarantee Program.—

255 (5) Pursuant to s. 16, Art. VII of the State Constitution,

256 the corporation may issue, in accordance with s. 420.509,

257 revenue bonds of the corporation to establish the guarantee

258 fund. The revenue bonds are primarily payable from and secured

259 by annual debt service reserves, from interest earned on funds

260 on deposit in the guarantee fund, from fees, charges, and

261 reimbursements established by the corporation for the issuance

262 of affordable housing guarantees, and from any other revenue

263 sources received by the corporation and deposited by the

264 corporation into the guarantee fund for the issuance of

265 affordable housing guarantees. If such primary revenue sources

266 are considered insufficient by the corporation, pursuant to the

267 certification provided in subsection (6), to fully fund the

268 annual debt service reserve, the certified deficiency in such

269 reserve is also payable from the first proceeds of the

270 documentary stamp tax moneys deposited into the State Housing

271 Trust Fund pursuant to s. 201.15(4)(b) and (c) ~~s. 201.15(4)(e)~~

272 ~~and (d)~~ during the ensuing state fiscal year.

273 (6) (a) If the primary revenue sources to be used for

274 repayment of revenue bonds used to establish the guarantee fund

275 are insufficient for such repayment, the annual principal and

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276 interest due on each series of revenue bonds are payable from

277 funds in the annual debt service reserve. The corporation shall,

278 before June 1 of each year, perform a financial audit to

279 determine whether at the end of the state fiscal year there will

280 be on deposit in the guarantee fund an annual debt service

281 reserve from interest earned pursuant to the investment of the

282 guarantee fund, fees, charges, and reimbursements received from

283 issued affordable housing guarantees and other revenue sources

284 available to the corporation. Based upon the findings in such

285 guarantee fund financial audit, the corporation shall certify to

286 the Chief Financial Officer the amount of any projected

287 deficiency in the annual debt service reserve for any series of

288 outstanding bonds as of the end of the state fiscal year and the

289 amount necessary to maintain such annual debt service reserve.

290 Upon receipt of such certification, the Chief Financial Officer

291 shall transfer to the annual debt service reserve, from the

292 first available taxes distributed to the State Housing Trust

293 Fund pursuant to s. 201.15(4)(b) and (c) ~~s. 201.15(4)(e) and (d)~~

294 during the ensuing state fiscal year, the amount certified as

295 necessary to maintain the annual debt service reserve.

296 (b) If the claims payment obligations under affordable

297 housing guarantees from amounts on deposit in the guarantee fund

298 would cause the claims paying rating assigned to the guarantee

299 fund to be less than the third-highest rating classification of

300 any nationally recognized rating service, which classifications

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301 being consistent with s. 215.84(3), the corporation shall
 302 certify to the Chief Financial Officer the amount of such claims
 303 payment obligations. Upon receipt of such certification, the
 304 Chief Financial Officer shall transfer to the guarantee fund,
 305 from the first available taxes distributed to the State Housing
 306 Trust Fund pursuant to s. 201.15(4)(b) and (c) ~~s. 201.15(4)(e)~~
 307 ~~and (d)~~ during the ensuing state fiscal year, the amount
 308 certified as necessary to meet such obligations, such transfer
 309 to be subordinate to any transfer referenced in paragraph (a)
 310 and not to exceed 50 percent of the amounts distributed to the
 311 State Housing Trust Fund pursuant to s. 201.15(4)(b) and (c) ~~s.~~
 312 ~~201.15(4)(e) and (d)~~ during the preceding state fiscal year.

313 **Section 11. Subsections (1), (2), and (3) of section**
 314 **420.9073, Florida Statutes, are amended to read:**

315 420.9073 Local housing distributions.—

316 (1) Distributions calculated in this section shall be
 317 disbursed on a quarterly or more frequent basis by the
 318 corporation pursuant to s. 420.9072, subject to availability of
 319 funds. Each county's share of the funds to be distributed from
 320 the portion of the funds in the Local Government Housing Trust
 321 Fund received pursuant to s. 201.15(4)(b) ~~s. 201.15(4)(e)~~ shall
 322 be calculated by the corporation for each fiscal year as
 323 follows:

324 (a) Each county other than a county that has implemented
 325 chapter 83-220, Laws of Florida, as amended by chapters 84-270,

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326 86-152, and 89-252, Laws of Florida, shall receive the
 327 guaranteed amount for each fiscal year.

328 (b) Each county other than a county that has implemented
 329 chapter 83-220, Laws of Florida, as amended by chapters 84-270,
 330 86-152, and 89-252, Laws of Florida, may receive an additional
 331 share calculated as follows:

332 1. Multiply each county's percentage of the total state
 333 population excluding the population of any county that has
 334 implemented chapter 83-220, Laws of Florida, as amended by
 335 chapters 84-270, 86-152, and 89-252, Laws of Florida, by the
 336 total funds to be distributed.

337 2. If the result in subparagraph 1. is less than the
 338 guaranteed amount as determined in subsection (3), that county's
 339 additional share shall be zero.

340 3. For each county in which the result in subparagraph 1.
 341 is greater than the guaranteed amount as determined in
 342 subsection (3), the amount calculated in subparagraph 1. shall
 343 be reduced by the guaranteed amount. The result for each such
 344 county shall be expressed as a percentage of the amounts so
 345 determined for all counties. Each such county shall receive an
 346 additional share equal to such percentage multiplied by the
 347 total funds received by the Local Government Housing Trust Fund
 348 pursuant to s. 201.15(4)(b) ~~s. 201.15(4)(e)~~ reduced by the
 349 guaranteed amount paid to all counties.

350 (2) Distributions calculated in this section shall be

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351 disbursed on a quarterly or more frequent basis by the
 352 corporation pursuant to s. 420.9072, subject to availability of
 353 funds. Each county's share of the funds to be distributed from
 354 the portion of the funds in the Local Government Housing Trust
 355 Fund received pursuant to s. 201.15(4)(c) ~~s. 201.15(4)(d)~~ shall
 356 be calculated by the corporation for each fiscal year as
 357 follows:

358 (a) Each county shall receive the guaranteed amount for
 359 each fiscal year.

360 (b) Each county may receive an additional share calculated
 361 as follows:

362 1. Multiply each county's percentage of the total state
 363 population, by the total funds to be distributed.

364 2. If the result in subparagraph 1. is less than the
 365 guaranteed amount as determined in subsection (3), that county's
 366 additional share shall be zero.

367 3. For each county in which the result in subparagraph 1.
 368 is greater than the guaranteed amount, the amount calculated in
 369 subparagraph 1. shall be reduced by the guaranteed amount. The
 370 result for each such county shall be expressed as a percentage
 371 of the amounts so determined for all counties. Each such county
 372 shall receive an additional share equal to this percentage
 373 multiplied by the total funds received by the Local Government
 374 Housing Trust Fund pursuant to s. 201.15(4)(c) ~~s. 201.15(4)(d)~~
 375 as reduced by the guaranteed amount paid to all counties.

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376 (3) Calculation of guaranteed amounts:

377 (a) The guaranteed amount under subsection (1) shall be
 378 calculated for each state fiscal year by multiplying \$350,000 by
 379 a fraction, the numerator of which is the amount of funds
 380 distributed to the Local Government Housing Trust Fund pursuant
 381 to s. 201.15(4)(b) ~~s. 201.15(4)(e)~~ and the denominator of which
 382 is the total amount of funds distributed to the Local Government
 383 Housing Trust Fund pursuant to s. 201.15.

384 (b) The guaranteed amount under subsection (2) shall be
 385 calculated for each state fiscal year by multiplying \$350,000 by
 386 a fraction, the numerator of which is the amount of funds
 387 distributed to the Local Government Housing Trust Fund pursuant
 388 to s. 201.15(4)(c) ~~s. 201.15(4)(d)~~ and the denominator of which
 389 is the total amount of funds distributed to the Local Government
 390 Housing Trust Fund pursuant to s. 201.15.

391 **Section 12.** This act shall take effect July 1, 2025.

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